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of the

House of Delegates

of

Maryland

2009 Regular Session

Volume IV

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Journal Clerk
Chief Clerk's Office

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Annapolis, Maryland
Legislative Day: April 2, 2009
Calendar Day: Wednesday, April 8, 2009

The House met at 10:08 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Andrew A. Serafini of Washington County.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 870)

The Journal of April 1, 2009 was read and approved.

EXCUSES:
Del. V. Clagett – late – personal
Del. Proctor – foot injury
Del. F. Turner – illness
Del. Walkup – illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 911 – Senators King, Currie, Kasemeyer, ~~and Middleton~~ Middleton, and McFadden

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 to be funded 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; 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 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–28(d) and (e)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Senate Bill 935 – ~~Senator Robey~~ Senators Robey and McFadden

AN ACT concerning

Real Property – Mobile Home Parks – Plans for Dislocated Residents

FOR the purpose of requiring a copy of a certain notice of termination to be sent to a certain local governing body if the use of land of a mobile home park is to be changed; applying statewide a certain provision that prohibits an application for a land use change of a mobile home park from being approved until certain conditions are met; applying statewide a certain requirement for the contents of a ~~plan for alternative arrangements~~ relocation plan for mobile home park residents; requiring the plan to include the payment of certain relocation assistance to each park household under certain circumstances; providing that the plan include certain information; providing that a mobile home park owner shall not incur liability and may not be estopped from obtaining possession of certain premises under certain circumstances; prohibiting a relocation plan from including certain conditions under certain circumstances; requiring relocation assistance to be paid to residents who will be dislocated when a mobile home park is closed; establishing conditions under which a mobile home park owner is not required to pay relocation assistance; establishing a time table for paying relocation assistance; providing that, under certain circumstances, a resident may forfeit receiving relocation assistance; establishing that a certain local governing body may provide additional relocation assistance to dislocated residents and that the payments are not the responsibility of the mobile home park owner; and generally relating to plans for dislocated residents in mobile home parks.

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 2008 Supplement)

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

Senate Bill 952 – Senator Middleton

AN ACT concerning

Maryland Medical Assistance Program – Substance Abuse Services

FOR the purpose of requiring that individuals receiving certain Maryland Medical Assistance Program benefits receive certain substance abuse benefits; requiring the Governor to provide certain funding in certain fiscal years to provide certain substance abuse benefits; requiring managed care organizations to submit certain data to the Department of Health and Mental Hygiene at least semiannually; requiring the Department and certain managed care organizations to establish a certain process and certain criteria to qualify certified addiction treatment programs as paneled providers; authorizing the Governor to transfer by budget amendment in a certain fiscal year certain funding for a certain substance abuse benefit and to increase certain fees; providing that it is the intent of the General Assembly that the Governor is not required to make a certain transfer of funds under certain circumstances; providing for a delayed effective date; and generally relating to the Maryland Medical Assistance Program and substance abuse services.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 15–103(a)(2)(ix) and (b)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–103(a)(3) and (b)(9)(ii)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health – General
Section 15–103(a)(4)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 1019 – Senators McFadden ~~and Robey~~, Robey, and Munson

AN ACT concerning

State Police Retirement System – Reemployment of Retirees

FOR the purpose of exempting from a certain offset of a retirement allowance certain retirees of the State Police Retirement System who are reemployed as police employees at certain ranks; requiring certain retirees of the State Police Retirement System who are reemployed under certain circumstances to terminate participation in the Deferred Retirement Option Program and receive a certain lump sum payment prior to being reemployed by the Department of State Police; requiring that certain retirees of the State Police Retirement System who are reemployed and injured under certain circumstances receive a certain adjustment to their retirement allowance; requiring that the Board of Trustees for the State Retirement and Pension System pay a certain death benefit under certain circumstances; requiring the Department of State Police to provide the State Retirement Agency with certain information; providing that certain retirees of the State Police Retirement System may only be reemployed for a certain period of time or until reaching a certain age; requiring the Department of State Police to submit certain reports by a certain date to certain committees; ~~making certain technical changes;~~ providing for the application of this Act; providing for the termination of this Act; and generally relating to the reemployment of retirees in the State Police Retirement System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 24–405
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 24–405.1
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 24–405.2
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Senate Bill 276 – The President (By Request – Administration) and Senators Della, Madaleno, and Rosapepe

AN ACT concerning

Smart, Green, and Growing – Annual Report – Smart Growth Goals, Measures, and Indicators and Implementation of Planning Visions

FOR the purpose of ~~requiring~~ making certain provisions concerning a certain annual report applicable to certain local jurisdictions ~~to file an annual report~~; requiring a certain annual report to be filed on or before a certain date; requiring ~~local jurisdictions~~ a certain annual report to include certain information about ~~smart growth measures and indicators and information about~~ implementation of ~~the~~ certain planning visions ~~in a certain annual report~~; making certain findings concerning land use goals; providing for a certain statewide land use goal; requiring certain local jurisdictions to develop a certain goal towards achieving a certain statewide land use goal; requiring a certain annual report to include certain measures and indicators; exempting certain municipal corporations from certain requirements to establish a certain local goal and to include certain information in a certain annual report; ~~requiring~~ authorizing the Department of Planning to adopt certain regulations ~~before a certain date on the~~ concerning the submission and transmission of measures and indicators in a certain annual report; ~~requiring a planning commission to hold a hearing on the annual report;~~ requiring the Department to ~~consider certain factors when developing the measures and indicators~~ perform certain duties regarding the collection of certain measures and indicators by certain persons; requiring the Department, in consultation with the National Center for Smart Growth, to prepare a certain annual report; requiring the Task Force on the Future for Growth and Development to make certain recommendations on or before a certain date; providing for the date of ~~the~~ a certain annual report; requiring the Department to provide technical assistance to local jurisdictions under certain circumstances; requiring the National Center, in consultation with the Department, to display certain information on a certain website; defining certain terms; and generally relating to annual reports and smart growth goals, measures, and indicators.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 1.02, 2.13, and 3.09
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY adding to
Article 66B – Land Use
Section 3.10
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

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

Senate Bill 549 – Senator Dyson

AN ACT concerning

Sustainable Forestry Act of 2009

FOR the purpose of authorizing a local government to include certain information in a certain plan; declaring certain policy statements and findings relating to forests; ~~altering the name of the Maryland Agricultural Land Preservation Foundation;~~ revising provisions of the law relating to the protection of certain forestry practices from certain private actions under certain circumstances; exempting certain forestry practices from nuisance lawsuits; repealing the Forest Advisory Commission in the Department of Natural Resources; establishing a Sustainable Forestry Council in the Department; establishing the purpose of the Council; establishing the membership of the Council; ~~altering the uses of the Forest or Park Reserve Fund; altering the amounts of certain payments made to counties from the Forest or Park Reserve Fund;~~ authorizing certain revenues derived from certain forestry practices to be deposited in the Woodland Incentives Fund, subject to approval by the Secretary of Natural Resources and the Board of Public Works; adding to the list of uses of the Woodland Incentives Fund; ~~prohibiting certain investment funds from being transferred or reverting to the General Fund;~~ requiring the Department to report certain information annually on or before a certain date to certain legislative committees; repealing a provision authorizing a certain forestry board to enter on certain woodland for a certain purpose; authorizing certain forestry boards to impose certain fees under certain circumstances; requiring the Secretary of the Department to consider certain priorities when allocating the State's share of Program Open Space funds; requiring the Department to develop certain strategies related to the retention and management of forests; encouraging the Department to develop certain plans; requiring the Department to monitor forests in a certain manner using certain funds under certain circumstances; requiring the Department to develop a certain strategy and report the strategy to the Governor on or before a certain date; ~~authorizing certain responsibilities to be transferred from the Department of the Environment to the Department under certain circumstances;~~ requiring the Department to work with certain representatives to determine certain procedures and time lines; authorizing the Department, in cooperation with the Maryland Higher Education Commission, to develop a certain program; requiring a certain goal to be met in a certain manner; encouraging certain forestry boards to work with the University of Maryland Cooperative Extension to formulate a certain strategy and report certain findings and recommendations to certain committees in the General Assembly on or before a certain date; requiring agricultural preservation advisory boards to meet a certain amount with forest conservation district boards for a certain purpose; providing for the correction of certain errors and

obsolete provisions by the publishers of the Annotated Code; defining certain terms; making technical changes; and generally relating to the conservation of forest lands in the State.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 3.05(a)(4)(ii)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
~~Section 2–501 and 2–502 to be under the amended subtitle "Subtitle 5. Maryland Agricultural and Forestry Land Preservation Foundation"~~
Section 2–501 and 2–504.1(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 7–101(c)(1)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–403(a), (b), (c), and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–101, 5–102, 5–102.1, 5–204(a), (c), and (e), ~~5–212(g)~~ 5–212(f) and (g), 5–307, ~~and~~ 5–427, and 5–606(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5–212(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Natural Resources
Section 5–606(c) and 5–903(h)
Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5–7A–01
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 785 – Senators Robey and Madaleno

AN ACT concerning

Inheritance Tax – Exemption – Domestic Partners

FOR the purpose of providing an exemption from the inheritance tax for certain property that passes from a decedent to or for the use of a domestic partner of a decedent under certain circumstances; defining certain terms; providing for the application of this Act; and generally relating to an exemption from the inheritance tax for certain property that passes from a decedent to or for the use of a domestic partner of a decedent.

BY adding to
Article – Tax – General
Section 7–203(l)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Senate Bill 991 – Senators Stone, Della, Kasemeyer, Kelley, Klausmeier, Robey, and Zirkin

AN ACT concerning

Business Occupations – Crane Operators – Certificate of Competence

FOR the purpose of prohibiting a person from operating a crane in the State for certain purposes unless the person holds a certain certificate; prohibiting a person from authorizing the operation of a crane in the State for certain purposes unless the crane operator holds a certain certificate; requiring a person who holds a certain certificate to carry the certificate while operating a crane, and to make the certificate available for inspection on request from certain individuals; creating a certain evidentiary presumption related to the

certificate; requiring the Commissioner of Labor and Industry~~,~~ or the Commissioner's agent~~, or a law enforcement officer~~ to take certain enforcement action under certain circumstances; authorizing the Commissioner to bring a certain action in a certain court under certain circumstances; establishing certain appeal procedures; making a person who violates certain provisions guilty of a misdemeanor subject, on conviction, to ~~certain penalties~~ a certain penalty; requiring the Commissioner to adopt certain regulations; providing a short title for this Act; declaring the intent of the General Assembly; defining certain terms; and generally relating to the regulation of crane operators in the State.

BY adding to
Article – Business Occupations and Professions
Section 9.5–101 through 9.5–107 to be under the new title "Title 9.5. Crane Operators"
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 7	Del. Norman
HB 76	Del. Nathan–Pulliam
HB 84	Del. Stukes
HB 90	Ch., Envir. Mat. Com.
HB 244	Del. Kaiser
HB 306	The Speaker
HB 374	Del. Reznik
HB 379	Del. Olszewski
HB 457	Del. Morhaim
HB 485	Del. Olszewski
HB 510	Del. Nathan–Pulliam
HB 538	Del. Jones
HB 597	Del. Benson
HB 639	Harford County Del.
HB 710	Del. Aumann
HB 712	Del. Hixson
HB 713	Del. Jones
HB 714	Del. Donoghue
HB 727	Del. Eckardt

HB 953	Anne Arundel Co. Del.
HB 1153	Del. Montgomery
HB 1212	Del. Hixson
HB 1264	Del. Walker

Read and ordered journalized.

AMENDED IN THE SENATE

House Bill 303 – The Speaker (By Request – Administration) and Delegates McIntosh, Malone, Bronrott, Ali, Frank, George, Hucker, Lafferty, Montgomery, ~~and Waldstreicher~~ Waldstreicher, Beidle, Cane, Glenn, Holmes, Niemann, Serafini, Shewell, Stein, and Stull

AN ACT concerning

Vehicle Laws – ~~Young Drivers – Driving Privileges~~ Teen Driver Safety

Delegate McIntosh moved that the House not concur in the Senate amendments.

HB0303/318377/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 303
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 5, strike "defining a certain term; altering a certain definition;".

AMENDMENT NO. 2

On page 11, strike in their entirety lines 5 through 21, inclusive, and substitute:

"(a) In this section, "offense" means a moving violation committed by an individual who:

(1) **[**Holds**]** **HELD** a provisional license under § 16–111 of this title **ON THE DATE THE VIOLATION WAS COMMITTED**;

(2) Was convicted of, or granted a probation before judgment under § 6–220 of the Criminal Procedure Article for, the violation; and

(3) Was not eligible for a license under § 16–111.1 of this title at the time of the violation.".

AMENDMENT NO. 3

On page 12, strike beginning with the colon in line 2 down through "**DAYS**" in line 8 and substitute "**SUSPEND THE OFFENDER'S LICENSE FOR UP TO 30 DAYS**"; and strike beginning with "**IMPOSE**" in line 21 down through "**DAYS**" in line 23 and substitute "**RESTRICT THE OFFENDER FROM DRIVING WITH A PASSENGER UNDER THE AGE OF 18 YEARS UNTIL THE OFFENDER OBTAINS A DRIVER'S LICENSE ISSUED UNDER § 16–111.1 OF THIS TITLE**".

AMENDMENT NO. 4

On page 13, strike in their entirety lines 12 through 18, inclusive, and substitute:

"(2) Except as provided in paragraph (3) of this subsection, a holder of a provisional driver's license who is under the age of 18 years may not drive a motor vehicle with a passenger under the age of 18 years.";

and in line 27, after "stepbrother" insert "**, OR COUSIN**".

The preceding 4 amendments were read and not concurred in.

HB0303/908271/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 303
(Third Reading File Bill)

On page 13, strike in their entirety lines 19 through 25, inclusive, and substitute:

"(3) The prohibition under paragraph (2) of this subsection:

(i) Shall be in effect from the date the provisional license is originally issued until the 151st day after the provisional license was issued; and

(ii) Does not apply to a passenger who is:";

and in lines 26 and 28, strike "**(I)**" and "**(II)**", respectively, and substitute "1." and "2.", respectively.

The preceding amendment was read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0303**
SPONSOR: The Speaker (Admin), et al
SUBJECT: Vehicle Laws – Teen Driver Safety

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Malone, Chairman
Delegate Frush, and
Delegate Stull.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

House Bill 547 – Delegates Stein, Burns, Cardin, DeBoy, Hecht, and Mathias

AN ACT concerning

Vehicle Laws – Advertising Practices – Prohibited Acts

Delegate McIntosh moved that the House not concur in the Senate amendments.

HB0547/948972/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 547
(Third Reading File Bill)

On page 2, in line 24, strike "**ANY FREIGHT OR**".

The preceding amendment was read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0547**
SPONSOR: Del Stein, et al
SUBJECT: Vehicle Laws – Advertising Practices – Prohibited Acts

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Stein, Chairman
Delegate Healey, and
Delegate Serafini.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #23

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

House Bill 1002 – Delegates Conaway, Anderson, and Boteler

EMERGENCY BILL

AN ACT concerning

Public Service Companies – Gas and Electric Service – Alternative Payment Agreements

HB1002/443293/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1002
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 7, in each instance, strike "requiring" and substitute "authorizing"; strike beginning with "by" in line 4 down through "date" in line 5; strike beginning with the comma in line 9 down through the second "customer" in line 10; strike beginning with "requiring" in line 11 down through "criteria" in line 13 and substitute "authorizing the Commission to specify the circumstances under which certain restrictions and agreements may be required; requiring the Commission to include certain information in a certain annual report; authorizing the Commission to adopt certain provisions for a limited period of time by order, notwithstanding a certain provision of law; requiring the Commission to adopt certain regulations to be effective by a certain date under certain circumstances; providing for the continuity of certain agreements under certain circumstances"; strike beginning with "providing" in line 14 down through "Act;" in line 15; in line 17, strike "adding to" and substitute "repealing and reenacting, with amendments,"; and in line 19, strike "7–307.1" and substitute "7–307".

AMENDMENT NO. 2

On page 1, after line 24, insert:

"7–307.

(a) In this section, "termination of service" means the termination, reduction, or refusal to reinstate gas or electric service, or any other action that has the effect of reducing or denying gas or electric service because of nonpayment.

(b) (1) Subject to paragraph (2) of this subsection, the Commission shall adopt regulations concerning the prohibition against or limitation of authority of a public service company to terminate service for gas or electricity to a low income residential customer during the heating season for nonpayment.

(2) In adopting the regulations required under paragraph (1) of this subsection, the Commission shall consider and may include provisions relating to:

(i) the circumstances under which service may and may not be limited or terminated;

(ii) the minimum heating levels required to maintain life, health, and safety;

(iii) the medical, age, disabling, or other individual characteristics that are relevant to a prohibition against or limitation on the termination of service;

(iv) the availability of and qualification for State and federal energy assistance;

(v) the financial eligibility standards relevant to a prohibition against or limitation on the termination of service;

(vi) the availability and appropriateness of equipment designed to limit the flow of service for gas or electricity;

(vii) the short–term and long–term alternative payment plans, for appropriate customers whose accounts are in arrears, that are best designed:

1. to allow present and future continuation of service; and

2. to encourage full payment over a period of time;

(viii) the methods that a public service company might use before and during the heating season to anticipate customer nonpayment, to assist those customers, and to avoid termination of service;

(ix) the procedures that a public service company uses to mitigate the problems of termination of service to customers, including customer contact;

(x) the procedure that a public service company shall follow before termination of service to a customer to avoid a threat to life, health, or safety;

(xi) the appropriate customer notice before the termination of service;

(xii) the appropriate opportunity and procedure for a customer to contest a proposed termination of service;

(xiii) the existence of other circumstances that because of an emergency, might justify a prohibition against or a limitation on the termination of service; and

(xiv) the economic implication of any restriction on termination of service.

(3) IN ADDITION TO THE AUTHORITY GRANTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION MAY BY REGULATION:

(I) PROHIBIT OR LIMIT THE AUTHORITY OF A PUBLIC SERVICE COMPANY TO TERMINATE SERVICE FOR GAS OR ELECTRICITY TO A RESIDENTIAL CUSTOMER FOR NONPAYMENT OF ARREARAGES ACCRUED DURING THE HEATING SEASON;

(II) REQUIRE THE IMPLEMENTATION OF ONE OR MORE PLANS FOR ALTERNATIVE PAYMENT AGREEMENTS IN A FORM APPROVED BY THE COMMISSION TO ALLOW A RESIDENTIAL CUSTOMER TO PAY ARREARAGES

ACCRUED DURING THE HEATING SEASON AND MAINTAIN GAS OR ELECTRIC SERVICE THROUGH THE TERM OF THE AGREEMENT; AND

(III) SPECIFY THE CIRCUMSTANCES UNDER WHICH TERMINATION LIMITATIONS AND IMPLEMENTATION OF ALTERNATIVE PAYMENT PLANS MAY BE REQUIRED UNDER THIS PARAGRAPH.

(c) (1) In accordance with § 2–1246 of the State Government Article, on or before June 1 of each year, the Commission shall report to the General Assembly on terminations of service by public service companies during the previous heating season.

(2) The report shall include information in sufficient detail to indicate the effect of the terminations of service on various categories of customers, including:

(i) income levels;

(ii) geographic areas;

(iii) energy assistance recipients; and

(iv) any other category that the Commission determines is relevant to evaluate how the State may best address the problem of assuring adequate gas and electric service for low income **AND OTHER** residential customers.".

On pages 1 and 2, strike in their entirety the lines beginning with line 25 on page 1 through line 30 on page 2, inclusive.

On page 2, in line 31, after "That" insert ":

(a) Notwithstanding Title 10, Subtitle 1 of the State Government Article, the Public Service Commission may by order adopt provisions limiting terminations and requiring plans for alternative payment agreements, either statewide or by service territory, under § 7–307(c)(3) of the Public Utility Companies Article, as enacted by this Act.

(b) Any order that the Commission adopts under subsection (a) of this section:

(1) may be effective only through June 30, 2010; and

(2) shall be replaced by regulations that the Commission adopts, to take effect no later than June 30, 2010, implementing § 7–307(c)(3) of the Public Utility Companies Article, as enacted by this Act.

(c) Any alternative payment agreement that is entered into under the authority of an order adopted by the Commission under subsection (a) of this section shall remain in force under its terms if the residential customer is not in breach of the agreement.

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

On page 3, strike in their entirety lines 4 through 7, inclusive.

The preceding 2 amendments were read only.

Delegate McHale moved to make the Bill and Amendments a Special Order for Thursday.

The motion was adopted.

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

House Bill 1573 – Delegate Kipke

AN ACT concerning

Business Regulation – Soda Fountain License – Repeal

HB1573/703791/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1573
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegate Kipke" and substitute "Delegates Kipke, Mathias, Hecht, Impallaria, Jameson, Miller, Minnick, and Vaughn".

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

Senate Bill 14 – ~~Senator Astle~~ Senators Astle, Della, Exum, Garagiola, Glassman, Kelley, Klausmeier, Middleton, Pugh, Colburn, and Harris

AN ACT concerning

Maryland Environmental Service – Energy Generation Projects

SB0014/673996/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 14
(Third Reading File Bill)

On page 3, in line 10, after "**RENEWABLE**" insert "**OR OTHER ENERGY**".

On page 6, in line 15, after "**RENEWABLE**" insert "**AND OTHER**".

On page 23, strike beginning with "**EACH**" in line 17 down through "**ACTIVITY.**" in line 20.

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:

Senate Bill 67 – Chair, Judicial Proceedings Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Corporations and Associations – Proof of Good Standing for Foreign Business Entities

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 68 – Chair, Judicial Proceedings Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Corporations and Associations – Recording, Filing, or Other Fees – Returned Check Fee

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 82 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Inflatable Amusement Attractions – Inspections

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 333 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages Act of 2009

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 376 – Senator Middleton

AN ACT concerning

Charles County – Workers' Compensation – Auxiliary Volunteer of Sheriff's Office

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 377 – ~~Senator Middleton~~ Senators Middleton, Glassman, Kelley, and Pugh

EMERGENCY BILL

AN ACT concerning

Business Regulation – Home Builder Guaranty Fund – Fee

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 543 – Senators Brochin and Stone

AN ACT concerning

Baltimore County – Towson Commercial Revitalization District – Alcoholic Beverages – Transfer and Conversion of Licenses

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 550 – Senators King, Astle, Brinkley, Colburn, Conway, Currie, DeGrange, Della, Exum, Forehand, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Harris, Jacobs, Jones, Kelley, Kittleman,

Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Online Child Safety Act of 2009

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 608 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Alcoholic Beverages – Part–Time Inspectors

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 634 – Senators Pugh, Glassman, Haines, Klausmeier, and Stone

AN ACT concerning

Professional Corporations – Professional Services – Multiple Professions

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 688 – Senator Robey

AN ACT concerning

Public Service Companies – Passenger–For–Hire Services – Limousines

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 884 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Alcoholic Beverages – Wine Festival License

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 130 – Delegates Pena–Melnyk, Frush, Barnes, Griffith, Holmes, Howard, Ivey, Levi, Malone, Nathan–Pulliam, Niemann, Ramirez, Reznik, Rice, Ross, Tarrant, F. Turner, Valderrama, Waldstreicher, Walker, and Weldon

AN ACT concerning

State Highway Administration – Unauthorized Signs on Highway Rights–of–Way

HB0130/360413/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 130
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, in each instance, after "certain" insert "local"; in line 10, strike "recover certain costs" and substitute "collect certain civil penalties"; in line 11, after the second "Act;" insert "providing that certain provisions of this Act may be enforced only by issuance of a warning for a certain period of time; requiring the Administration and certain local governments to retain civil penalties collected under certain provisions of this Act;"; and in line 13, strike "prima facie".

AMENDMENT NO. 2

On page 2, strike beginning with "**THE**" in line 16 down through "**INJUNCTION,**" in line 17 and substitute "**AN INJUNCTION**".

AMENDMENT NO. 3

On page 4, strike beginning with "**COSTS**" in line 4 down through "**PARAGRAPH**" in line 6 and substitute "**CIVIL PENALTY PROVIDED FOR UNDER PARAGRAPH (3) OF THIS SUBSECTION**"; in line 11, strike "**$100**" and substitute "**$25**"; in the same line, after "**WHICH**" insert "**, IF NOT PAID AFTER BEING CITED AND ASSESSED BY THE ADMINISTRATION, COUNTY, OR MUNICIPAL CORPORATION,**"; after line 18, insert:

"**(III) THE ADMINISTRATION, A COUNTY, OR A MUNICIPAL CORPORATION MAY ENFORCE THIS SUBSECTION ONLY BY THE ISSUANCE OF A WARNING FOR THE FIRST 3 MONTHS AFTER INITIATING A SIGN REMOVAL PROGRAM.**".

in lines 20 and 21, strike "**CONSTITUTES PRIMA FACIE**" and substitute "**SHALL BE**"; and after line 24, insert:

"**(5) THE ADMINISTRATION, A COUNTY, OR A MUNICIPAL CORPORATION SHALL RETAIN ANY CIVIL PENALTIES THAT IT COLLECTS UNDER THIS SUBSECTION.**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 176 – Delegates Lafferty, Ali, Beidle, Bobo, Bromwell, Carr, Glenn, Healey, Holmes, Hucker, Malone, Niemann, Olszewski, Schuler, and Stein

AN ACT concerning

Bay Restoration Act of 2009

HB0176/180919/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 176
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "system" insert "in the Chesapeake and Atlantic Coastal Bays Critical Area to service a newly constructed building"; in line 4, after "technology;" insert "prohibiting the replacement of an on–site sewage disposal system in the Chesapeake and Atlantic Coastal Bays Critical Area unless the replacement on–site sewage disposal system utilizes nitrogen removal technology;"; in line 5, strike "homeowners" and substitute "an owner"; in line 6, after "costs" insert "under certain circumstances"; in the same line, strike the first "a"; in the same line, strike "penalty" and substitute "penalties and enforcement mechanisms"; in the same line, after "violation;" insert "requiring the Department to adopt certain regulations; authorizing the Department to adopt certain regulations;"; in line 7, after "terms;" insert "providing a subtraction modification under the Maryland income tax for certain costs related to certain disposal systems that exceed the amount of assistance the Department provides; providing for the application of certain provisions of this Act;"; and after line 13, insert:

"BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–208(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – Tax – General
Section 10–208(q)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, in line 4, strike "**INSTALL**" and substitute "**:**

(1) INSTALL, OR HAVE INSTALLED, ON PROPERTY A PERSON OWNS IN THE STATE IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA,";

in line 5, strike "**IN THE STATE**" and substitute "**TO SERVICE A NEWLY CONSTRUCTED BUILDING,**"; in line 6, after "**TECHNOLOGY**" insert "**; OR**

(2) REPLACE OR HAVE REPLACED, AN EXISTING ON–SITE SEWAGE DISPOSAL SYSTEM ON PROPERTY A PERSON OWNS IN THE STATE IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA, UNLESS THE REPLACEMENT ON–SITE SEWAGE DISPOSAL SYSTEM UTILIZES NITROGEN REMOVAL TECHNOLOGY";

in line 8, strike "**HOMEOWNERS**" and substitute "**AN OWNER**"; and in line 11, after "**FUND**" insert "**, IF SUFFICIENT FUNDS ARE AVAILABLE**".

AMENDMENT NO. 3

On page 2, in line 12, after "**(D)**" insert "**(1)**"; in the same line, strike "**A**" and substitute "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**"; and strike in their entirety lines 13 and 14 and substitute "**SUBJECT TO THE CIVIL AND ADMINISTRATIVE PENALTIES AND THE ENFORCEMENT MECHANISMS PROVIDED IN §§ 9–334 THROUGH 9–342 OF THIS TITLE.**

(2) THE PENALTIES IMPOSED UNDER THIS SECTION MAY NOT EXCEED $8,000.

(E) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

(2) THE REGULATIONS ADOPTED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE PROVISIONS TO ENSURE THAT APPROPRIATE MANAGEMENT MEASURES ARE PROVIDED FOR THE OPERATION AND MAINTENANCE OF NITROGEN REMOVAL TECHNOLOGY.

(F) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION THAT PROVIDE A PREFERENCE FOR THE DISTRIBUTION OF FUNDS TO LOW– AND MIDDLE–INCOME OWNERS UNDER § 9–1605.2(H) OF THIS TITLE BASED ON THE:

(1) VALUE OF THE PROPERTY; OR

(2) INCOME OF THE PROPERTY OWNER.".

AMENDMENT NO. 4

On page 2, before line 15, insert:

"Article – Tax – General

10–208.

(a) In addition to the modification under § 10–207 of this subtitle, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(Q) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "NITROGEN REMOVAL TECHNOLOGY" HAS THE MEANING STATED IN § 9–1108 OF THE ENVIRONMENT ARTICLE.

(III) "ON–SITE SEWAGE DISPOSAL SYSTEM" HAS THE MEANING STATED IN § 9–1108 OF THE ENVIRONMENT ARTICLE.

(2) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE AMOUNT BY WHICH THE COST DIFFERENCE BETWEEN A CONVENTIONAL ON–SITE SEWAGE DISPOSAL SYSTEM AND A SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY EXCEEDS THE AMOUNT OF ASSISTANCE THE DEPARTMENT OF THE ENVIRONMENT PROVIDES THE HOMEOWNER UNDER § 9–1108 OF THE ENVIRONMENT ARTICLE.";

and in line 16, after "2009." insert "The subtraction modification under § 10–208(q) of the Tax – General Article, as enacted by this Act, shall be applicable to all taxable years beginning after December 31, 2009.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate McConkey 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:

Senate Bill 77 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Department of Agriculture – Organic Certification Program – Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 89 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Imposition of Civil Penalties by Board of Trustees – Authorization

Favorable report 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:

House Bill 1469 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

EMERGENCY BILL

AN ACT concerning

State Board of Nursing – Discipline – Hearing Committee

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 1534 – Delegate Pendergrass

AN ACT concerning

Nonprofit Health Service Plans – Hearing and Order – Impact of Law by Another State

HB1534/906989/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 1534
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegate Pendergrass" and substitute "Delegates Pendergrass, Hammen, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, 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 and Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1557 – Chair, Health and Government Operations Committee and Chair, Ways and Means Committee

AN ACT concerning

State Lottery – Procurement – Licensing Agreements and Prizes

HB1557/476885/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1557
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "prizes;" insert "defining a certain term;"; after line 8, insert:

"BY renumbering
Article – State Finance and Procurement
Section 11–101(j) through (x), respectively
to be Section 11–101(k) through (y), respectively
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY renumbering
Article – State Government
Section 9–101(f) through (h), respectively
to be Section 9–101(g) through (i), respectively
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – State Finance and Procurement
Section 11–101(j)
Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)";

after line 13, insert:

"BY adding to
Article – State Government
Section 9–101(f)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)";

after line 18, insert:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 11–101(j) through (x), respectively, of Article – State Finance and Procurement of the Annotated Code of Maryland be renumbered to be Section(s) 11–101(k) through (y), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 9–101(f) through (h), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 9–101(g) through (i), respectively.";

in line 19, strike "1." and substitute "3."; and strike beginning with "BE" in line 19 down through "MARYLAND" in line 20 and substitute "AND BE IT FURTHER ENACTED".

AMENDMENT NO. 2

On page 1, after line 21, insert:

"11–101.

(J) "INTELLECTUAL PROPERTY" MEANS A TRADEMARK, SERVICE MARK, TRADE NAME, LABEL, TERM, DEVICE, DESIGN, OR WORD ADOPTED OR USED BY A PERSON TO IDENTIFY THE GOODS OR SERVICES OF THE PERSON.".

On page 4, after line 14, insert:

"9–101.

(F) "INTELLECTUAL PROPERTY" MEANS A TRADEMARK, SERVICE MARK, TRADE NAME, LABEL, TERM, DEVICE, DESIGN, OR WORD ADOPTED OR USED BY A PERSON TO IDENTIFY THE GOODS OR SERVICES OF THE PERSON.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1557/496080/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 1557
(First Reading File Bill)

On page 5, in line 19, strike "2." and substitute "4.".

The preceding amendment was 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:

Senate Bill 7 – ~~Senator Glassman~~ Senators Glassman, Colburn, Conway, Dyson, Garagiola, Greenip, Harrington, Harris, Jacobs, Jones, Klausmeier, Lenett, and Stone

AN ACT concerning

State Government – Flags – Made in USA

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:

Senate Bill 75 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Transportation)

AN ACT concerning

Public Information Act – ~~Maryland Port Administration –~~ Confidentiality of Security–Related Documents and Records

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:

Senate Bill 149 – Senators Kelley, Conway, Forehand, Glassman, Greenip, Jacobs, Jones, King, Klausmeier, Kramer, Lenett, Madaleno, and Pugh

AN ACT concerning

Maryland Commission for Women – Appointment of Members

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:

Senate Bill 187 – Senators Pugh, Conway, Exum, Glassman, Harrington, Lenett, McFadden, Muse, and Peters

AN ACT concerning

State Procurement – ~~Structuring and~~ Bundling of Procurements

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:

Senate Bill 211 – Senators Pugh, Currie, Exum, Forehand, Lenett, McFadden, Muse, ~~and Peters~~ Peters, and Jones

SECOND PRINTING

AN ACT concerning

Minority Business Enterprise Program – Participation by Race or Gender

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:

Senate Bill 231 – Senator Della

AN ACT concerning

State Health Services Cost Review Commission – Health Care Facilities – ~~Annual Reports of Compensation~~ Required Forms

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:

Senate Bill 248 – Senators Jones, Conway, Currie, Gladden, Madaleno, McFadden, Muse, Peters, ~~and Pugh~~ Pugh, Colburn, Dyson, Exum, Greenip, Harrington, Harris, Kelley, and Lenett

EMERGENCY BILL

AN ACT concerning

State Government – Commemorative Days – Negro Baseball League

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:

Senate Bill 341 – Senators Pugh~~, Astle~~, Della, Exum, Gladden, Glassman, Harrington, Jones, Kelley, Klausmeier, Lenett, Madaleno, McFadden, Raskin, ~~and Rosapepe~~ Rosapepe, Garagiola, and Middleton

AN ACT concerning

Prosthetic Parity Act

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:

Senate Bill 356 – Senators Frosh, Harrington, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Family Day Care Homes and Child Care Centers – Emergency Preparedness Plans

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:

Senate Bill 368 – Senators Raskin, Brochin, Frosh, Gladden, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Muse, Peters, Pugh, Robey, Rosapepe, ~~and Zirkin~~ Zirkin, Jones, and Forehand

AN ACT concerning

Lilly Ledbetter ~~Fair Pay~~ Civil Rights Restoration Act of 2009

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:

Senate Bill 380 – Senators Garagiola, Astle, Della, Exum, Glassman, Kelley, ~~Kittleman,~~ Klausmeier, Middleton, Pipkin, and Pugh

AN ACT concerning

Health Maintenance Organizations – Payments to Nonparticipating Providers

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:

Senate Bill 433 – Senator Astle

AN ACT concerning

State Board of Physicians – Polysomnographic Technologists – Education and Licensing Requirements

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:

Senate Bill 439 – Senator Middleton

AN ACT concerning

Health Insurance – Prompt Pay – ~~Modifications and~~ Clarifications

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:

Senate Bill 611 – Senators Jones, Conway, Harrington, Muse, and Pugh

AN ACT concerning

Minority Business Enterprise Program – Prohibitions ~~and Penalties for Contractors~~

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:

Senate Bill 645 – Senator Astle

AN ACT concerning

Fraternal Benefit Societies – Exemption for Mutual Aid Associations – Clarification

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:

Senate Bill 646 – Senator Astle

AN ACT concerning

Credentialing of Health Care Providers by Managed Care Organizations, Insurance Carriers, and Hospitals

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:

Senate Bill 670 – Senators Raskin, Kelley, and Stone

AN ACT concerning

Discrimination in Employment – Expansion of Disability Rights

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:

Senate Bill 791 – Senator Klausmeier

AN ACT concerning

Group Model Health Maintenance Organizations – Drug Therapy Management

SB0791/976987/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 791
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "exceptions;" insert "prohibiting the Boards from approving a physician–pharmacist agreement under certain circumstances; providing for the duration and renewal of a physician–pharmacist agreement;"; and strike beginning with "requiring" in line 15 down through "Act;" in line 18.

AMENDMENT NO. 2

On page 5, after line 19, insert:

"**(E) THE BOARD OF PHYSICIANS AND THE BOARD OF PHARMACY MAY NOT APPROVE A PHYSICIAN–PHARMACIST AGREEMENT IF THE BOARDS FIND THAT THERE IS:**

(1) INADEQUATE TRAINING, EXPERIENCE, OR EDUCATION OF THE PHYSICIANS OR PHARMACISTS TO IMPLEMENT THE PROTOCOL OR PROTOCOLS SPECIFIED IN THE PHYSICIAN–PHARMACIST AGREEMENT; OR

(2) A FAILURE TO SATISFY THE REQUIREMENTS OF:

(I) THIS SECTION OR TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE; OR

(II) ANY REGULATIONS ADOPTED BY THE BOARD OF PHYSICIANS AND THE BOARD OF PHARMACY UNDER THIS SECTION.

(F) A PHYSICIAN–PHARMACIST AGREEMENT UNDER THIS SECTION SHALL BE VALID FOR 2 YEARS FROM THE DATE OF ITS FINAL APPROVAL BY THE BOARD OF PHYSICIANS AND THE BOARD OF PHARMACY AND MAY BE RENEWED FOR ADDITIONAL 2–YEAR TERMS WITH APPROVAL FROM THE BOARD OF PHYSICIANS AND THE BOARD OF PHARMACY.";

and in lines 20 and 23, strike "**(E)**" and "**(F)**", respectively, and substitute "**(G)**" and "**(H)**", respectively.

On page 6, in lines 1 and 4, strike "**(G)**" and "**(F)**", respectively, and substitute "**(I)**" and "**(H)**", respectively.

AMENDMENT NO. 3

On page 8, strike in their entirety lines 13 through 20, inclusive; in line 21, strike "3." and substitute "2."; and strike beginning with "It" in line 22 down through "effect." in line 24.

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:

Senate Bill 854 – Senator Garagiola

AN ACT concerning

Health Insurance – Definition of Coverage Decisions – Pharmacy Inquiries

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:

Senate Bill 874 – Senators Exum and Pugh

AN ACT concerning

Mental Hygiene Administration – Rights of Individuals with Mental Disorders in Facilities

SB0874/866189/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 874
(Third Reading File Bill)

On page 4, in line 25, after "**(1)**" insert "**(I)**"; and in line 27, strike "**ARTICLE AND**" and substitute "**ARTICLE; AND**

(II) THE PARENT OF THE MINOR OR".

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:

Senate Bill 946 – Senators Pugh and McFadden

AN ACT concerning

Minority Business Enterprise Program – Report to Joint Committee on Fair Practices

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #17

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

Senate Bill 21 – Senator Colburn

AN ACT concerning

Dorchester County – School Buses – Length of Operation – Sunset Repeal

SB0021/895368/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 21
(Third Reading File Bill)

In line 2, strike "Buses –" and substitute "Bus"; and strike in their entirety lines 4 and 5, inclusive, and substitute "alters the length of time a school bus may be operated in Dorchester County; and generally relating to school buses in Dorchester County.".

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:

Senate Bill 29 – Senator Colburn

AN ACT concerning

Talbot 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 with amendments:

Senate Bill 92 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Motor Carriers – Identification Markers – Forged Documents – Criminal Penalties

SB0092/345260/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 92

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "other" in line 6 down through "Comptroller" in line 7 and substitute "related documents"; in line 11, strike "licenses or decals" and substitute "licenses, decals, or related documents"; and in line 16, strike "other official documents issued by the Comptroller" and substitute "related documents".

AMENDMENT NO. 2

On page 2, in line 11, after "**VEHICLE**" insert "**UNDER THE INTERSTATE AGREEMENTS AUTHORIZED BY § 9–205 OF THIS SUBTITLE**"; and in lines 27 and 28 and lines 30 and 31, in each instance, strike "**OTHER OFFICIAL DOCUMENT ISSUED BY THE COMPTROLLER**" and substitute "**RELATED DOCUMENT**".

On page 3, in line 2, strike "**OTHER OFFICIAL DOCUMENT ISSUED BY THE COMPTROLLER**" and substitute "**RELATED DOCUMENT**".

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:

Senate Bill 93 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Motor Fuel Taxes – ~~Biodiesel Fuel User License~~ Special Fuel User – Biodiesel Fuel

SB0093/525861/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 93

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "vehicles;" insert "exempting an applicant for a special fuel user license from the requirement to post security for the motor fuel tax if the applicant will not produce, acquire, receive, or store more than a certain amount of biodiesel fuel to be used in a motor vehicle during a calendar year;"; and in line 20, strike "and 9–301(h), (s), and (t)" and substitute ", 9–301(h), and 13–825(f)".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 4 through 25, inclusive, and substitute:

"13–825.

(f) **(1) [**The**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** Comptroller shall require an applicant for any license under Title 9 of this article **[**, except for a Class "W" license,**]** to post security for the motor fuel tax in the amount that the Comptroller requires, but not less than:

[(1)**] (I)** $200,000 for a Class "A" license;

[(2)**] (II)** $50,000 for a Class "B" license;

[(3)**] (III)** $10,000 for a Class "C" license;

[(4)**] (IV)** $200,000 for a Class "D" license;

[(5)**] (V)** $1,000 for a Class "F" license;

[(6)**] (VI)** $10,000 for a Class "G–Temporary" license;

[(7)**] (VII)** $1,000 for a Class "S" license; and

[(8)**] (VIII)** $1,000 for a Class "U" license.

(2) AN APPLICANT IS NOT REQUIRED TO POST SECURITY FOR THE MOTOR FUEL TAX:

(I) FOR A CLASS "W" LICENSE; OR

(II) FOR A CLASS "U" LICENSE, IF THE APPLICANT WILL NOT PRODUCE, ACQUIRE, RECEIVE, OR STORE MORE THAN 4,000 GALLONS OF BIODIESEL FUEL TO BE USED IN A MOTOR VEHICLE DURING A CALENDAR YEAR.".

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:

Senate Bill 140 – Senators Muse and Klausmeier

AN ACT concerning

Task Force to Study How to Improve Financial Literacy in the State – Membership, Staffing, and 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:

Senate Bill 257 – The President (By Request – Administration) and Senators Astle, Colburn, Dyson, Edwards, Forehand, Garagiola, Lenett, Peters, Robey, Simonaire, and Stone

AN ACT concerning

Interstate Compact on Educational Opportunity for Military Children

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:

Senate Bill 331 – Senator Colburn

AN ACT concerning

Dorchester County Board of Education – Annual Election of Board Officers

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:

Senate Bill 413 – Senator King (Joint Committee on Children, Youth, and Families) and Senators Conway, Forehand, Garagiola, Greenip, Jacobs, Jones, Klausmeier, Kramer, Middleton, Muse, Peters, and Robey

AN ACT concerning

Joint Committee on Children, Youth, and Families – Repeal of Sunset

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:

Senate Bill 448 – Senator Edwards

AN ACT concerning

Local School Systems – Biannual Financial Status Report Requirement – 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:

Senate Bill 463 – Senator Lenett

AN ACT concerning

Maryland Youth Advisory Council – Youth Members

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:

Senate Bill 560 – Senator Miller

AN ACT concerning

Calvert County – Education – Certificated School Personnel – Collective Bargaining Representation Fees

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:

Senate Bill 629 – Senators Glassman, Harris, and Jacobs

AN ACT concerning

Harford County – Board of Education – Selection of Members

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:

Senate Bill 651 – Senator Edwards

AN ACT concerning

Garrett County – Code of Ordinances – Natural Gas

SB0651/795560/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 651
(Third Reading File Bill)

On page 8, in line 3, strike "(1)"; and in line 7, strike "(2)" and substitute "**(B)**".

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:

Senate Bill 879 – Senator Harrington

AN ACT concerning

Gwendolyn Britt Student Health and Fitness Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 58 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Termination of Parental Rights

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT ADOPTED.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 871)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #64

House Bill 292 – The Speaker (By Request – Administration) and Delegates Jones, Manno, Montgomery, and Taylor

AN ACT concerning

Financial Institutions – Mortgage Lenders and Mortgage Loan Originators

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

Affirmative – 133 Negative – 4 (See Roll Call No. 872)

The Bill was then sent to the Senate.

House Bill 963 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Public Consumption and Open Containers – Penalties

PG 326–09

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

Affirmative – 137 Negative – 0 (See Roll Call No. 873)

The Bill was then sent to the Senate.

House Bill 1392 – Chair, Ways and Means Committee (By Request – Departmental – Elections, State Board of)

AN ACT concerning

Election Law – Miscellaneous ~~Technical and Clarifying Corrections~~ Revisions

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

Affirmative – 137 Negative – 0 (See Roll Call No. 874)

The Bill was then sent to the Senate.

House Bill 1398 – Chair, Ways and Means Committee (By Request – Departmental – Elections, State Board of)

AN ACT concerning

Election Law – Campaign Finance – Revisions

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

Affirmative – 137 Negative – 0 (See Roll Call No. 875)

The Bill was then sent to the Senate.

House Bill 1436 – Delegate Krysiak

AN ACT concerning

Workers' Compensation Commission – Authority – Employer Compliance

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

Affirmative – 124 Negative – 14 (See Roll Call No. 876)

The Bill was then sent to the Senate.

House Bill 1452 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Waiver of Examination Requirements – BRAC – Stationary Engineers, Plumbers, Gas Fitters, and Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors

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

Affirmative – 137 Negative – 0 (See Roll Call No. 877)

The Bill was then sent to the Senate.

House Bill 1512 – Frederick County Delegation

AN ACT concerning

Frederick County – Multivenue Wine License

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

Affirmative – 137 Negative – 0 (See Roll Call No. 878)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #65

House Bill 868 – Delegates Love and Krysiak

AN ACT concerning

Property and Casualty Insurance – Portable Electronics Insurance – Regulation

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

Affirmative – 137 Negative – 0 (See Roll Call No. 879)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #66

House Bill 593 – Delegates Dumais, Bronrott, Feldman, Frick, Lee, and Rice

AN ACT concerning

Criminal Procedure – Offender Registry – Minors

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

Affirmative – 136 Negative – 0 (See Roll Call No. 880)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #12

Senate Bill 23 – ~~Senator Colburn~~ Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Department of Corrections Employment Applicants – Polygraph Examinations

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

Affirmative – 138 Negative – 0 (See Roll Call No. 881)

The Bill was then returned to the Senate.

Senate Bill 104 – Senator Stone

AN ACT concerning

Baltimore County – Prospective Employees and Volunteers – Criminal History Records Check

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

Affirmative – 138 Negative – 0 (See Roll Call No. 882)

The Bill was then returned to the Senate.

Senate Bill 145 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Courts – Violation of Probation or Suspension of Sentence – Notice or Warrant

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

Affirmative – 137 Negative – 0 (See Roll Call No. 883)

The Bill was then returned to the Senate.

Senate Bill 152 – Senator Frosh

AN ACT concerning

Estates and Trusts – Personal Representatives and Fiduciaries – Powers

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

Affirmative – 138 Negative – 0 (See Roll Call No. 884)

The Bill was then returned to the Senate.

Senate Bill 153 – Senator Frosh

AN ACT concerning

Estates and Trusts – Jurisdiction of Orphans' Court – Determination of Title to Personal Property

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

Affirmative – 137 Negative – 0 (See Roll Call No. 885)

The Bill was then returned to the Senate.

Senate Bill 154 – Senator Frosh

AN ACT concerning

Estates and Trusts – Admission of Copy of Executed Will

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

Affirmative – 137 Negative – 0 (See Roll Call No. 886)

The Bill was then returned to the Senate.

Senate Bill 218 – Senators Frosh, Brochin, Forehand, Garagiola, Jacobs, Mooney, Raskin, ~~and Stone~~ Stone, Muse, and Simonaire

AN ACT concerning

Criminal Procedure – Offender Registry – Minors

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

Affirmative – 138 Negative – 0 (See Roll Call No. 887)

The Bill was then returned to the Senate.

Senate Bill 259 – The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and ~~Senator Forehand~~ Senators Forehand, Frosh, Gladden, Brochin, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Criminal Procedure – Drunk and Drugged Driving – Probation Before Judgment

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

Affirmative – 134 Negative – 0 (See Roll Call No. 888)

The Bill was then returned to the Senate.

Senate Bill 263 – The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and ~~Senator Forehand~~ Senators Forehand, Jacobs, and Mooney

AN ACT concerning

Vehicle Laws – Alcohol Restriction on Driver's License – Penalties for Violations

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

Affirmative – 137 Negative – 0 (See Roll Call No. 889)

The Bill was then returned to the Senate.

Senate Bill 267 – The President (By Request – Administration) and Senators Forehand, Frosh, Harrington, Lenett, and Raskin

AN ACT concerning

Family Law – Protective Orders – Surrender of Firearms

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

Affirmative – 98 Negative – 40 (See Roll Call No. 890)

The Bill was then returned to the Senate.

Senate Bill 268 – The President (By Request – Administration) and Senators Brochin, Forehand, Frosh, Harrington, Lenett, and Raskin

AN ACT concerning

Family Law – Temporary Protective Orders – Surrender of Firearms

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

Affirmative – 93 Negative – 45 (See Roll Call No. 891)

The Bill was then returned to the Senate.

Senate Bill 304 – Senators Kramer, DeGrange, Forehand, Glassman, Haines, Middleton, Muse, and Stone

AN ACT concerning

Crimes – Financial Exploitation of Elderly – Penalty

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

Affirmative – 138 Negative – 0 (See Roll Call No. 892)

The Bill was then returned to the Senate.

Senate Bill 486 – Senators Kelley, Forehand, Gladden, ~~and Raskin~~ Raskin, Brochin, and Frosh

AN ACT concerning

Criminal Procedure – Petition for Writ of Actual Innocence – Newly Discovered Evidence

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

Affirmative – 138 Negative – 0 (See Roll Call No. 893)

The Bill was then returned to the Senate.

Senate Bill 817 – Senator Jones

AN ACT concerning

Task Force to Study Prison Violence in Maryland – ~~Continuation~~ Reconstitution

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

Affirmative – 136 Negative – 2 (See Roll Call No. 894)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #13

Senate Bill 25 – Anne Arundel County Senators

AN ACT concerning

City of Annapolis – Alcoholic Beverages – Administrative Proceedings and Fines

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

Affirmative – 136 Negative – 0 (See Roll Call No. 895)

The Bill was then returned to the Senate.

Senate Bill 106 – Anne Arundel County Senators

AN ACT concerning

Anne Arundel County – Alcoholic Beverages Act of 2009

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

Affirmative – 136 Negative – 0 (See Roll Call No. 896)

The Bill was then returned to the Senate.

Senate Bill 162 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Alcoholic Beverages – Resident Dealer's Permit

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

Affirmative – 135 Negative – 0 (See Roll Call No. 897)

The Bill was then returned to the Senate.

Senate Bill 269 – The President (By Request – Administration) and Senators Kelley and Middleton

AN ACT concerning

Financial Institutions – Mortgage Lenders and Mortgage Loan Originators

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

Affirmative – 136 Negative – 2 (See Roll Call No. 898)

The Bill was then returned to the Senate.

Senate Bill 434 – Senator Astle

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Yacht Club License

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

Affirmative – 138 Negative – 0 (See Roll Call No. 899)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #14

Senate Bill 178 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – ~~Investment Manager Service Fees~~ Investments

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

Affirmative – 138 Negative – 0 (See Roll Call No. 900)

The Bill was then returned to the Senate.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #14

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

Senate Bill 192 – Senators Brinkley, Currie, Dyson, Haines, and Robey

AN ACT concerning

Criminal Law – ~~Theft~~ Fraudulent Conversion of Rental Property

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

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

Senate Bill 334 – Senator Colburn

AN ACT concerning

Talbot County – Alcoholic Beverages – Limited Wineries

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 Economic Matters:

Senate Bill 342 – Senators Pugh, Della, Gladden, Lenett, Madaleno, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Consumer Protection – Fur Labeling Requirements for Articles of Clothing

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 Economic Matters:

Senate Bill 344 – Senator Exum

AN ACT concerning

Prince George's County – Alcoholic Beverages – Drive–Through Purchase Facilities

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 Economic Matters:

Senate Bill 352 – Senators Peters, Frosh, Harrington, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Public Utility Tree Management Act of 2009

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 Judiciary:

Senate Bill 425 – Senators Jacobs, Astle, Brochin, Colburn, DeGrange, Glassman, Harris, Klausmeier, Kramer, McFadden, Mooney, and Stone

AN ACT concerning

Criminal Procedure – Offender Registry – Retroactivity

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

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:

Senate Bill 572 – Senator Stoltzfus

AN ACT concerning

Worcester County – Gaming – Bingo

The Bill was re–referred to the Committee on Ways and Means.

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

Senate Bill 654 – Senator Stone

AN ACT concerning

Violent Crimes – Conditional Release Under Mandatory Supervision – Limitation

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

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:

Senate Bill 664 – Senators Garagiola, Currie, Klausmeier, McFadden, Peters, and Robey

AN ACT concerning

Nursing Facilities – Accountability Measures – Pay–for–Performance Program

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:

Senate Bill 771 – Senator Edwards

AN ACT concerning

~~Public Utility Companies – Wind Turbines~~ Wind–Powered Electric Generating Facilities and Solar Generating Systems – Performance Standards and Decommissioning and Restoration Studies

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 Economic Matters:

Senate Bill 844 – ~~Senator Middleton~~ The President (By Request – Administration) and Senators Middleton, McFadden, Pipkin, Rosapepe, Brochin, Conway, Dyson, Exum, Forehand, Frosh, Haines, Harrington, Muse, Peters, Pinsky, Raskin, Simonaire, Stone, and Zirkin

AN ACT concerning

Public Service Commission – New Electric Generation Facilities – Rate Regulation and Contracts

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 Ways and Means:

Senate Bill 868 – Senator Brinkley

AN ACT concerning

Frederick County – Tip Jars and Punchboards – Licensed Distributors

The Bill was re–referred to the Committee on Ways and Means.

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

Senate Bill 886 – Senator Rosapepe

AN ACT concerning

Prince George's County – Laurel Commons – Alcoholic Beverages – Additional Class B Licenses

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 Economic Matters:

Senate Bill 909 – The President (By Request – Administration) and Senators Kelley, Raskin, Currie, Forehand, Gladden, Harrington, King, Klausmeier, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Rosapepe, and Stone

AN ACT concerning

Workplace Fraud Act of 2009

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 Economic Matters:

Senate Bill 983 – ~~Senator Conway~~ Senators ~~Conway and Gladden~~ Conway, Gladden, and Jones

SECOND PRINTING

AN ACT concerning

Baltimore City – ~~43rd Legislative District –~~ Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

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 Economic Matters:

Senate Bill 987 – Senator Exum ~~and Kittleman~~

AN ACT concerning

Workers' Compensation Commission – Authority – Employer Compliance

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

CONCURRENCE CALENDAR #1

AMENDED IN THE SENATE

House Bill 99 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Commercial Real Property – Action to Abate Drug Nuisance – ~~Repeal~~ Application of Prior Notice Requirement

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0099/948571/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 99
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Baltimore City –"; in line 3, strike "Application of"; in line 4, strike "providing that" and substitute "altering"; strike beginning with "do" in line 5 down through "City" in line 6; and in line 7, strike "in Baltimore City".

AMENDMENT NO. 2

On page 2, strike beginning with "**THIS**" in line 19 down through "An" in line 20 and substitute "**(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN**"; in line 21, strike "45" and substitute "**30**"; after line 23, insert:

"**(II) IN BALTIMORE CITY, AN ACTION MAY NOT BE BROUGHT UNDER THIS SECTION CONCERNING A COMMERCIAL PROPERTY UNTIL 15 DAYS AFTER THE TENANT, IF ANY, AND OWNER OF RECORD RECEIVE NOTICE FROM A PERSON ENTITLED TO BRING AN ACTION UNDER THIS SECTION THAT A NUISANCE EXISTS.**";

and in lines 24 and 29, strike "**(3)**" and "**(4)**", respectively, and substitute "**(2)**" and "**(3)**", respectively.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 901)

AMENDED IN THE SENATE

House Bill 259 – Delegates King, Love, Kipke, and Schuh

AN ACT concerning

Environmental Health Monitoring and Testing – Reimbursement of Costs

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0259/654936/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 259
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "purpose" insert "subject to a certain exception".

AMENDMENT NO. 2

On page 3, in line 25, after "**(A)**" insert "**(1)**"; in the same line, strike "**THE**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE**"; strike beginning with "**OR**" in line 30 down through "**RELEASE**" in line 31; and in line 33, strike "**(1)**" and substitute "**(I)**".

On page 4, in lines 1 and 3, strike "**(2)**" and "**(3)**", respectively, and substitute "**(II)**" and "**(III)**", respectively; and after line 5, insert:

"**(2) A PERSON MAY NOT BE REQUIRED TO REIMBURSE A COUNTY FOR COSTS UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE PERSON HAS ENTERED INTO A CONSENT ORDER WITH THE DEPARTMENT.**".

AMENDMENT NO. 3

On page 4, in line 8, after "**ACTIVITIES**" insert "**, OR ARE NOT REASONABLY NECESSARY TO PROTECT HUMAN HEALTH OR THE ENVIRONMENT,**".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 136 Negative – 0 (See Roll Call No. 902)

AMENDED IN THE SENATE

House Bill 295 – The Speaker (By Request – Administration) and Delegates Lafferty, Ali, Barve, Beidle, Cane, Carr, V. Clagett, Feldman, Gaines, Gutierrez, Guzzone, Healey, Howard, Hucker, Lee, Mizeur, Montgomery, and Niemann

AN ACT concerning

Smart, Green, and Growing – Annual Report – Smart Growth Goals, Measures, and Indicators and Implementation of Planning Visions

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0295/584531/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 295
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 12 down through the semicolon in line 16; and strike beginning with "exempting" in line 19 down through the semicolon in line 21.

On page 2, strike beginning with "making" in line 7 down through the semicolon in line 13; and strike in their entirety lines 30 through 39, inclusive.

AMENDMENT NO. 2

On page 4, in line 10 and on page 5, in line 6, in each instance, strike "**GOALS**" and substitute "**GOALS**".

On page 7, strike beginning with "**"INCREMENTAL PROGRESS"**" in line 4, down through "**(3)**" in line 9; in line 12, strike "**(4)**" and substitute "**(3)**"; and strike beginning with "**THE**" in line 30 down through "**AREAS**" in line 3 on page 8 and

substitute "**(I) THE STATEWIDE LAND USE GOAL IS TO INCREASE THE CURRENT PERCENTAGE OF GROWTH LOCATED WITHIN THE PRIORITY FUNDING AREAS AND TO DECREASE THE PERCENTAGE OF GROWTH LOCATED OUTSIDE THE PRIORITY FUNDING AREAS.**

(II) LOCAL JURISDICTIONS SHALL DEVELOP A PERCENTAGE GOAL TOWARDS ACHIEVING THE STATEWIDE GOAL".

On page 8, strike in their entirety lines 4 through 34, inclusive.

AMENDMENT NO. 3

On page 9, strike in their entirety lines 1 through 28, inclusive; and in line 30, strike "**(2), (3), AND (4)**" and substitute "**(2) AND (3)**".

On page 10, in line 12, after "**APPLICABLE;**" insert "**AND**"; and strike beginning with "**THE**" in line 13 down through "**(IX)**" in line 21.

On page 11, strike beginning with "**A**" in line 8 down through "**(4)**" in line 11.

AMENDMENT NO. 4

On page 13, strike in their entirety lines 8 through 30, inclusive.

On page 14, strike in their entirety lines 1 through 31, inclusive.

On page 15, strike in their entirety lines 1 through 5, inclusive.

The preceding 4 amendments were read and concurred in.

HB0295/244230/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 295
(Third Reading File Bill)

On page 11, in line 7, strike "**(IX)**" and substitute "**(VI)**".

The preceding amendment was read and concurred in.

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

Affirmative – 123 Negative – 15 (See Roll Call No. 903)

AMENDED IN THE SENATE

House Bill 367 – Delegate Malone

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force – ~~Extension and Membership~~ Reconstitution

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0367/148571/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 367
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "Act" insert "; stating the intent of the General Assembly".

AMENDMENT NO. 2

On page 6, after line 27, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor appoint to the Maryland Quiet Vehicles and Pedestrian Safety Task Force those individuals who formerly were appointed to the predecessor Task Force established under Chapter 384 of the Acts of the General Assembly of 2008 and who were serving on the Task Force as of December 31, 2009.";

and in line 28, strike "2." and substitute "3.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 904)

AMENDED IN THE SENATE

House Bill 408 – Delegate Malone

EMERGENCY BILL

AN ACT concerning

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

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0408/388873/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 408
(Third Reading File Bill)

On page 2, in line 18, strike "**ANY OTHER**" and substitute "**ANOTHER**".

The preceding amendment was read and concurred in.

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

Affirmative – 135 Negative – 1 (See Roll Call No. 905)

INTRODUCTION OF BILLS

Delegate Conaway 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. 906)

In compliance with the rules, the Bill was introduced.

House Bill 1577 – Delegate Conaway

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 2008 Supplement)

BY adding to

Article – Courts and Judicial Proceedings
Section 3–8A–27(h)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–701(c), (j), and (m), 11–704, 11–705, and 11–707
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–701(k)
Annotated Code of Maryland
(2008 Replacement Volume)

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

Delegate McIntosh moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 135 Negative – 2 (See Roll Call No. 907)

In compliance with the rules, the Bill was introduced.

Delegate McIntosh moved to suspend the rules and assign the bill to the committee of jurisdiction.

The motion was adopted by roll call vote as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 908)

House Bill 1578 – The Speaker (By Request – Administration) and Delegates Oaks and Rosenberg

EMERGENCY BILL

AN ACT concerning

Pimlico and Laurel Park Racetracks, Bowie Race Course Training Center, and Preakness Stakes – State Purchase or Condemnation

FOR the purpose of authorizing the State to acquire by purchase or condemnation for public use with just compensation private property relating to the Pimlico Race Course, the track known as Laurel Park, the Bowie Race Course Training Center, the name, copyrights, service marks, trademarks, trade names, contract rights, business entities, stock, and horse racing events that are associated with the Preakness Stakes and its trophy, the Woodlawn Vase, and certain other private property; requiring that all proceedings for condemnation for public use of private property as authorized under this Act are to be in accordance with certain provisions of law and certain rules of procedure; authorizing the taking of certain private property immediately on payment for the property; authorizing the Maryland Economic Development Corporation to borrow money and issue bonds for certain purposes related to the condemnation authorized by this Act; making this Act an emergency measure; stating legislative intent; and relating generally to the authority of the State to purchase or condemn certain private property relating to certain tracks, the Bowie Race Course Training Center, and the Preakness Stakes.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–520
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–117
Annotated Code of Maryland
(2008 Volume)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 909)

ADJOURNMENT

At 11:13 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day April 3, 2009, Calendar Day Thursday, April 9, 2009.

Annapolis, Maryland
Legislative Day: April 3, 2009
Calendar Day: Thursday, April 9, 2009

The House met at 10:23 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate James E. Malone, Jr. of Baltimore and Howard counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 910)

The Journal of April 2, 2009 was read and approved.

EXCUSES:
Del. Ali – left briefly – business
Del. Benson – late – business
Del. Frick – left briefly – business
Del. Mathias – left briefly – personal
Del. Proctor – foot injury
Del. F. Turner – illness
Judiciary Committee – left briefly – voting

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 358 – Senators Middleton, Dyson, Garagiola, and Glassman

EMERGENCY BILL

AN ACT concerning

~~Agriculture~~ Calvert County, Charles County, and St. Mary's County – Agricultural Preservation Easements – Renewable Energy Generation

FOR the purpose of authorizing a landowner whose land in Calvert County, Charles County, or St. Mary's County is subject to an agricultural preservation easement to use the land for the generation of power or heat from solar ~~or wind~~ energy under certain circumstances; making this Act an emergency measure;

providing for the termination of this Act; and generally relating to the Maryland Agricultural Land Preservation Foundation and renewable energy generation.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–513(b)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

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

Senate Bill 609 – Senator Brinkley

AN ACT concerning

Frederick County – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in Frederick County to hunt deer on certain Sundays on private property with a bow and arrow during certain months; removing Frederick County from a list of counties in which certain Sunday deer hunting privileges do not apply; and generally relating to hunting on private property on Sundays.

~~BY repealing and reenacting, without amendments,~~
~~Article – Natural Resources~~
~~Section 10–410(a)(1)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2008 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section ~~10–410(a)(2)~~ 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

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

Senate Bill 735 – Senators Raskin, Forehand, Jacobs, Madaleno, Mooney, Robey, and Simonaire

AN ACT concerning

Vehicle Laws – Mandatory Use of Ignition Interlock System

FOR the purpose of altering the Motor Vehicle Administration's authority to establish an Ignition Interlock System Program to require the Administration to establish the Program; requiring rather than authorizing the Administration to establish a protocol for the Program by certain regulations; ~~requiring certain individuals who have committed certain alcohol–related driving offenses to~~ altering the circumstances under which individuals may participate in the Program; requiring the Administration to require an individual convicted of, or granted probation for, certain second or subsequent alcohol–related driving offenses to participate in the Program for certain minimum amounts of time; requiring the Administration to impose a certain license restriction for a certain minimum amount of time; requiring the Administration to suspend, in accordance with the regulations of the Administration, the drivers' licenses of certain individuals who are in violation of the Program; requiring the Administration to establish a certain fee; requiring individuals who are in the Program to be monitored by the Administration and to pay a certain fee under certain circumstances; requiring certain service providers to demonstrate a certain ability under certain circumstances; altering the authority of the Administration to require certain individuals to participate in the Program; and generally relating to participation in the Ignition Interlock System Program ~~by an individual who is granted probation for certain alcohol–related driving offenses~~.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–404.1(b) and (f)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 908 – Senators Muse, Conway, Exum, Gladden, Harrington, Jones, Kelley, Peters, and Zirkin

EMERGENCY BILL

AN ACT concerning

Task Force on Prisoner Reentry

FOR the purpose of establishing a Task Force on Prisoner Reentry; 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; requiring the Task Force to report its interim findings to the Governor and the General Assembly on or before a certain date; requiring the Task Force to report its final findings and recommendations to the Governor

and the General Assembly on or before a certain date; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the establishment of a Task Force on Prisoner Reentry.

BY adding to
Article – Correctional Services
Section 2–501
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

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

Senate Bill 958 – Senator Rosapepe

EMERGENCY BILL

AN ACT concerning

Construction Permits – Expiration Dates

FOR the purpose of requiring the running of the period of approval for certain permits issued by the State to be tolled for a certain period; requiring the running of the period of approval for certain permits issued by a county or municipality to be tolled for a certain period; requiring a certain person who was issued a certain permit by the State, a county, or a municipality that will expire during a certain time period to pay any applicable renewal fees; requiring the Department of Planning to report to certain persons on certain matters; authorizing the State, a county, or a municipality to cancel a certain permit under certain circumstances; making certain conforming changes; defining certain terms; declaring the intent of the General Assembly; providing for the application of this Act; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the expiration of construction and development permits.

BY repealing and reenacting, with amendments,
Article – State Government
Section 11–103(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – State Government
Section 11–201 and 11–202 to be under the new subtitle "Subtitle 2. Permit Extensions"
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 23–101 and 23–102 to be under the new title "Title 23. Construction and Development Permits"
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 1043 – Senator Harrington

AN ACT concerning

Prince George's County – Development Impact Fees

FOR the purpose of ~~repealing~~ altering a limitation on the amount of a certain development impact fee that may be imposed by the Prince George's County Council for certain purposes under certain circumstances; and generally relating to development impact fees in Prince George's County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 10–265
Article 17 – Public Local Laws of Maryland
(2003 Edition and 2005 Supplement, as amended)

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

Senate Bill 1045 – Senator Harrington

AN ACT concerning

DHCD – Community Development Administration – Financing Instruments – Mortgage Loans Guaranteed by Government–Sponsored Enterprises

FOR the purpose of authorizing the Community Development Administration of the Department of Housing and Community Development to purchase or issue certain securities that are backed by mortgage loans and guaranteed by government–sponsored enterprises ~~or certain other entities~~; specifying that the securities are to finance community development projects, public purpose projects, or residential mortgage loans; defining a certain term; making a stylistic change; and generally relating to the Community Development Administration.

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 4–101(a) and (b)
Annotated Code of Maryland
(2006 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–234 and 4–235(h)
Annotated Code of Maryland
(2006 Volume and 2008 Supplement)

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

Senate Bill 1049 – Senator Muse

AN ACT concerning

~~Domestic Violence~~ Education – Tween/Teen Dating Violence ~~Education and Awareness~~

FOR the purpose of requiring the State Board of Education to ~~develop and implement in the public schools a program~~ encourage county boards of education to incorporate certain lessons on dating violence into certain health education curriculum courses in order to educate students about dating violence; ~~requiring the program to include education on services provided to victims of dating violence; requiring the program to be started in each public school before a certain grade; altering the definition of "victim of domestic violence" for purposes of certain provisions of law to include a certain person; requiring the Governor annually to proclaim the second week in October "Statewide Tween/Teen Dating Violence Education and Awareness Week";~~ and generally relating to dating violence.

BY adding to
Article – Education
Section 7–411.1
Annotated Code of Maryland
(2008 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~
~~Article – Family Law~~
~~Section 4–513~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2008 Supplement)~~

~~BY adding to~~

~~Article – State Government~~
~~Section 13–601 to be under the new subtitle "Subtitle 6. Commemorative Weeks"~~
~~Annotated Code of Maryland~~
~~(2004 Replacement Volume and 2008 Supplement)~~

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

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 39	Del. Riley
HB 141	Ch. Hlth & Govt Ops
HB 162	Ch., Econ Matters Co.
HB 218	Del. Beitzel
HB 235	Del. Tarrant
HB 262	Anne Arundel Co. Del.
HB 297	The Speaker
HB 312	The Speaker
HB 389	Del. Taylor
HB 405	Del. Pena–Melnyk
HB 507	Del. Nathan–Pulliam
HB 580	Del. Mizeur
HB 587	Del. Kaiser
HB 609	Del. Holmes
HB 641	Del. Pena–Melnyk
HB 676	Del. Cane
HB 732	Del. Cane
HB 1057	Del. McHale
HB 1124	Del. Lee
HB 1150	Del. Donoghue
HB 1194	Del. Benson
HB 1218	Washington County Del.
HB 1220	Washington County Del.
HB 1245	Frederick County Del.
HB 1336	Del. Braveboy
HB 1407	Ch., Econ Matters Co.

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 20	Del. Sophocleus
HB 70	Del. Morhaim
HB 92	Del. Anderson
HB 109	Del. Wood
HB 127	Del. Pena–Melnyk
HB 160	Ch., Econ Matters Co.
HB 161	Ch., Econ Matters Co.
HB 438	Del. Feldman
HB 613	Del. Stifler
HB 653	Ch., Econ Matters Co.

Read and ordered journalized.

THE COMMITTEE ON APPROPRIATIONS REPORT #16

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

Senate Bill 81 – Chair, Finance Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

State Personnel – Maryland Whistleblower Law – Confidentiality of Information Obtained During Investigations of Complaints

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:

Senate Bill 183 – Senators Pinsky, Rosapepe, Brochin, Conway, Dyson, Forehand, Frosh, Harrington, Kramer, Lenett, Madaleno, Peters, ~~and Raskin~~ Raskin, and Klausmeier

AN ACT concerning

College Textbook Competition and Affordability Act of 2009

SB0183/254365/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 183
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "affirmations" and substitute "acknowledgments"; in line 10, after "revisions," insert "and"; strike beginning with ", and" in line 10 down through "price" in line 11; in line 17, after "notifications" insert "and certain conditions"; in line 19, after "time" insert "subject to a certain extension under certain circumstances"; and strike beginning with "requiring" in line 21 down through "circumstances;" in line 23.

On page 2, in line 5, after "report" insert "to the Maryland Higher Education Commission"; in line 6, strike the comma and substitute "and"; and in line 9, after "date" insert "and report to the Governor and the General Assembly on or before a certain date".

AMENDMENT NO. 2

On page 3, in line 7, strike "**OR CUSTOM**" and substitute "**, CUSTOM, OR INTEGRATED**"; after line 30, insert:

"**(6) "INTEGRATED TEXTBOOK" MEANS A COLLEGE TEXTBOOK THAT IS COMBINED WITH:**

(I) MATERIALS DEVELOPED BY A THIRD PARTY AND THAT, BY THIRD–PARTY CONTRACTUAL AGREEMENT, MAY NOT BE OFFERED BY PUBLISHERS SEPARATELY FROM THE COLLEGE TEXTBOOK WITH WHICH THE MATERIALS ARE COMBINED; OR

(II) OTHER MATERIALS THAT ARE SO INTERRELATED WITH THE CONTENT OF THE COLLEGE TEXTBOOK THAT THE SEPARATION OF THE COLLEGE TEXTBOOK FROM THE OTHER MATERIALS WOULD RENDER THE COLLEGE TEXTBOOK UNUSABLE FOR ITS INTENDED PURPOSE.";

and in line 31, strike "**(6)**" and substitute "**(7)**".

On page 4, in lines 1, 6, 9, and 15, strike "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively, and substitute "**(8)**", "**(9)**", "**(10)**", and "**(11)**", respectively; in line 10,

after "**TEXTBOOK**" insert "**THAT IS NOT BEING USED AS A COMPONENT OF AN INTEGRATED TEXTBOOK**"; strike beginning with "**VARIANCES**" in line 25 down through "**MATERIALS**" in line 27 and substitute "**THE EXISTENCE OF VARIANCES IN PRICE OF BUNDLED AND UNBUNDLED COURSE MATERIALS**"; in line 32, strike "**AND**"; and after line 32, insert:

"**(IV) WHICH TEXTBOOKS ARE INTEGRATED TEXTBOOKS AND ARE THEREFORE NOT SUBJECT TO SUBSECTION (F)(3) OF THIS SECTION, AS REPORTED BY THE PUBLISHER UNDER SUBSECTION (E) OF THIS SECTION; AND**".

On page 5, in line 1, strike "**(IV)**" and substitute "**(V)**"; in line 30, strike "**IDENTIFYING**" and substitute "**SELECTING**"; and in line 34, after "**SHALL**" insert "**ACKNOWLEDGE**".

On page 6, in line 1, after "**(I)**" insert "**1.**"; in lines 2 and 5, in each instance, strike "**ACKNOWLEDGE**"; in lines 4, 6, 9, 12, and 15, strike "**(II)**", "**1.**", "**2.**", "**3.**", and "**4.**", respectively, and substitute "**2.**", "**A.**", "**B.**", "**C.**", and "**D.**", respectively; in line 5, strike the comma; in line 8, after "**TEXTBOOK**" insert "**AS REPORTED BY THE PUBLISHER UNDER SUBSECTION (E) OF THIS SECTION**"; in line 10, strike "**JUSTIFIED**" and substitute "**APPROPRIATE**"; and after line 17, insert:

"**(II) THAT AN INTEGRATED TEXTBOOK IS NOT SUBJECT TO SUBSECTION (F)(3) OF THIS SECTION;**

(III) THAT SUPPLEMENTAL MATERIAL INCLUDED IN A BUNDLE IS INTENDED FOR USE IN THE COURSE".

On page 7, in line 2, strike "**EXPRESSED AS AN ITEMIZED LIST**"; strike beginning with "**VARIANCES**" in line 6 down through "**ITEMS**" in line 7 and substitute "**A LIST OF TEXTBOOKS THAT ARE CLASSIFIED AS INTEGRATED TEXTBOOKS**"; in line 30, strike "**(I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH**" and substitute "**WITH THE PERMISSION OF A FACULTY MEMBER**"; and strike in their entirety lines 35 and 36.

On page 8, strike in their entirety lines 1 through 3, inclusive; in line 4, after "**(1)**" insert "**(I)**"; in the same line, strike "**PARAGRAPH (4) OF THIS SUBSECTION**"

and substitute "**SUBPARAGRAPH (II) OF THIS PARAGRAPH**"; in line 6, strike "**(2)**" and substitute "**(3)**"; in line 7, after "**BOOKSTORE**" insert "**BY THE EARLIER OF:**

1. WITHIN 1 WEEK OF A FACULTY MEMBER'S SELECTION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AND TRANSMISSION TO A CAMPUS BOOKSTORE; OR

2. WHEN THE SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL IS FINALIZED.

(II) A BOOKSTORE THAT OBTAINS INFORMATION UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH MAY NOT MAKE THE INFORMATION AVAILABLE TO STUDENTS OR MEMBERS OF THE PUBLIC UNTIL THE INFORMATION IS MADE AVAILABLE TO THE BOOKSTORE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.";

strike beginning with "**AS**" in line 7 down through "**COURSE.**" in line 19; in line 20, strike "**(3)**" and substitute "**(2)**"; in line 21, strike "**(2)**" and substitute "**(3)**"; in line 22, after "**TO**" insert "**BOOKSTORES,**"; in the same line, after "**STUDENTS**" insert a comma; in line 24, strike "**PARAGRAPH (4)**" and substitute "**PARAGRAPHS (4) AND (5)**"; in line 25, strike "**1 WEEK**" and substitute "**3 WEEKS**"; strike beginning with "**PROVISION**" in line 25 down through "**SUBSECTION**" in line 26 and substitute "**SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL**"; and strike beginning with "**WHEN**" in line 27 down through "**MATERIAL**" in line 28 and substitute "**WHEN THE SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL IS FINALIZED**".

On page 9, after line 4, insert:

"**(3) THE INFORMATION MADE AVAILABLE UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION SHALL INCLUDE THE:**

(I) TITLE;

(II) AUTHOR;

(III) PUBLISHER;

(IV) EDITION;

(V) COPYRIGHT DATE AND PUBLICATION DATE, WHEN AVAILABLE;

(VI) ISBN; AND

(VII) ANTICIPATED ENROLLMENT FOR THE COURSE.";

strike beginning with "**THAT**" in line 6 down through "**AND**" in line 7 and substitute a comma; in line 7, after "**STUDENTS**" insert a comma; in line 8, strike "**(3)**" and substitute "**(2)**"; in line 8, after "**IF**" insert "**THE SELECTION OF**"; in line 12, after "**INSTITUTION**" insert "**, CAMPUS BOOKSTORE, OR OTHER BOOKSTORE THAT OFFERS A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL FOR SALE PRIOR TO THE SELECTION BEING FINALIZED**"; in line 12, strike "**A**" and substitute "**:**

1. A";

in line 15, strike the period and substitute "**; AND**

2. THE RETURN POLICY OF THE CAMPUS BOOKSTORE OR OTHER BOOKSTORE, AS APPROPRIATE.

(5) (I) NOTWITHSTANDING PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, UPON REQUEST TO AN INSTITUTION, AN EXTENSION OF TIME MAY BE GRANTED TO A FACULTY MEMBER FROM THE REQUIREMENT TO POST THE SELECTION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL PRIOR TO THE SELECTION BEING FINALIZED.

(II) THE EXTENSION GRANTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE APPROVED BY THE FACULTY DEPARTMENT CHAIR AND THE DEAN OR DIVISION HEAD OF THE INSTITUTION.

(III) THE EXTENSION SHALL INCLUDE A WRITTEN STATEMENT OF EXPLANATION FOR THE EXTENSION.

(IV) AN INSTITUTION SHALL POST THE WRITTEN STATEMENT ON ITS WEBSITE INSTEAD OF THE SELECTION, AS APPROPRIATE.";

strike in their entirety lines 20 through 29, inclusive; and in line 30, strike "**(J)**" and substitute "**(I)**".

On page 10, in line 13, strike ", on" and substitute ":

(a) On";

in line 14, strike "2010" and substitute "2011"; strike beginning with "Governor" in line 15 down through "Assembly," in line 16 and substitute "Maryland Higher Education Commission"; in the same line, strike "students," and substitute "students and"; strike beginning with ", and" in line 18 down through "prices" in line 20; strike beginning with "SECTION" in line 21 down through "(a)" in line 22 and substitute "(b)"; and in line 22, strike "Maryland Higher Education".

On page 11, in line 4, strike "(b)" and substitute "(c)"; in line 4, strike "Maryland Higher Education"; in line 5, after "shall" insert ":

(1) compile the reports required under paragraph (a) of this section; and

(2)";

in the same line, after "submit" insert "to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, the compilation,"; in line 6, strike "(a)" and substitute "(b)"; in the same line, after "section" insert a comma; in the same line, strike "make"; in line 7, strike "and" and substitute a comma; strike beginning with "including" in line 7 down through "Assembly," in line 9 and substitute ", and statewide policy initiatives that will further ameliorate the high cost of undergraduate and graduate education as impacted by textbook prices"; and in line 9, strike "subsection (a) of"; in line 10, strike "4." and substitute "3.".

On page 12, in line 16, strike "5." and substitute "4.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 593 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Board of Trustees – Attendance and Educational Training

SB0593/274561/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 593
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike "use certain leave" and substitute "be on work time"; and in line 12, after "requirement;" insert "requiring the State Retirement Agency to submit certain reports on or before a certain date to the Joint Committee on Pensions;".

AMENDMENT NO. 2

On page 2, strike beginning with "**ON**" in line 24 down through "**MEETING**" in line 25 and substitute "**GIVEN REASONABLE TIME DURING WORK TO ATTEND MONTHLY MEETINGS**"; in line 26 strike "**A**"; and in the same line, strike "**MEETING**" and substitute "**MEETINGS**".

AMENDMENT NO. 3

On page 3, in line 11, strike "(iii)" and substitute "**(4) (I)**"; in line 13, strike "this paragraph" and substitute "**PARAGRAPH (3) OF THIS SUBSECTION**"; and after line 14, insert:

"**(II) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE BOARD OF TRUSTEES SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE TO THE JOINT COMMITTEE ON PENSIONS THAT PROVIDES:**

1. A TOTAL OF ALL TRAVEL EXPENSES FOR THE FISCAL YEAR ENDING IMMEDIATELY PRIOR TO SEPTEMBER 1 FOR:

A. MEMBERS OF THE BOARD OF TRUSTEES; AND

B. STAFF OF THE STATE RETIREMENT AGENCY;

2. THE DESTINATION, DURATION, AND JUSTIFICATION FOR THE TRAVEL;

3. FOR MEMBERS OF THE BOARD OF TRUSTEES, A STATEMENT WHETHER THE TRAVEL WAS MADE FOR PURPOSES OF FIDUCIARY EDUCATIONAL TRAINING; AND

4. FOR STAFF OF THE INVESTMENT DIVISION, A STATEMENT WHETHER THE TRAVEL WAS MADE FOR PURPOSES OF MEETING WITH EXISTING OR PROSPECTIVE INVESTMENT MANAGERS.".

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:

Senate Bill 711 – Senators Mooney, Brinkley, Dyson, and Robey

AN ACT concerning

Trooper Tobin Triebel Life Insurance Memorial Act

SB0711/524266/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 711
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Life Insurance"; in line 6, after "employees;" insert "authorizing the Secretary of State Police and the Secretary of Budget and Management to award certain death benefits and funeral expenses to certain recipients on behalf of certain individuals; requiring that certain death benefits and funeral expenses be paid and funded in a certain manner; providing for the application of certain provisions of this Act; providing for the termination of certain provisions of this Act;"; and strike beginning with "benefit" in line 6 down through "Program" in line 7 and substitute "benefits for public safety employees".

AMENDMENT NO. 2

On page 3, after line 13, insert:

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

(a) This section applies to any individual who, on or after November 1, 2008:

(1) was an active police employee in good standing of the Department of State Police; and

(2) died while participating in off–duty training exercises directly related to maintaining fitness for duty as a police employee employed by the Department of State Police.

(b) (1) The Secretary of State Police may award to the surviving spouse, child, dependent parent, or estate of an individual described in subsection (a) of this section:

(i) a death benefit equal to $125,000; and

(ii) reasonable funeral expenses, not exceeding $10,000.

(2) The Secretary of Budget and Management may award to the surviving spouse, child, dependent parent, or estate of an individual described in subsection (a) of this section a death benefit equal to $50,000.

(c) If the Secretary of State Police and Secretary of Budget and Management determine that the benefits under this section are to be paid, the benefits shall be paid:

(1) to the decedent's surviving spouse;

(2) if no individual is eligible under item (1) of this subsection, to each surviving child of the decedent in equal shares;

(3) if no individual is eligible under item (1) or (2) of this subsection, to the decedent's surviving parent, if the parent was a dependent as defined under § 152 of the Internal Revenue Code; or

(4) if no individual is eligible under item (1), (2), or (3) of this subsection, to the decedent's estate.

(d) (1) Any benefit awarded by the Secretary of State Police under subsection (b)(1) of this section shall be paid and funded in accordance with the benefits provided under § 1–202 of the Public Safety Article.

(2) Any benefit awarded by the Secretary of Budget and Management under subsection (b)(2) of this section shall be paid and funded in accordance with the benefits provided under § 10–404 of the State Personnel and Pensions Article.".

AMENDMENT NO. 3

On page 3, before line 14, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall apply only to all policies and contracts for life insurance coverage issued on or renewed by the State Employee and Retiree Health and Welfare Benefits Program on or after October 1, 2009.".

AMENDMENT NO. 4

On page 3, in line 14, strike "2." and substitute "4."; in line 15, strike "October" and substitute "July"; and in the same line, after "2009." insert "Section 2 of this Act

shall remain effective for a period of 6 months and, at the end of December 31, 2009, 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 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 Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 802 – Senators Klausmeier, Colburn, Dyson, Jacobs, Mooney, Rosapepe, ~~and Stone~~ Stone, and Harris

AN ACT concerning

Higher Education – Edward T. Conroy ~~Tuition Waiver Program – Establishment~~ Memorial Scholarship Program – Alterations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1011 – Senators DeGrange, Currie, Jones, Kasemeyer, and Munson

AN ACT concerning

Department of Transportation – Consolidated Transportation Bonds – Issuance Procedures

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #24

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

House Bill 866 – Delegates Holmes, Barkley, Beidle, McConkey, Niemann, and Sophocleus

AN ACT concerning

Alcoholic Beverages – Issuance, Renewal, and Transfer of Licenses and Permits – Payment of State and Local Taxes

HB0866/643098/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 866
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike "or transferred"; in lines 10 and 13, in each instance, strike "or approving the transfer of"; in line 14, after "circumstances;" insert "authorizing a certain board of license commissioners to approve the transfer of a license but condition the actual issuance of the license to the transferee on verification of certain payments; repealing a certain condition required to be met by the holder of a license with respect to the transfer of the holder's place of business to another location and assignment of the holder's license and transfer of the holder's stock in trade to another person; providing for the application of this Act in certain political subdivisions;".

AMENDMENT NO. 2

On page 2, in line 17, strike "**THE VERIFICATION REQUIRED UNDER**" and substitute "**THE APPLICANT HAS NOT COMPLIED WITH**"; in line 18, strike "**HAS NOT BEEN PROVIDED**"; in line 22, strike "**BEFORE**" and substitute:

"**(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, BEFORE**";

and after line 32, insert:

"**(B) THE BOARD OF LICENSE COMMISSIONERS FROM WHOM APPROVAL OF THE TRANSFER AND ISSUANCE OF A LICENSE IS SOUGHT MAY APPROVE THE TRANSFER BUT CONDITION THE ACTUAL ISSUANCE OF THE LICENSE TO THE TRANSFEREE ON VERIFICATION:**

(1) OF PAYMENT OF ALL UNDISPUTED TAXES PAYABLE TO THE COMPTROLLER AND THE POLITICAL SUBDIVISION WHERE THE ESTABLISHMENT FOR WHICH THE LICENSE IS SOUGHT IS LOCATED; OR

(2) THAT PAYMENT OF THE TAXES DESCRIBED IN ITEM (1) OF THIS SUBSECTION HAS BEEN PROVIDED FOR IN A MANNER SATISFACTORY TO THE GOVERNMENTAL UNIT RESPONSIBLE FOR COLLECTION.

(C) THIS SECTION DOES NOT APPLY IN A POLITICAL SUBDIVISION IF A LAW OR A REGULATION OF THE LIQUOR CONTROL BOARD OF THE POLITICAL JURISDICTION THAT IS AT LEAST AS RESTRICTIVE AS THE VERIFICATION REQUIREMENTS OF THIS SECTION HAS BEEN ENACTED UNDER THIS ARTICLE OR ADOPTED BY THE BOARD.".

AMENDMENT NO. 3

On page 3, in lines 9 and 10, strike "**OR TRANSFERRED**"; in lines 10 and 11, strike "**OR APPROVING THE TRANSFER OF**"; in lines 27 and 28, strike "**OR APPROVE THE TRANSFER OF**"; and after line 28, insert:

"**(C) NOTWITHSTANDING § 10–503(A)(2)(V) OF THIS TITLE, THIS SECTION DOES NOT APPLY IN A POLITICAL SUBDIVISION IF A LAW OR A REGULATION OF THE LIQUOR CONTROL BOARD OF THE POLITICAL JURISDICTION THAT IS AT LEAST AS RESTRICTIVE AS THE VERIFICATION REQUIREMENTS OF THIS SECTION HAS BEEN ENACTED UNDER THIS ARTICLE OR ADOPTED BY THE BOARD.**".

On page 4, strike in their entirety lines 1 and 2; in lines 3 and 6, strike "(iii)" and "(iv)", respectively, and substitute "**(II)**" and "**(III)**", respectively; in line 5, strike the brackets; and strike beginning with the semicolon in line 7 down through "**MET**" in line 9.

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 1175 – Delegates Myers, Beitzel, Boteler, Eckardt, Kelly, Krebs, Miller, Serafini, Stull, Walkup, and Weldon

AN ACT concerning

Electricians, Gas Fitters, HVAC Contractors, and Plumbers – Display of Licenses and License Numbers

HB1175/723796/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1175
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "corporation" insert ", subject to a certain exception,"; in line 5, strike "electrician,"; in line 7, strike "license" and substitute "certificate number"; in line 7, after "services;" insert "prohibiting a county or municipal corporation, subject to certain exceptions, from requiring a certain licensed master electrician to display a certain license number on certain vehicles used for providing certain services;"; in line 8, after "electrician" insert "who holds a certain license or certain licenses"; and in the same line, strike the first "certain" and substitute "State".

AMENDMENT NO. 2

On page 2, in line 18, after "**LICENSE**" insert "**NUMBER**"; and in line 21, after "**NUMBER**" insert "**OR THE COUNTY LICENSE NUMBER**".

AMENDMENT NO. 3

On page 3, in line 16, strike "**A**" and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; in line 17, strike "**LICENSE**" and substitute "**COUNTY OR MUNICIPAL CORPORATION CERTIFICATE NUMBER**"; and after line 19, insert:

"**(2) THIS SUBSECTION DOES NOT APPLY TO BALTIMORE COUNTY OR THE AREAS IN THE STATE UNDER THE JURISDICTION OF THE WASHINGTON SUBURBAN SANITARY COMMISSION.**".

AMENDMENT NO. 4

On page 4, in line 1, strike "**A**" and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; in line 2, strike "**LICENSE**" and substitute "**COUNTY OR MUNICIPAL CORPORATION CERTIFICATE NUMBER**"; and after line 4, insert:

"**(2) THIS SUBSECTION DOES NOT APPLY TO ANNE ARUNDEL COUNTY.**".

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:

Senate Bill 507 – Senators Conway, Colburn, DeGrange, Klausmeier, and Stone

AN ACT concerning

Maryland Locksmiths Act

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:

Senate Bill 597 – Senators Conway, Gladden, Jones, McFadden, ~~and Pugh~~ Pugh, and Dyson

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Electronic Reporting

SB0597/933697/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 597
(Third Reading File Bill)

On page 3, after line 33, insert:

"(1) list by county the name, address, and category of each business that is engaged in the sale of secondhand items;".

On page 4, in lines 1, 3, and 7, strike "(1)", "(2)", and "(3)", respectively, and substitute "(2)", "(3)", and "(4)", respectively.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 684 – Senators Kramer, Astle, DeGrange, Della, Forehand, Jones, Kelley, Klausmeier, Lenett, Madaleno, Pinsky, Pugh, Robey, Rosapepe, ~~and Zirkin~~ Zirkin, Brochin, Haines, Jacobs, Raskin, Muse, Simonaire, and Stone

EMERGENCY BILL

AN ACT concerning

Senior Investment Protection Act

SB0684/303894/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 684
(Third Reading File Bill)

On page 8, in line 33, strike "**11–417(A)(7)**" and substitute "**11–412(A)(7)**".

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:

Senate Bill 751 – ~~Senator Gladden~~ Senators Gladden, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Pipkin, ~~and Pugh~~ Pugh, Currie, Jones, Raskin, Conway, Muse, McFadden, and Harrington

AN ACT concerning

Insurance – Slavery Era Insurance Policies – Reporting

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:

Senate Bill 959 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Regulation and Status

SB0959/613497/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 959
(Third Reading File Bill)

On page 8, in line 29, after "**SHALL,**" insert "**AT LEAST**".

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:

Senate Bill 1036 – Senator Middleton

EMERGENCY BILL

AN ACT concerning

Credit Regulation – Mortgage Loans – Proof of Ability to Repay – Exception

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #20

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

House Bill 686 – Calvert County Delegation

AN ACT concerning

Calvert County – Sheriff – Pension

HB0686/570211/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 686
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Pension" and substitute "Compensation"; in line 4, strike "before" and substitute "after"; in line 5, after "County" insert "for certain periods of employment as the Sheriff of Calvert County;"; strike beginning with "on" in line 6 down through "Act;" in line 8 and substitute "providing that this Act does not apply to the salary or compensation of the incumbent Sheriff of Calvert County;"; and after line 9, insert:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(f)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 1, in line 11, after "That" insert "the Laws of Maryland read as follows"; and strike in their entirety lines 12 through 25, inclusive, and substitute:

"Article – Courts and Judicial Proceedings

2–309.

(f) (1) **(I)** The Sheriff of Calvert County shall receive an annual salary of:

[(i)**]** **1.** $78,000 for calendar year 2006;

[(ii)**]** **2.** $81,000 for calendar year 2007;

[(iii)**]** **3.** $84,000 for calendar year 2008; and

[(iv)**]** **4.** $87,000 for calendar year 2009 and each subsequent calendar year.

(II) 1. ON OR AFTER JANUARY 1, 2011, THE COUNTY COMMISSIONERS MAY PAY TO THE SHERIFF ADDITIONAL COMPENSATION EQUAL TO THE AMOUNT OF CONTRIBUTIONS THE COUNTY COMMISSIONERS WOULD HAVE MADE TO THE CALVERT COUNTY EMPLOYEES' SAVINGS PLAN ON BEHALF OF THE SHERIFF FOR THE YEARS OF SERVICE THE SHERIFF ACCRUED AS THE SHERIFF OF CALVERT COUNTY PRIOR TO JOINING THE CALVERT COUNTY EMPLOYEES' SAVINGS PLAN.

2. THE AMOUNT PAYABLE IN SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY BE MADE IN ONE OR MORE PAYMENTS AS DEEMED APPROPRIATE BY THE COUNTY COMMISSIONERS.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the Sheriff of Calvert County in office on the effective date of this Act, but the provisions of this Act concerning the salary or compensation of

the Sheriff of Calvert County shall take effect at the beginning of the next following term of office.".

AMENDMENT NO. 3

On page 2, in line 1, strike "2." and substitute "3."; and strike beginning with "It" in line 2 down through "effect." in line 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 McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 39 – Senator Harrington

AN ACT concerning

Municipal Corporations – Tax Increment Financing – Application of Bond Proceeds

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:

Senate Bill 98 – ~~Senator Stone~~ Senators Stone, Forehand, ~~and Raskin~~ Raskin, and Lenett

AN ACT concerning

~~Motor Vehicles – Use of Text Messaging Device While Driving – Prohibition~~ The Delegate John Arnick Electronic Communications Traffic Safety Act

SB0098/620117/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 98
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 5, strike ", send, or read" and substitute "or send"; in line 6, strike the first "a"; and in the same line, strike "term" and substitute "terms; providing for the application of this Act".

AMENDMENT NO. 2

On page 2, in line 2, after "**(A)**" insert "**(1)**"; in the same line, strike "**, "TEXT**" and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "9–1–1 SYSTEM" HAS THE MEANING STATED IN § 1–301 OF THE PUBLIC SAFETY ARTICLE.

(3) "TEXT";

in line 6, strike "**A**" and substitute "**SUBJECT TO SUBSECTION (C) OF THIS SECTION, A**"; in lines 6 and 7, strike "**, SEND, OR READ**" and substitute "**OR SEND**"; and after line 8, insert:

"**(C) THIS SECTION DOES NOT APPLY TO THE USE OF:**

(1) A GLOBAL POSITIONING SYSTEM; OR

(2) A TEXT MESSAGING DEVICE TO CONTACT A 9–1–1 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 McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 159 – Senator McFadden (By Request – Baltimore City Administration) and Senator Simonaire

AN ACT concerning

Commercial Real Property – Action to Abate Drug Nuisance – ~~Repeal of~~ Prior Notice Requirement

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:

Senate Bill 265 – The President (By Request – Administration) and Senators Frosh, Robey, Forehand, ~~and Dyson~~ Dyson, Gladden, Jacobs, and Muse

AN ACT concerning

Vehicle Laws – ~~Young Drivers – Driving Privileges~~ Teen Driver Safety

SB0265/540215/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 265
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "license" insert a semicolon.

On page 2, in line 2, after "circumstances;" insert "defining a certain term; altering a certain definition;"; and in line 5, strike "driving" and substitute "driver".

AMENDMENT NO. 2

On page 11, in line 5, after "(a)" insert "**(1)**"; strike beginning with "section" in line 5 down through "individual" in line 6 and substitute "**SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "EDUCATION AND EMPLOYMENT ONLY RESTRICTION" MEANS A RESTRICTION THAT ALLOWS A LICENSED DRIVER TO DRIVE ONLY:

(I) TO OR FROM A SCHOOL CLASS OR AN OFFICIAL SCHOOL ACTIVITY; OR

(II) TO OR FROM, OR IN THE COURSE OF, THE LICENSEE'S EMPLOYMENT.

(3) "OFFENSE" MEANS A MOVING VIOLATION COMMITTED BY AN INDIVIDUAL";

in lines 7, 9, and 11, strike "(1)", "(2)", and "(3)", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; in line 23, after "**MAY**" insert a colon; and strike in their entirety lines 24 through 27, inclusive, and substitute:

"**1. SUSPEND THE OFFENDER'S LICENSE FOR 30 DAYS; AND**

2. IMPOSE, ON COMPLETION OF THE SUSPENSION, AN EDUCATION AND EMPLOYMENT ONLY RESTRICTION ON THE OFFENDER'S LICENSE EFFECTIVE FOR 90 DAYS;".

AMENDMENT NO. 3

On page 12, strike beginning with "**RESTRICT**" in line 8 down through "**TITLE**" in line 10 and substitute "**IMPOSE, ON COMPLETION OF THE SUSPENSION, AN EDUCATION AND EMPLOYMENT ONLY RESTRICTION ON THE OFFENDER'S LICENSE EFFECTIVE FOR 180 DAYS**".

AMENDMENT NO. 4

On page 13, in line 3, strike "a passenger" and substitute a colon; in line 5, strike "under the age of 18 years"; in line 7, strike the period; after line 7 insert:

"**(I) FOR THE FIRST 9 MONTHS AFTER THE PROVISIONAL LICENSE IS ISSUED, A PASSENGER WHO IS** under the age of 18 years**; AND**

(II) AFTER THE EXPIRATION OF THE 9–MONTH PERIOD, MORE THAN ONE PASSENGER WHO IS UNDER THE AGE OF 18 YEARS.";

in line 16, before "stepbrother" insert "or"; and in the same line strike "**, OR COUSIN**".

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:

Senate Bill 277 – The President (By Request – Administration) and Senators Robey, Forehand, Klausmeier, and Peters

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

Favorable report adopted.

FLOOR AMENDMENT

SB0277/433626/1

BY: Delegate Miller

AMENDMENT TO SENATE BILL 277
(Third Reading File Bill)

On page 8, in line 16, strike "**30 DAYS**" and substitute "**6 MONTHS**"; in the same line, strike "**THE FIRST**" and substitute "**EACH**"; and in line 18, strike "**ANY**" and substitute "**THAT**".

On page 27, in line 10, strike ", during" and substitute ":

(1) During";

in the same line, strike "30–day" and substitute "6 month"; in line 11, strike "the first" and substitute "each"; in the same line, strike "in place" and substitute "placed"; in line 12, after "enforced" insert "by that specific work zone speed control system"; and in line 13, after "Act" insert "; and

(2) During the 6–month period after each speed monitoring system is placed, an agency may issue warnings, but may not issue citations for violations enforced by that specific speed monitoring system in accordance with § 21–809 of the Transportation Article, as enacted by this Act".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 38 Negative – 95 (See Roll Call No. 911)

FLOOR AMENDMENT

SB0277/493120/1

BY: Delegate Smigiel

AMENDMENTS TO SENATE BILL 277
(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in lines 16 and 17, strike "providing for a delayed effective date for certain provisions of this Act;".

On page 4, strike in their entirety lines 2 through 7, inclusive.

AMENDMENT NO. 2

On page 4, in line 33, strike "**(I)**"; and in line 36, strike "**1.**" and substitute "**(I)**".

On page 5, in line 1, strike "**2.**" and substitute "**(II)**"; strike beginning with "**SUBJECT**" in line 1 down through "**PROGRAMS**" in line 4 and substitute "**SHALL DISTRIBUTE ANY REMAINING BALANCE TO THE TRANSPORTATION TRUST FUND**"; and strike in their entirety lines 22 through 33, inclusive.

AMENDMENT NO. 3

On page 17, strike beginning with "**DEPARTMENT**" in line 16 down through "**ACTIVITIES**" in line 17 and substitute "**TRANSPORTATION TRUST FUND**".

AMENDMENT NO. 4

On pages 26 and 27, strike in their entirety the lines beginning with line 33 on page 26 through line 9 on page 27, inclusive.

On page 27, strike in their entirety lines 30 and 31; in line 32, strike "9." and substitute "8."; and strike beginning with ", except" in line 32 down through "Act," in line 33.

The preceding 4 amendments were read and rejected by a roll call vote as follows:

Affirmative – 36 Negative – 98 (See Roll Call No. 912)

FLOOR AMENDMENT

SB0277/133429/1

BY: Delegate McDonough

AMENDMENTS TO SENATE BILL 277
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 7, strike "a"; in line 8, strike "fund" and substitute "funds"; and in line 8, after "purposes;" insert "requiring money deposited in a certain special fund to be returned to taxpayers in a certain manner;".

AMENDMENT NO. 2

On page 5, in lines 32 and 33, strike "**THE GENERAL FUND OF THE STATE**" and substitute "**A SPECIAL FUND TO BE USED ONLY AS PROVIDED IN SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH**"; and after line 33, insert:

"**3. THE MONEY DEPOSITED IN THE SPECIAL FUND ESTABLISHED UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH IN ANY FISCAL YEAR SHALL BE RETURNED TO TAXPAYERS IN THE FORM OF A PRORATED STATE INCOME TAX CREDIT ON INDIVIDUAL INCOME TAX RETURNS FILED FOR THE CALENDAR YEAR THAT ENDS DURING THE NEXT FISCAL YEAR.**".

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

Affirmative – 38 Negative – 88 (See Roll Call No. 913)

FLOOR AMENDMENT

SB0277/443327/1

BY: Delegate Conaway

AMENDMENTS TO SENATE BILL 277
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 22, before "repealing" insert "requiring certain agencies to mail a warning instead of a citation except under certain circumstances;".

On page 2, in line 23, after "circumstances;" insert "requiring certain police departments to mail a warning instead of a citation except under certain circumstances;".

AMENDMENT NO. 2

On page 11, in line 16, after "(2)" insert "**(I)**"; in the same line, strike "**AN**" and substitute "**SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN**"; and after line 17, insert:

"**(II) AN AGENCY SHALL MAIL A WARNING NOTICE INSTEAD OF A CITATION TO AN OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION, UNLESS WITHIN THE PRECEDING 12 MONTHS THE OWNER HAS BEEN MAILED TWO OR MORE WARNINGS UNDER THIS PARAGRAPH.**".

On page 22, in line 29, after "**(2)**" insert "**(I)**"; in the same line, strike "**THE**" and substitute "**SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**"; and after line 31, insert:

"**(II) THE LOCAL POLICE DEPARTMENT OR STATE POLICE DEPARTMENT SHALL MAIL A WARNING NOTICE INSTEAD OF A CITATION TO AN OWNER LIABLE UNDER SUBSECTION (C) OF THIS SECTION, UNLESS WITHIN THE PRECEDING 12 MONTHS THE OWNER HAS BEEN MAILED TWO OR MORE WARNINGS UNDER THIS PARAGRAPH.**".

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

Affirmative – 42 Negative – 85 (See Roll Call No. 914)

FLOOR AMENDMENT

SB0277/683321/2

BY: Delegate Conaway

AMENDMENTS TO SENATE BILL 277

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "all" and substitute "certain".

AMENDMENT NO. 2

On page 7, in lines 27 and 28, strike "**IN A LOCAL JURISDICTION**"; in line 28, after "**SECTION**" insert "**:**

1. IN A LOCAL JURISDICTION";

and in line 30, after "**HEARING**" insert "**; OR**

2. IN BALTIMORE CITY".

AMENDMENT NO. 3

On page 19, in line 28, strike "**MAY**" and substitute "**:**

(I) MAY NOT BE USED IN BALTIMORE CITY; AND

(II) MAY";

and in lines 29 and 31, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively.

On page 20, in line 1, strike "**(III)**" and substitute "**3.**".

The preceding 3 amendments were read and rejected.

FLOOR AMENDMENT

SB0277/953724/1

BY: Delegate Shank

AMENDMENTS TO SENATE BILL 277
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 22, before "repealing" insert "requiring that a certain independent calibration of a speed monitoring system be done weekly; requiring a certain technician who performed a certain calibration check on a speed monitoring system to be present at a certain proceeding; requiring the District Court to make a certain finding, and a certain local jurisdiction to make a certain payment, if a calibration check on a speed monitoring system was not performed in a certain time period;".

On page 2, in line 12, after "certain" insert "weekly"; in line 29, after "trial;" insert "requiring a certain technician who performed a certain calibration check on a work zone speed control system to be present at a certain proceeding;"; and in line 34, after "defense;" insert "requiring the District Court to make a certain finding, and a certain jurisdiction to make a certain payment, if a calibration check on a work zone speed monitoring system was not performed in a certain time period;".

AMENDMENT NO. 2

On page 9, in line 24, strike "an annual" and substitute "**A WEEKLY**"; and in line 27, strike "annual" and substitute "**WEEKLY**".

On page 12, after line 9, insert:

"**(3) THE TECHNICIAN WITH THE INDEPENDENT CALIBRATION LABORATORY WHO PERFORMED THE LAST RECORDED WEEKLY CALIBRATION CHECK ON A SPEED MONITORING SYSTEM THAT RECORDED A VIOLATION UNDER THIS SECTION SHALL BE PRESENT AT A PROCEEDING ALLEGING THE VIOLATION TO TESTIFY AS TO THE DATE OF THE LAST WEEKLY CALIBRATION CHECK.**";

and in line 10, strike "(3)" and substitute "**(4)**".

On page 13, after line 13, insert:

"**(5) IF THE DISTRICT COURT FINDS THAT A CALIBRATION OF THE SPEED MONITORING SYSTEM, AS REQUIRED IN SUBSECTION (B)(4) OF THIS SECTION, WAS NOT PERFORMED WITHIN THE 7 DAYS PRECEDING THE RECORDING OF AN ALLEGED VIOLATION OF THIS SECTION:**

(I) THE DISTRICT COURT SHALL MAKE A FINDING THAT NO VIOLATION OCCURRED; AND

(II) THE LOCAL JURISDICTION OPERATING THE SPEED MONITORING SYSTEM SHALL PAY THE PERSON NAMED IN THE CITATION THREE TIMES THE AMOUNT OF THE PENALTY THAT WOULD HAVE BEEN ASSESSED HAD THE COURT IMPOSED A CIVIL PENALTY UNDER THIS SECTION.".

AMENDMENT NO. 3

On page 20, in line 31, strike "**AN ANNUAL**" and substitute "**A WEEKLY**".

On page 21, in line 2, strike "**ANNUAL**" and substitute "**WEEKLY**".

On page 23, after line 29, insert:

"**(3) THE TECHNICIAN WITH THE INDEPENDENT CALIBRATION LABORATORY WHO PERFORMED THE LAST RECORDED WEEKLY CALIBRATION CHECK ON A WORK ZONE SPEED CONTROL SYSTEM THAT RECORDED A VIOLATION UNDER THIS SECTION SHALL BE PRESENT AT A PROCEEDING ALLEGING THE VIOLATION TO TESTIFY AS TO THE DATE OF THE LAST WEEKLY CALIBRATION CHECK.**";

and in line 30, strike "**(3)**" and substitute "**(4)**".

On page 24, after line 36, insert:

"**(5) IF THE DISTRICT COURT FINDS THAT A CALIBRATION OF THE WORK ZONE SPEED CONTROL SYSTEM, AS REQUIRED IN SUBSECTION (B)(6) OF THIS SECTION, WAS NOT PERFORMED WITHIN THE 7 DAYS PRECEDING THE RECORDING OF AN ALLEGED VIOLATION OF THIS SECTION:**

(I) THE DISTRICT COURT SHALL MAKE A FINDING THAT NO VIOLATION OCCURRED; AND

(II) THE JURISDICTION OPERATING THE WORK ZONE SPEED CONTROL SYSTEM SHALL PAY THE PERSON NAMED IN THE CITATION THREE TIMES THE AMOUNT OF THE PENALTY THAT WOULD HAVE BEEN ASSESSED HAD THE COURT IMPOSED A CIVIL PENALTY UNDER THIS SECTION.".

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

Affirmative – 37 Negative – 95 (See Roll Call No. 915)

FLOOR AMENDMENT

SB0277/453421/1

BY: Delegate Impallaria

AMENDMENT TO SENATE BILL 277
(Third Reading File Bill)

On page 4, in line 33, strike "**(I)**"; in the same line, after "**COLLECTED**" insert "**DURING ANY FISCAL YEAR**"; and after line 35, insert:

"**(I) FROM THE FIRST ONE–THIRD OF THE FINES COLLECTED:**".

On page 5, strike beginning with "**SUBJECT**" in line 1 down through "**MAY**" in line 2 and substitute "**MAY**"; in line 4, strike the period and substitute "**; AND**"; and strike in their entirety lines 22 through 33, inclusive, and substitute:

"**(II) SHALL MAINTAIN IN RESERVE ANY BALANCE IN EXCESS OF THE AMOUNT REQUIRED UNDER ITEM (I) OF THIS PARAGRAPH AND SHALL RETURN THAT BALANCE TO TAXPAYERS IN THE FOLLOWING FISCAL YEAR THROUGH A PROPERTY TAX RATE REDUCTION.**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 33 Negative – 97 (See Roll Call No. 916)

FLOOR AMENDMENT

SB0277/473126/2

BY: Delegate Impallaria

AMENDMENT TO SENATE BILL 277
(Third Reading File Bill)

On page 27, in line 30, after "That" insert "the name of each member of the General Assembly who voted in favor of final passage of this Act shall be listed on a citation issued under § 21–809 or § 21–810 of the Transportation Article, as enacted by this Act.

SECTION 9. AND BE IT FURTHER ENACTED, That";

in line 32, strike "9." and substitute "10."; and in line 33, strike "8" and substitute "9".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 33 Negative – 99 (See Roll Call No. 917)

FLOOR AMENDMENT

SB0277/193121/1

BY: Delegate Bates

AMENDMENTS TO SENATE BILL 277
(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in lines 16 and 17, strike "providing for a delayed effective date for certain provisions of this Act" and substitute "providing for the termination of this Act".

On page 4, strike in their entirety lines 2 through 7, inclusive.

AMENDMENT NO. 2

On pages 26 and 27, strike in their entirety the lines beginning with line 33 on page 26 through line 9 on page 27, inclusive.

On page 27, strike in their entirety lines 30 and 31; in line 32, strike "9." and substitute "8."; strike beginning with ", except" in line 32 down through "Act of," in line 33; and in line 33, after "2009." insert "It shall remain effective for a period of 2 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 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 44 Negative – 92 (See Roll Call No. 918)

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 350 – Senators Pinsky and Harrington

SECOND PRINTING

AN ACT concerning

Municipal Corporations – Annexations – Small Parcels

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 473 – Senators Lenett, Garagiola, Harrington, Jones, Madaleno, Pinsky, Pugh, Raskin, and Rosapepe

AN ACT concerning

Environment – Recycling – Public School Plans

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 553 – Senators Lenett, Brinkley, Colburn, Conway, Currie, Forehand, Frosh, Garagiola, Gladden, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Chesapeake Bay Phosphorous Reduction Act of 2009

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 607 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Overdue Water and Sewer Charge – Restoration of Service Penalty

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 657 – Senator Peters

AN ACT concerning

Real Property – New Home Sales Contracts – Financing Contingency Clauses

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:

Senate Bill 859 – Senator Pugh

AN ACT concerning

Vehicle Laws – Advertising Practices – Prohibited Acts

SB0859/620114/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 859
(Third Reading File Bill)

On page 2, in line 30, after "**AND**" insert "**ANY FREIGHT 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:

Senate Bill 915 – Senators Forehand, Madaleno, and Muse

AN ACT concerning

Washington Metropolitan Area Transit Authority – Finance and Governance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

AMENDED IN THE SENATE

House Bill 311 – The Speaker (By Request – Administration) and Delegates Barnes, Feldman, Frick, ~~and Lee~~ Lee, Hixson, Rosenberg, Hucker, Mizeur, Ali, Anderson, Barkley, Barve, Benson, Bobo, Braveboy, Bronrott, Cane, Dumais, Gaines, Gilchrist, Gutierrez, Healey, Hecht, Hubbard, Ivey, Kaiser, Lafferty, Manno, McIntosh, Montgomery, Murphy, Nathan–Pulliam, Pena–Melnyk, Ramirez, Reznik, Rice, Smigiel, Stukes, Taylor, Valderrama, Waldstreicher, and Weldon

AN ACT concerning

~~**Public Safety – Department of State Police – Investigations Affecting First Amendment Rights**~~
Freedom of Association and Assembly Protection Act of 2009

Delegate Vallario moved that the House not concur in the Senate amendments.

HB0311/108876/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 311
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike "chief or designee" and substitute "individual".

AMENDMENT NO. 2

On page 3, in line 9, after "**(6)**" insert "**(I)**"; strike beginning with "**POLICE**" in line 9 down through "**EDUCATION**" in line 11 and substitute "**LAW ENFORCEMENT AGENCY OF A DEPARTMENT, COUNTY, OR A MUNICIPAL CORPORATION OF THE STATE.**

(II) "LAW ENFORCEMENT AGENCY" INCLUDES SHERIFFS";

and in line 25, strike "**AFTERWARDS**".

AMENDMENT NO. 3

On page 4, in line 24, strike "**AN INDIVIDUAL, GROUP, OR ORGANIZATION**" and substitute "**INDIVIDUALS, GROUPS, OR ORGANIZATIONS**"; strike beginning with the colon in line 24 down through "**(I)**" in line 25; and strike beginning with "**; OR**" in line 25 down through "**FRAUD**" in line 32.

AMENDMENT NO. 4

On page 6, in lines 1, 7, and 11, in each instance, strike "**PERSONS**" and substitute "**INDIVIDUALS**"; after line 18, insert:

"(2) (i) contact each individual who has been described in the Case Explorer database as being suspected of involvement in terrorism, or who has been labeled in the Case Explorer database as a terrorist, but as to whom the Department has no reasonable, articulable suspicion of involvement in terrorism;

(ii) afford the individuals described in item (i) of this item an opportunity to review and obtain copies of the relevant database entries; and

(iii) subsequently purge the entries relating to the individuals described in item (i) of this item.";

and strike in their entirety lines 19 through 24, inclusive.

The preceding 4 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0311**
SPONSOR: The Speaker (Admin), et al
SUBJECT: Freedom of Association and Assembly Protection Act of 2009

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Dumais, Chairman
Delegate Valderrama, and
Delegate Frank.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

House Bill 366 – Delegates Rosenberg, Anderson, Braveboy, Carter, Dumais, Pena–Melnyk, Ramirez, V. Turner, Valderrama, and Waldstreicher

AN ACT concerning

Criminal Procedure – Petition for Writ of Actual Innocence – Newly Discovered Evidence

Delegate Vallario moved that the House not concur in the Senate amendments.

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 366
(Third Reading File Bill)

On page 2, in line 7, strike "**SUBSTANTIAL OR**".

The preceding amendment was read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0366**
SPONSOR: Del Rosenberg, et al
SUBJECT: Criminal Procedure – Petition for Writ of Actual Innocence – Newly Discovered Evidence

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Simmons, Chairman
Delegate Conaway, and
Delegate Jennings.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

House Bill 539 – Delegates Branch, Bronrott, Griffith, Jones, and Sossi

AN ACT concerning

Public Safety – Electronic Control Devices – Requirements

Delegate Vallario moved that the House not concur in the Senate amendments.

HB0539/238375/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 539
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "sold" insert ", possessed, or used"; in line 6, after "unless" insert "the electronic control device meets"; in the same line, strike "are met"; in line 9, after "Act;" insert "requiring the Police Training Commission to require that certain curriculum and minimum courses of study include certain training for certain officers; requiring the Correctional Training Commission to require that certain curriculum include certain training for certain officers and to establish certain standards; requiring the Governor's Office of Crime Control and Prevention to submit a certain report to certain committees on or before a certain date;"; strike beginning with "certain" in line 14 down through "terms" in line 15 and substitute "a certain term"; and after line 21, insert:

"BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–207
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 8–208(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, after line 11, insert:

"**(A) IN THIS SECTION, "ELECTRONIC CONTROL DEVICE" MEANS A PORTABLE DEVICE DESIGNED AS A WEAPON CAPABLE OF INJURING, IMMOBILIZING, OR INFLICTING PAIN ON AN INDIVIDUAL BY THE DISCHARGE OF ELECTRICAL CURRENT.**";

strike in their entirety lines 13 through 22, inclusive; strike beginning with "**OR**" in line 27 down through "**§ 5–614**" in line 28 and substitute "**AS DEFINED BY § 14–101**"; and in line 30, after "**MANUFACTURER**" insert "**; AND**

(4) HAS COMPLETED AN ELECTRONIC CONTROL DEVICE SAFETY TRAINING COURSE THAT MEETS THE STANDARDS ESTABLISHED BY THE POLICE TRAINING COMMISSION UNDER § 3–207 OF THE PUBLIC SAFETY ARTICLE".

AMENDMENT NO. 3

On page 3, in line 4, after "**SOLD**" insert "**, POSSESSED, OR USED**"; after line 5, insert:

"**(1) THE ELECTRONIC CONTROL DEVICE AND ANY CARTRIDGE ATTACHED TO THE ELECTRONIC CONTROL DEVICE EACH DISPLAY A SERIAL NUMBER; AND**

(2) THE ELECTRONIC CONTROL DEVICE HAS A TRACKING SYSTEM THAT ALLOWS LAW ENFORCEMENT TO FIND THE ORIGINAL OWNER OF THE ELECTRONIC CONTROL DEVICE.";

strike in their entirety lines 6 through 15, inclusive; in line 25, after the second "**A**" insert "**FELONY**"; in the same line, strike "**CRIME OF VIOLENCE**"; and after line 31, insert:

"Article – Public Safety

3–207.

Subject to the authority of the Secretary, the Commission has the following powers and duties:

(1) to establish standards for the approval and continuation of approval of schools that conduct police entrance–level and in–service training courses

required by the Commission, including State, regional, county, and municipal training schools;

(2) to approve and issue certificates of approval to police training schools;

(3) to inspect police training schools;

(4) to revoke, for cause, the approval or certificate of approval issued to a police training school;

(5) to establish the following for police training schools:

(i) curriculum;

(ii) minimum courses of study;

(iii) attendance requirements;

(iv) eligibility requirements;

(v) equipment and facilities;

(vi) standards of operation; and

(vii) minimum qualifications for instructors;

(6) to require, for entrance–level police training and at least every 3 years for in–service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of the criminal laws concerning rape and sexual offenses, including:

(i) the sexual abuse of children;

(ii) related evidentiary procedures; and

(iii) the contact with and treatment of victims of these crimes;

(7) to certify and issue appropriate certificates to qualified instructors for police training schools authorized by the Commission to offer police training programs;

(8) to verify that police officers have satisfactorily completed training programs and issue diplomas to those police officers;

(9) to conduct and operate police training schools authorized by the Commission to offer police training programs;

(10) to make a continuous study of entrance–level and in–service training methods and procedures;

(11) to consult with and accept the cooperation of any recognized federal, State, or municipal law enforcement agency or educational institution;

(12) to consult and cooperate with universities, colleges, and institutions in the State to develop specialized courses of study for police officers in police science and police administration;

(13) to consult and cooperate with other agencies and units of the State concerned with police training;

(14) to develop, with the cooperation of the Office of the Chief Medical Examiner and the Federal Bureau of Investigation, a uniform missing person report form to be available for use by each law enforcement agency of the State on or before October 1, 2008; **[**and**]**

(15) TO REQUIRE, FOR ENTRANCE–LEVEL POLICE TRAINING AND ANNUALLY FOR IN–SERVICE LEVEL POLICE TRAINING CONDUCTED BY THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE, FOR POLICE OFFICERS WHO ARE ISSUED AN ELECTRONIC CONTROL DEVICE BY A LAW ENFORCEMENT AGENCY, SPECIAL TRAINING IN THE PROPER USE OF ELECTRONIC CONTROL DEVICES, AS DEFINED IN § 4–109 OF THE CRIMINAL LAW ARTICLE, CONSISTENT WITH ESTABLISHED LAW ENFORCEMENT STANDARDS AND FEDERAL AND STATE CONSTITUTIONAL PROVISIONS;

(16) TO ESTABLISH STANDARDS FOR AN ELECTRONIC CONTROL DEVICE SAFETY TRAINING COURSE THAT MUST BE COMPLETED UNDER § 4–109 OF THE CRIMINAL LAW ARTICLE; AND

[(15)**] (17)** to perform any other act that is necessary or appropriate to carry out the powers and duties of the Commission under this subtitle.

Article – Correctional Services

8–208.

(a) Subject to the authority of the Secretary, the Commission has the following powers and duties:

(1) to prescribe standards for the approval and continuation of approval of schools that conduct correctional, parole, or probation entrance level and in–service training courses required by the Commission, including State, regional, county, and municipal training schools;

(2) to approve and issue certificates of approval to correctional training schools;

(3) to inspect correctional training schools;

(4) to revoke, for cause, any approval or certificate of approval issued to a correctional training school;

(5) to prescribe the following for correctional training schools:

(i) curriculum**, INCLUDING ENTRANCE–LEVEL AND ANNUAL TRAINING IN THE PROPER USE OF ELECTRONIC CONTROL DEVICES, FOR POLICE OFFICERS WHO ARE ISSUED AN ELECTRONIC CONTROL DEVICE BY A LAW ENFORCEMENT AGENCY, AS DEFINED IN § 4–109 OF THE CRIMINAL LAW ARTICLE, CONSISTENT WITH ESTABLISHED LAW ENFORCEMENT STANDARDS AND FEDERAL AND STATE CONSTITUTIONAL PROVISIONS**;

(ii) courses of study;

(iii) attendance requirements;

(iv) eligibility requirements;

(v) equipment and facilities;

(vi) standards of operation; and

(vii) minimum qualifications for instructors;

(6) to certify and issue appropriate certificates to qualified instructors for approved correctional training schools;

(7) to certify and issue appropriate certificates to correctional officers who have satisfactorily completed training programs;

(8) to conduct and operate approved correctional training schools;

(9) to adopt regulations necessary to carry out this subtitle, including regulations that establish and enforce standards for prior substance abuse by individuals applying for certification as a correctional officer;

(10) to make a continuous study of correctional training methods and procedures for all correctional training schools;

(11) to consult with and accept the cooperation of any recognized federal, State, or municipal correctional agency or educational institution;

(12) to consult and cooperate with universities, colleges, and institutions to develop all general and specialized courses of study for correctional officers;

(13) to consult and cooperate with other units of the State concerned with correctional training;

(14) subject to subsection (b) of this section, to develop and implement specific program design and appropriate course curriculum and training for Department of Juvenile Services employees; and

(15) to perform any other act that is necessary or appropriate to carry out this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2011, the Governor's Office of Crime Control and Prevention shall report to the Senate Judicial Proceedings Committee and the House Judiciary Committee, in accordance with § 2–1246 of the State Government Article, on the compliance by electronic control device manufacturers with the relevant requirements and provisions of this Act.".

AMENDMENT NO. 4

On page 7, in lines 17 and 21, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively.

The preceding 4 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0539**
SPONSOR: Del Branch, et al
SUBJECT: Public Safety – Electronic Control Devices – Requirements

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Rosenberg, Chairman
Delegate Barnes, and
Delegate McConkey.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #13

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 503 – Delegates Kipke, Ali, Barkley, Benson, Cardin, Carr, Costa, Donoghue, Eckardt, Elliott, Elmore, Frush, George, Haddaway, Howard, Hubbard, Kach, Krebs, Kullen, Myers, Olszewski, Pena–Melnyk, Reznik, Riley, Robinson, Schuh, Shewell, Sophocleus, Sossi, Stocksdale, Taylor, F. Turner, Waldstreicher, and Weldon

AN ACT concerning

Health – Maryland Commission on Autism

HB0503/566686/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 503
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Weldon" and substitute "Weldon, Hammen, Bromwell, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Tarrant, V. Turner, and Manno"; strike beginning with "requiring" in line 11 down through "designate" in line 12 and substitute "requiring the Department of Health and Mental Hygiene and the State Department of Education to provide".

AMENDMENT NO. 2

On page 2, in line 21, strike "**AND**"; after line 21, insert:

"**(6) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S DESIGNEE;**

(7) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE; AND";

in line 22, strike "**(6)**" and substitute "**(8)**"; in the same line, strike "**17**"; and in line 25, after "**STATE**" insert "**WHO HAVE CLINICAL AND RESEARCH EXPERTISE RELATING TO BOTH CHILDREN AND ADULTS WITH AUTISM**".

On page 3, strike line 1 in its entirety; in line 2, strike "**(IV)**" and substitute "**(III)**"; and strike line 3 in its entirety and substitute:

"**(IV) A SCHOOL PSYCHOLOGIST;**".

AMENDMENT NO. 3

On page 3, in lines 4, 5, 9, and 13, strike "**(VI)**", "**(VII)**", "**(VIII)**", and "**(X)**", respectively, and substitute "**(V)**", "**(VI)**", "**(VII)**", and "**(IX)**", respectively; in line 4, strike "**PRIMARY CARE PHYSICIAN**" and substitute "**PHYSICIAN SPECIALIZING IN PEDIATRICS WHO PRACTICES IN THE STATE**"; in line 7, strike the first "**18**" and substitute "**21**"; strike beginning with "**AN**" in line 7 down through "**OLD**" in line 8 and substitute "**A TRANSITIONING YOUTH WITH AUTISM**"; in line 9, strike "**INDIVIDUALS**" and substitute "**ADULTS**"; strike lines 11 and 12 in their entirety and substitute:

"**(VIII) A REPRESENTATIVE FROM AN ASSOCIATION OF PROVIDERS OF SERVICES TO INDIVIDUALS WITH AUTISM AND OTHER DEVELOPMENTAL DISABILITIES;**";

in line 13, strike "**THREE**" and substitute "**TWO**"; in line 15, after "**DISORDERS**" insert "**AND WHO TOGETHER REPRESENT THE PROVISION OF LIFESPAN SERVICES**"; in the same line, strike "**AND**"; strike in their entirety lines 16 and 17 and substitute:

"**(X) A REPRESENTATIVE OF THE MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL;**";

after line 17, insert:

"**(XI) A PHYSICAL THERAPIST LICENSED BY THE STATE BOARD OF PHYSICAL THERAPY EXAMINERS;**

(XII) AN OCCUPATIONAL THERAPIST LICENSED BY THE STATE BOARD OF OCCUPATIONAL THERAPY PRACTICE;

(XIII) A REPRESENTATIVE OF A LABOR ORGANIZATION THAT REPRESENTS EMPLOYEES WHO PROVIDE SERVICES TO INDIVIDUALS WITH AUTISM SPECTRUM DISORDERS; AND

(XIV) A REPRESENTATIVE OF A HEALTH INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION THAT DOES BUSINESS IN THE STATE.";

in line 18, after "**(B)**" insert "**(1)**"; and after line 21, insert:

"**(2) TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO THE COMMISSION SHALL REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE.**".

AMENDMENT NO. 4

On page 4, strike beginning with "**THE**" in line 9 down through "**DESIGNATE**" in line 10 and substitute "**THE DEPARTMENT AND THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE**"; in line 21, strike "**AND**"; and in line 23, after "**AWARENESS**" insert "**; AND**

(4) REVIEW THE FINDINGS OF ANY SUMMIT OR CONFERENCE CONVENED BY THE STATE REGARDING AUTISM SPECTRUM DISORDERS".

AMENDMENT NO. 5

On page 5, strike in their entirety lines 9 through 12, inclusive, and substitute:

"**(5) DEVELOP RECOMMENDATIONS TO ADDRESS THE TRANSITION OF CHILDREN AGING OUT OF THE AUTISM MEDICAID WAIVER;**";

in line 15, strike "**AND**"; in line 19, after "**INTERVENTION**" insert "**;**

(8) EVALUATE PROGRAMS THAT CURRENTLY EXIST IN OTHER STATES TO DETERMINE HOW SIMILAR PROGRAMS IN THE STATE COULD BENEFIT INDIVIDUALS WITH AUTISM SPECTRUM DISORDERS; AND

(9) DEVELOP RECOMMENDATIONS FOR FACILITATING THE COORDINATION OF RESEARCH OPPORTUNITIES BETWEEN INSTITUTIONS AND EDUCATION AND HEALTH AGENCIES TO SUPPORT RESEARCH IN ALL AREAS OF AUTISM";

after line 22, insert:

"**(2) EVALUATE THE PILOT PROGRAM TO STUDY AND IMPROVE SCREENING PRACTICES FOR AUTISM DISORDERS AND MAKE RECOMMENDATIONS ON WHETHER A SIMILAR PROGRAM SHOULD BE IMPLEMENTED STATEWIDE;**";

in lines 23, 26, and 30, respectively, strike "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(3)**", "**(4)**", and "**(5)**", respectively; in line 25, strike "**AND TREATMENT**" and substitute "**TREATMENT, AND SERVICE**"; in line 29, strike "**STATE**" and substitute "**STATE'S**"; in the same line, strike the comma; in the same line, strike the second "**AND**"; and in line 33, after "**DATA**" insert "**; AND**

(6) STUDY AND MAKE RECOMMENDATIONS RELATED TO ANY ISSUE RELATED TO AUTISM SPECTRUM DISORDERS THAT IS CONSIDERED NECESSARY BY THE COMMISSION".

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 691 – Delegates Murphy, Branch, Jameson, Kullen, Levy, and Proctor

AN ACT concerning

Maryland Native American Status – Standards for Recognition

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 1275 – Delegate Nathan–Pulliam

AN ACT concerning

Health Occupations Boards – Revisions

HB1275/146987/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1275
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Nathan–Pulliam" and substitute "Delegates Nathan–Pulliam, Benson, Montgomery, Oaks, Pena–Melnyk, Tarrant, and V. Turner"; in line 8, after "diversity;" insert "requiring certain health occupations boards to collaboratively develop certain training and materials for certain board members;"; in line 9, strike "executive"; strike beginning with "requiring" in line 10 down through "subpoenas;" in line 11; in line 11, after "requiring" insert "that after certain consultation and to the extent permitted by certain resources,"; in the same line, strike "to"; in line 15, after "charges" insert "based solely on certain complaints the board receives"; in line 16, after "that" insert "are authorized to"; in line 18, strike "preliminary"; strike beginning with "determine" in line 19 down through "meetings;" in line 21 and substitute "consider certain reports and responses before taking certain action;"; in line 26, strike "final"; strike beginning with "requiring" in line 27 down through "circumstances;" in line 30; and in line 31, strike "certain" and substitute "the timeliness of complaint resolution for certain health occupations boards;".

On page 2, strike beginning with "compliance" in line 1 down through "Services;" in line 15 and substitute "requiring the Secretary to establish certain guidelines on or before a certain date; requiring certain health occupations boards to collaborate with the Office of the Attorney General to make certain information available to the public concerning certain roles for assistant attorneys general; establishing that certain departure from sanctioning guidelines, failure to meet certain timeliness goals, and noncompliance with certain guidelines concerning certain roles for assistant attorneys general may not be grounds for certain hearings or

appeals; requiring the Secretary and health occupations boards to make certain reports to certain committees of the General Assembly on or before certain dates; providing for the construction and the application of this Act;"; in line 19, strike "1–610" and substitute "1–609"; and strike beginning with the semicolon in line 20 down through "Positions"" in line 23.

AMENDMENT NO. 2

On page 3, in line 4, strike "**EACH HEALTH OCCUPATIONS BOARD**" and substitute "**THE HEALTH OCCUPATIONS BOARDS**"; in line 5, after "**DEVELOP**" insert "**COLLABORATIVELY**"; in line 9, after "**EACH**" insert "**ADMINISTRATIVE OR**"; strike in their entirety lines 21 through 25, inclusive; in line 26, strike "**1–603.**" and substitute "**1–602.**"; in line 27, strike "**EACH**" and substitute "**AFTER CONSULTATION WITH THE SECRETARY AND TO THE EXTENT PERMITTED BY EXISTING ADMINISTRATIVE AND FISCAL RESOURCES, EACH**"; in line 28, strike the colon and substitute a period; and in line 29, strike "**A**" and substitute "**TO THE EXTENT DEEMED PRACTICABLE BY EACH BOARD, A**".

AMENDMENT NO. 3

On page 4, strike in their entirety lines 6 through 8, inclusive; in lines 9 and 28, strike "**1–604.**" and "**1–605.**", respectively, and substitute "**1–603.**" and "**1–604.**", respectively; and in line 12, strike "**IF THE BOARD RECEIVES THE INITIAL COMPLAINT**" and substitute "**BASED SOLELY ON EVENTS CONTAINED IN A COMPLAINT THE BOARD RECEIVES**".

AMENDMENT NO. 4

On page 5, strike in their entirety lines 1 through 15, inclusive, and substitute:

"**(A) IF A STATUTE AUTHORIZES A HEALTH OCCUPATIONS BOARD TO USE A SYSTEM OF PEER REVIEW IN STANDARD OF CARE CASES AND THE PEER REVIEWER OR PEER REVIEWERS DETERMINE THAT THERE HAS BEEN A VIOLATION OF A STANDARD OF CARE, THE BOARD SHALL PROVIDE THE LICENSEE OR CERTIFICATE HOLDER UNDER INVESTIGATION WITH AN OPPORTUNITY TO REVIEW THE FINAL PEER REVIEW REPORT AND PROVIDE THE BOARD WITH A WRITTEN RESPONSE WITHIN 10 BUSINESS DAYS AFTER THE REPORT WAS SENT TO THE LICENSEE OR CERTIFICATE HOLDER.**

(B) IF A HEALTH OCCUPATIONS BOARD RECEIVES A WRITTEN RESPONSE TO A FINAL PEER REVIEW REPORT, THE BOARD SHALL CONSIDER BOTH THE REPORT AND RESPONSE BEFORE TAKING ANY ACTION.";

and in lines 16 and 23, strike "**1–606.**" and "**1–607.**", respectively, and substitute "**1–605.**" and "**1–606.**", respectively.

AMENDMENT NO. 5

On page 6, in line 5, before "**TO**" insert "**(1)**"; in line 7, strike "**IN DETAIL**"; after line 7, insert:

"**(2) A DEPARTURE FROM THE GUIDELINES ALONE IS NOT GROUNDS FOR ANY HEARING OR APPEAL OF ANY BOARD ACTION.**";

in line 8, strike "**1–608.**" and substitute "**1–607.**"; in line 9, strike "**(A) ON OR AFTER OCTOBER 1, 2009, EACH**" and substitute "**EACH**"; in line 10, after "**POST**" insert "**ON THE BOARD'S WEBSITE**"; in the same line, after "**FINAL**" insert "**, PUBLIC**"; and in line 11, strike "**ON THE BOARD'S WEBSITE**".

AMENDMENT NO. 6

On pages 6 through 8, strike in their entirety the lines beginning with line 12 on page 6 through line 8 on page 8, inclusive, and substitute:

"**1–608.**

(A) THE SECRETARY SHALL MONITOR THE TIMELINESS OF COMPLAINT RESOLUTION FOR EACH HEALTH OCCUPATIONS BOARD.

(B) (1) ON OR BEFORE OCTOBER 1, 2011, THE SECRETARY SHALL ESTABLISH GOALS FOR THE TIMELINESS OF COMPLAINT RESOLUTION FOR ALL OF THE BOARDS, A GROUP OF BOARDS, OR A SPECIFIC BOARD, INCLUDING:

(I) AFTER A COMPLAINT IS FILED WITH A BOARD, A GOAL FOR THE LENGTH OF TIME A BOARD HAS TO COMPLETE AN INVESTIGATION AND DETERMINE WHETHER TO BRING CHARGES;

(II) AFTER A BOARD MAKES A DECISION TO CHARGE, A GOAL FOR THE LENGTH OF TIME A BOARD HAS TO ISSUE CHARGES;

(III) AFTER A BOARD ISSUES CHARGES, A GOAL FOR THE LENGTH OF TIME A BOARD HAS TO SCHEDULE A HEARING; AND

(IV) AFTER THE DATE OF AN OPINION FROM THE OFFICE OF ADMINISTRATIVE HEARINGS, OR THE FINAL DAY OF ANY HEARING, A GOAL FOR THE LENGTH OF TIME A BOARD HAS TO ISSUE A FINAL DECISION.

(2) WHEN DETERMINING THE TIME FRAMES FOR COMPLAINT RESOLUTION, THE SECRETARY SHALL CONSIDER:

(I) THE ADMINISTRATIVE AND FISCAL CONSTRAINTS OF EACH HEALTH OCCUPATIONS BOARD; AND

(II) THE RECOMMENDATIONS FROM THE TASK FORCE ON DISCIPLINE OF HEALTH CARE PROFESSIONALS AND IMPROVED PATIENT CARE.

(3) THE GOALS ESTABLISHED BY THE SECRETARY IN ACCORDANCE WITH THIS SECTION ARE NONBINDING AND FAILURE TO MEET THE GOALS MAY NOT BE USED AS GROUNDS FOR ANY HEARING OR APPEAL OF ANY BOARD ACTION.

(C) ON OR BEFORE OCTOBER 1, 2011, THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON THE GOALS FOR THE TIMELINESS OF COMPLAINT RESOLUTION ESTABLISHED UNDER THIS SECTION.

1–609.

(A) EACH HEALTH OCCUPATIONS BOARD SHALL COLLABORATE WITH THE OFFICE OF THE ATTORNEY GENERAL TO MAKE GUIDELINES AVAILABLE TO

THE PUBLIC CONCERNING THE SEPARATE ROLES FOR ASSISTANT ATTORNEYS GENERAL AS COUNSEL AND PROSECUTOR FOR THE BOARD.

(B) NONCOMPLIANCE WITH THE GUIDELINES MADE AVAILABLE UNDER THIS SECTION MAY NOT BE USED AS GROUNDS FOR ANY HEARING OR APPEAL OF ANY BOARD ACTION.".

On pages 8 through 10, strike in their entirety the lines beginning with line 9 on page 8 through line 5 on page 10, inclusive.

AMENDMENT NO. 7

On page 10, after line 5, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2010, each health occupations board 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:

(1) its success in meeting the goals and requirements of this Act;

(2) recommendations, in keeping with the language from the Report of the Task Force on Discipline of Health Care Professionals and Improved Patient Care, for providing, under appropriate circumstances, a procedure through which a licensee may petition to have a final public order determined to be of no further legal relevancy or expunged from the board's public record; and

(3) ways in which separation of the board's disciplinary functions can be further achieved.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to diminish, alter, or enhance the existing authority of any party to exercise any responsibility in the appointment of membership to any health occupations board, as provided by the Health Occupations Article.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as otherwise provided by law, 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 complaint made to a health occupations board before the effective date of this Act.";

and in line 6, strike "2." and substitute "5.".

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1460 – Delegate Hubbard

EMERGENCY BILL

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – Massage Therapy Advisory Committee

HB1460/376380/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1460
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Massage Therapy Advisory Committee" and substitute "Terms of Members".

AMENDMENT NO. 2

On page 1, strike beginning with "reestablishing" in line 4 down through "Committee;" in line 6 and substitute "altering the terms of certain members of the Massage Therapy Advisory Committee;"; in line 7, strike "providing for the termination of this Act;"; and in line 8, strike "the reestablishment" and substitute "altering the terms of members".

AMENDMENT NO. 3

On page 1, strike in their entirety lines 9 through 23, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Chapter 242 of the Acts of the General Assembly of 2008
Section 2".

AMENDMENT NO. 4

On pages 1 through 4, strike in their entirety the lines beginning with line 26 on page 1 through line 10 on page 4, inclusive.

AMENDMENT NO. 5

On page 4, after line 10, insert:

"Chapter 242 of the Acts of 2008

SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall appoint one chiropractor member and three massage therapist members to the State Board of Chiropractic and Massage Therapy Examiners in accordance with § 3–202 of the Health Occupations Article, as enacted by Section 1 of this Act. The terms of the members are as follows:

(1) the one chiropractor member and one massage therapist member shall serve for a term of 2 years **AND 2 MONTHS** which shall begin on **[**July 1, 2009**]** **MAY 1, 2009,** and shall terminate at the end of June 30, 2011, and the members shall serve until a successor is appointed and qualifies; and

(2) the two massage therapist members shall serve for a term of 4 years **AND 2 MONTHS** which shall begin on **[**July 1, 2009**]** **MAY 1, 2009**, and shall terminate at the end of June 30, 2013**,** and the members shall serve until a successor is appointed and qualifies.".

AMENDMENT NO. 6

On page 4, strike beginning with "It" in line 15 down through "effect." in line 17.

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 reported favorably:

Senate Bill 8 – Senator Haines

AN ACT concerning

Insurance – Unfair and Deceptive Practices – Limit on Offer, Promise, or Gift of Valuable Consideration Not Specified in a Contract or Policy

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:

Senate Bill 63 – Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Oral Health Safety Net Program – Sunset Repeal

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:

Senate Bill 132 – Senators Conway, Colburn, Dyson, Harrington, and Pinsky

AN ACT concerning

Department of General Services – Renovation of Historic Structures – Procurement Exemptions

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:

Senate Bill 242 – Senators Pugh, Garagiola, Harrington, King, Lenett, Muse, ~~and Raskin~~ Raskin, and Klausmeier

AN ACT concerning

~~Pharmacy Permit Holders – Signs for Reporting~~ Dispensation of Prescription Medication – Provision of Information Relating to Incorrectly Filled Prescriptions

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:

Senate Bill 309 – Senator Conway

AN ACT concerning

State Board of Pharmacy – Pharmacy Permit – Term and Renewal

SB0309/176281/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 309
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 3 down through "permit" in line 5 and substitute "altering the date by which the State Board of Pharmacy is required to send certain renewal notices to pharmacy permit holders; repealing a requirement that the State Board send a renewal application form to each pharmacy permit holder".

AMENDMENT NO. 2

On page 2, in line 1, strike the bracket; and strike beginning with "November" in line 2 down through "**EXPIRES**" in line 3 and substitute "**OCTOBER 1 OF THE YEAR THE PERMIT EXPIRES**".

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:

Senate Bill 464 – Senators Edwards, Colburn, Mooney, Munson, and Stoltzfus

AN ACT concerning

Maryland Trauma Physician Services Fund – Rural Trauma Centers – Reimbursement

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:

Senate Bill 471 – Senator Kelley

AN ACT concerning

~~**Assisted Living Managers – Certification Requirement**~~

State Board of Examiners of Nursing Home Administrators – Composition and Executive Director

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:

Senate Bill 602 – Senators Pinsky, Colburn, Conway, Dyson, Harrington, Lenett, ~~and Rosapepe~~ Rosapepe, and Middleton

AN ACT concerning

Dental Hygienists – Expanded Functions

SB0602/456983/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 602

(Third Reading File Bill)

On page 2, strike in their entirety lines 17 and 18; and in lines 19 and 21 strike "**(9)**" and "**(10)**", respectively, and substitute "**(8)**" and "**(9)**", respectively.

On page 3, strike in their entirety lines 22 through 27, inclusive; and in line 28, strike "**(IX)**" and substitute "**(VIII)**".

On page 4, in lines 3 and 5, strike "**(X)**" and "**(XI)**", respectively, and substitute "**(IX)**" and "**(X)**", respectively.

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:

Senate Bill 628 – Senators Dyson and Middleton

AN ACT concerning

Health Occupations – Licensure of Social Workers

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:

Senate Bill 636 – Senator Middleton

AN ACT concerning

Health Insurance – Required Report and Repeal of Obsolete Provisions

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:

Senate Bill 776 – Senator Della

AN ACT concerning

Health Services Cost Review Commission – Financial Assistance and Debt Collection Policies

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:

Senate Bill 789 – Senator Klausmeier

EMERGENCY BILL

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – ~~Massage Therapy Advisory Committee~~ Terms of Members

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:

Senate Bill 808 – Senator Colburn

AN ACT concerning

Milk Products – Pilot Farmstead Cheese Program – Permits

SB0808/676088/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 808
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Permits" and substitute "Repeal of Sunset"; strike beginning with "repealing" in line 3 down through "program;" in line 5 and substitute "repealing the termination of certain provisions of law relating to farmstead cheese production and to the pilot farmstead cheese program; requiring the Department of Health and Mental Hygiene to submit a certain report to the Governor and General Assembly on or before a certain date; making a technical change;"; and after line 16, insert:

"BY repealing and reenacting, with amendments,
Chapter 437 of the Acts of the General Assembly of 2007, as amended by Chapter 332 of the Acts of the General Assembly of 2008
Section 2

BY repealing and reenacting, with amendments,
Chapter 332 of the Acts of the General Assembly of 2008
Section 2".

AMENDMENT NO. 2

On page 2, in line 25, strike "5–year".

On page 3, in line 5, strike the brackets; after line 20, insert:

"Chapter 437 of the Acts of 2007, as amended by
Chapter 332 of the Acts of 2008

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007. **[**It shall remain effective for a period of 7 years and, at the end of September 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.**]**

Chapter 332 of the Acts of 2008

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008. **[**It shall remain effective for a period of 6 years and, at the end of September 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.**]**

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the Department of Health and Mental Hygiene shall submit a report on the

status of the farmstead cheese program to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.";

and in line 21, 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 Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 1039 – Senators Currie, Harrington, Miller, Muse, Peters, Pinsky, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

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:

Senate Bill 1054 – Senator Lenett

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #14

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

Senate Bill 99 – ~~Senator Stone~~ Senators ~~Stone and Simonaire~~ Stone, Simonaire, Jacobs, and Kramer

AN ACT concerning

Criminal Law – Possession of Child Pornography – Penalties

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:

Senate Bill 266 – The President (By Request – Administration) and Senators Frosh ~~and Lenett~~, Lenett, Brochin, Forehand, Gladden, Muse, Raskin, and Simonaire

AN ACT concerning

~~**Public Safety – Department of State Police – Investigations Affecting First Amendment Rights**~~

Freedom of Association and Assembly Protection Act of 2009

SB0266/612216/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 266
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike "individual" and substitute "chief or designee".

AMENDMENT NO. 2

On page 3, in line 6, strike "**(I)**"; strike beginning with "**LAW**" in line 6 down through "**SHERIFFS**" in line 9 and substitute "**POLICE DEPARTMENT OF THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION**"; in line 15, strike "**INDIVIDUALS**" and substitute "**PERSONS**"; and in line 23, after "**PRACTICABLE**" insert "**AFTERWARDS**".

AMENDMENT NO. 3

On page 4, in line 18, strike "**INDIVIDUALS, GROUPS, OR ORGANIZATIONS THAT**" and substitute "**A PERSON, GROUP, OR ORGANIZATION IF:**

(1) THE INFORMATION";

and in line 19, after "**INVESTIGATION**" insert "**; OR**

(2) THE LAW ENFORCEMENT AGENCY DOES NOT HAVE A REASONABLE ARTICULABLE SUSPICION THAT THE PERSON, GROUP, OR ORGANIZATION ADVOCATES, SUPPORTS, OR ENCOURAGES THE VIOLATION OF ANY FEDERAL, STATE, OR LOCAL CRIMINAL LAW THAT PROHIBITS ACTS OF TERRORISM, RACKETEERING ACTIVITY, AS DEFINED IN 18 U.S.C. § 1961, VIOLENCE, EXTORTION, DESTRUCTION OF PROPERTY, INTIMIDATION, HARASSMENT, OBSTRUCTION OF JUSTICE, OR FRAUD".

AMENDMENT NO. 4

On page 4, in line 28, strike "**AN INDIVIDUAL**" and substitute "**A PERSON**".

On page 5, in lines 23, 29, and 33, in each instance, strike "**INDIVIDUALS**" and substitute "**PERSONS**".

AMENDMENT NO. 5

On page 6, strike in their entirety lines 7 through 14, inclusive, and substitute:

"(2) contact all persons who have been described in the Case Explorer database as being suspected of involvement in terrorism, or who have been labeled in the Case Explorer database as a terrorist, but as to whom the Department has no reasonable, articulable suspicion of involvement in terrorism; afford those persons an opportunity to review and obtain copies of the relevant database entries; and subsequently purge those entries.".

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 reported favorably:

Senate Bill 303 – Senators Kramer, Astle, Madaleno, Robey, ~~and Rosapepe~~ Rosapepe, Frosh, Gladden, Brochin, Forehand, Haines, Jacobs, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Silver Alert Program – Establishment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 601 – ~~Senator Zirkin~~ Senators Zirkin, Brochin, Forehand, Gladden, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Domestic Violence – Temporary Protective Orders – Extension

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:

Senate Bill 613 – Senators Gladden, Brochin, Conway, Dyson, Kramer, Madaleno, Munson, Muse, Peters, Pipkin, Raskin, Robey, Rosapepe, Stone, ~~and Zirkin~~ Zirkin, and Simonaire

AN ACT concerning

CINA, Guardianship, Adoption, Custody, and Visitation – Disability of Parent, Guardian, Custodian, or Party

SB0613/292019/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 613
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "prohibiting" in line 4 down through "circumstances" in line 6 and substitute "establishing that, in making a disposition on a child in need of assistance (CINA) petition, a disability of the child's parent, guardian, or custodian is relevant only to a certain extent; establishing that, in determining whether to grant custody and guardianship of a CINA to a relative or nonrelative, a disability of the relative or nonrelative is relevant only to a certain extent"; strike beginning with "prohibiting" in line 16 down through "circumstances" in line 18 and substitute "establishing that, in any custody or visitation proceeding, a disability of a party is relevant only to a certain extent"; in line 18, after "term;" insert "altering a certain definition;"; and in line 23, strike "and 3–819.2(a)".

On page 2, in line 5, strike "3–819.2(g)" and substitute "3–819.2(a) and (g)".

AMENDMENT NO. 2

On pages 3 and 4, strike beginning with "**A**" in line 30 on page 3 down through "**ACT**" in line 6 on page 4 and substitute "**:**

A. A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

B. A MENTAL IMPAIRMENT OR DEFICIENCY;

C. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH; OR

D. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH.

2. "DISABILITY" INCLUDES:

A. ANY DEGREE OF PARALYSIS OR AMPUTATION;

B. BLINDNESS OR VISUAL IMPAIRMENT;

C. DEAFNESS OR HEARING IMPAIRMENT;

D. MUTENESS OR SPEECH IMPEDIMENT;

E. PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

F. INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

On page 4, strike beginning with the second "a" in line 17 down through "Act" in line 23 and substitute "**:**

(I) A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

(II) A MENTAL IMPAIRMENT OR DEFICIENCY;

(III) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION; OR

(IV) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION.

(2) "DISABILITY" INCLUDES:

(I) ANY DEGREE OF PARALYSIS OR AMPUTATION;

(II) BLINDNESS OR VISUAL IMPAIRMENT;

(III) DEAFNESS OR HEARING IMPAIRMENT;

(IV) MUTENESS OR SPEECH IMPEDIMENT;

(V) PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

(VI) INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

On pages 4 and 5, strike beginning with "**A**" in line 30 on page 4 down through "**ACT**" in line 6 on page 5 and substitute "**:**

1. A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

2. A MENTAL IMPAIRMENT OR DEFICIENCY;

3. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH; OR

4. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH.

(II) "DISABILITY" INCLUDES:

1. ANY DEGREE OF PARALYSIS OR AMPUTATION;

2. BLINDNESS OR VISUAL IMPAIRMENT;

3. DEAFNESS OR HEARING IMPAIRMENT;

4. MUTENESS OR SPEECH IMPEDIMENT;

5. PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

6. INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

On page 5, strike beginning with "**A**" in line 13 down through "**ACT**" in line 21 and substitute "**:**

1. A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

2. A MENTAL IMPAIRMENT OR DEFICIENCY;

3. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH; OR

4. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH.

(II) "DISABILITY" INCLUDES:

1. ANY DEGREE OF PARALYSIS OR AMPUTATION;

2. BLINDNESS OR VISUAL IMPAIRMENT;

3. DEAFNESS OR HEARING IMPAIRMENT;

4. MUTENESS OR SPEECH IMPEDIMENT;

5. PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

6. INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL

IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

On page 6, strike beginning with "**A**" in line 1 down through "**ACT**" in line 9 and substitute "**:**

1. A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

2. A MENTAL IMPAIRMENT OR DEFICIENCY;

3. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH; OR

4. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH.

(II) "DISABILITY" INCLUDES:

1. ANY DEGREE OF PARALYSIS OR AMPUTATION;

2. BLINDNESS OR VISUAL IMPAIRMENT;

3. DEAFNESS OR HEARING IMPAIRMENT;

4. MUTENESS OR SPEECH IMPEDIMENT;

5. PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

6. INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

On page 6, strike beginning with "**A**" in line 16 down through "**ACT**" in line 24 and substitute "**:**

1. A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

2. A MENTAL IMPAIRMENT OR DEFICIENCY;

3. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH; OR

4. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH.

(II) "DISABILITY" INCLUDES:

1. ANY DEGREE OF PARALYSIS OR AMPUTATION;

2. BLINDNESS OR VISUAL IMPAIRMENT;

3. DEAFNESS OR HEARING IMPAIRMENT;

4. MUTENESS OR SPEECH IMPEDIMENT;

5. PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

6. INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

On page 7, strike beginning with the second "**A**" in line 1 down through "**ACT**" in line 9 and substitute "**:**

(I) A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

(II) A MENTAL IMPAIRMENT OR DEFICIENCY;

(III) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION; OR

(IV) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION.

(2) "DISABILITY" INCLUDES:

(I) ANY DEGREE OF PARALYSIS OR AMPUTATION;

(II) BLINDNESS OR VISUAL IMPAIRMENT;

(III) DEAFNESS OR HEARING IMPAIRMENT;

(IV) MUTENESS OR SPEECH IMPEDIMENT;

(V) PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

(VI) INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

On page 12, strike beginning with the second "**A**" in line 17 down through "**ACT**" in line 25 and substitute "**:**

(I) A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

(II) A MENTAL IMPAIRMENT OR DEFICIENCY;

(III) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION; OR

(IV) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION.

(2) "DISABILITY" INCLUDES:

(I) ANY DEGREE OF PARALYSIS OR AMPUTATION;

(II) BLINDNESS OR VISUAL IMPAIRMENT;

(III) DEAFNESS OR HEARING IMPAIRMENT;

(IV) MUTENESS OR SPEECH IMPEDIMENT;

(V) PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

(VI) INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

AMENDMENT NO. 3

On page 4, strike beginning with "**THE**" in line 8 down through "**NEEDS**" in line 12 and substitute "**A DISABILITY OF THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN IS RELEVANT ONLY TO THE EXTENT THAT THE COURT FINDS, BASED ON EVIDENCE IN THE RECORD, THAT THE DISABILITY AFFECTS THE ABILITY OF THE PARENT, GUARDIAN, OR CUSTODIAN TO GIVE PROPER CARE AND ATTENTION TO THE CHILD AND THE CHILD'S NEEDS**"; and strike beginning with the first "the" in line 25 down through "child" in line 27 and substitute "**A DISABILITY OF THE RELATIVE OR NONRELATIVE IS RELEVANT ONLY TO THE EXTENT THAT**

THE COURT FINDS, BASED ON EVIDENCE IN THE RECORD, THE DISABILITY AFFECTS THE BEST INTEREST OF THE CHILD".

On page 12, strike beginning with "**THE**" in line 26 down through "**CHILD**" in line 29 and substitute "**A DISABILITY OF A PARTY IS RELEVANT ONLY TO THE EXTENT THAT THE COURT FINDS, BASED ON EVIDENCE IN THE RECORD, THAT THE DISABILITY AFFECTS THE BEST INTEREST OF THE CHILD**".

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:

Senate Bill 643 – Senators Brochin, Klausmeier, and Simonaire

AN ACT concerning

Estates – Disqualification of Persons Convicted of Unlawfully Obtaining Property from Vulnerable Adults

SB0643/702710/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 643
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the first "of" in line 2 down through "Adults" in line 3 and substitute "– Conviction for Unlawfully Obtaining Property of Vulnerable Adult"; in line 4, strike "clarifying that" and substitute "altering the extent to which"; strike beginning with "under" in line 7 down through "circumstances" in line 8; in line 8, after the semicolon insert "providing that a certain defendant has a certain burden of proof; making a clarifying change; providing for the application of this Act;"; in the same line, strike "the estates of vulnerable adults" and substitute "a certain disqualification concerning the estate, insurance proceeds, or property of a vulnerable adult under certain circumstances"; in line 9, strike "without" and substitute "with"; in

line 14, strike "repealing and reenacting, with amendments," and substitute "adding to"; and in line 16, strike "3–111" and substitute "9–113".

AMENDMENT NO. 2

On page 3, in line 4, after "(e)" insert "**(1)**"; in the same line, strike "A conviction under this section shall disqualify the defendant" and substitute "**IF A DEFENDANT FAILS TO RESTORE FULLY THE PROPERTY TAKEN OR ITS VALUE AS ORDERED UNDER SUBSECTION (C) OF THIS SECTION, THE DEFENDANT IS DISQUALIFIED, TO THE EXTENT OF THE DEFENDANT'S FAILURE TO RESTORE THE PROPERTY OR ITS VALUE,**"; strike beginning with "and" in line 8 down through "adult" in line 9; after line 9, insert:

"**(2) THE DEFENDANT HAS THE BURDEN OF PROOF WITH RESPECT TO ESTABLISHING UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT THE DEFENDANT HAS FULLY RESTORED THE PROPERTY TAKEN OR ITS VALUE.**";

in line 15, strike "3–111." and substitute "**9–113.**"; strike in their entirety lines 16 through 24, inclusive; in line 25, strike "**(B)**"; in line 29, strike "**AS**" and substitute "**TO THE EXTENT**"; after line 30, 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 civil action or proceeding to determine a benefit from the estate, insurance proceeds, or property of a vulnerable adult that is pending before the effective date of this Act.";

and in line 31, 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 Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

Senate Bill 850 – Senator Muse

AN ACT concerning

Public Safety – Electronic Control Devices – Requirements

SB0850/722810/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 850
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike ", possessed, or used" and substitute "and activated"; in line 6, strike "the electronic control device meets"; in the same line, after "requirements" insert "are met"; in line 13, strike "and to establish certain standards"; and in line 15, strike "a certain term" and substitute "certain terms".

AMENDMENT NO. 2

On page 2, strike line 12 in its entirety and substitute:

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

(2) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 14–101 OF THIS ARTICLE.

(3) "ELECTRONIC CONTROL DEVICE" MEANS A";

in line 20, after the semicolon, insert "**AND**"; in line 22, strike "**AS DEFINED IN § 14–101 OF THIS ARTICLE;**" and substitute "**OR A VIOLATION OF § 5–602, § 5–603, § 5–604, § 5–605, § 5–606, § 5–613, OR § 5–614 OF THIS ARTICLE.**"; strike in their entirety lines 23 through 29, inclusive; and strike beginning with the first comma in line 30 down through "**USED**" in line 31 and substitute "**AND ACTIVATED**".

On page 3, strike beginning with "**THE**" in line 1 down through "**AND**" in line 3 and substitute "**AN INSTRUCTIONAL MANUAL OR AUDIO OR AUDIOVISUAL INSTRUCTIONS ARE PROVIDED TO THE PURCHASER;**"; strike beginning with "**THE**"

in line 4 down through "**FIND**" in line 5 and substitute "**THE MANUFACTURER MAINTAINS A RECORD OF**"; in line 6, after "**DEVICE**" insert "**; AND**

(3) THE MANUFACTURER OR SELLER HAS OBTAINED A STATE AND FEDERAL CRIMINAL HISTORY RECORDS CHECK OF THE ORIGINAL OWNER TO ENSURE COMPLIANCE WITH SUBSECTION (B)(2) OF THIS SECTION";

and in line 16, strike "**FELONY**" and substitute "**CRIME OF VIOLENCE**".

AMENDMENT NO. 3

On page 5, in line 18, after the semicolon insert "**AND**"; strike in their entirety lines 19 through 21, inclusive; and in line 22, strike "**(17)**" and substitute "**(16)**".

AMENDMENT NO. 4

On page 6, in line 5, after the comma insert "**AS DEFINED IN § 4–109 OF THE CRIMINAL LAW ARTICLE,**"; in the same line, strike "**POLICE**" and substitute "**CORRECTIONAL**"; and strike beginning with "**LAW**" in line 6 down through "**ARTICLE**" in line 8 and substitute "**CORRECTIONAL UNIT**".

The preceding 4 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:

Senate Bill 870 – Senator Gladden

AN ACT concerning

Marriage Ceremonies – Performance by Tax Court Judges

SB0870/132814/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 870
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "who" in line 3 down through "State" in line 4.

AMENDMENT NO. 2

On page 2, in line 5, strike "**, IF THE JUDGE IS A RESIDENT OF THIS STATE,**".

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 WAYS AND MEANS REPORT #18

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

Senate Bill 76 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Baltimore City Community College)

AN ACT concerning

Baltimore City Community College – Term of Student Trustee

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:

Senate Bill 87 – Chair, Budget and Taxation Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Property Tax – Homestead Tax Credit – Eligibility

SB0087/425269/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 87

(Third Reading File Bill)

On page 3, in line 19, strike "July" and substitute "June".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 158 – Senator Stone

AN ACT concerning

Baltimore County – Property Tax Credit – Civic League of Inverness, Inc.

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:

Senate Bill 228 – Senators Glassman, Harris, and Jacobs

AN ACT concerning

Harford County – Property Tax Credit for Homes Near a Refuse Disposal System

SB0228/905668/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 228
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "systems;" insert "extending the property tax credit in Harford County for certain residential real property in proximity to certain refuse disposal systems to certain other residential real property;".

AMENDMENT NO. 2

On page 2, in line 7, after the bracket, insert "**A.**"; and in line 9, strike "and" and substitute "**OR**

B. WAS COMPLETED ON OR BEFORE JANUARY 1, 1989, AND IS LOCATED IN AN AREA THAT CONSISTS OF MAGNOLIA ROAD TO TRIMBLE ROAD TO FORT HOYLE ROAD AND TO MAGNOLIA ROAD; 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 Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 234 – Senators King, Conway, Currie, Della, Exum, Harrington, Jones, Kasemeyer, Lenett, Madaleno, Peters, Pugh, Raskin, and Robey

AN ACT concerning

Education – Maryland's Preschool for All Business Plan – Final Report 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 with amendments:

Senate Bill 241 – Senators Pugh, Conway, Harrington, Kelley, Muse, and Pinsky

AN ACT concerning

Education – Suspension and Expulsion Procedures – Attendance–Related Offenses

SB0241/865064/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 241
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "offenses;" insert "establishing an exception for in–school suspensions for attendance–related offenses;".

AMENDMENT NO. 2

On page 2, in line 7, after "(b)" insert "**(1)**"; in the same line, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; and after line 8, insert:

"**(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO IN–SCHOOL SUSPENSIONS FOR ATTENDANCE–RELATED OFFENSES.**".

On page 4, in line 29, strike "October" and substitute "July".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 274 – The President (By Request – Administration)

AN ACT concerning

Tax Increment Financing and Special Taxing Districts – Transit–Oriented Development

SB0274/545666/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 274
(Third Reading File Bill)

On page 6, strike beginning with "Special" in line 16 down through "section." in line 17.

On page 12, in line 18, strike the comma.

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:

Senate Bill 335 – Senator Colburn

AN ACT concerning

Dorchester County and Talbot County – Property Tax Credit for Habitat for Humanity of Talbot & Dorchester Counties, Inc.

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:

Senate Bill 573 – Senators Stoltzfus and Colburn

AN ACT concerning

Wicomico County – Local Board of Elections – 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:

Senate Bill 627 – Senators Middleton, Colburn, Dyson, Edwards, Kasemeyer, and Klausmeier

AN ACT concerning

Loan Assistance Repayment and Practice Assistance for Physicians

SB0627/715361/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 627
(Third Reading File Bill)

On page 6, strike beginning with the colon in line 19 down through "**PRACTICES**" in line 20 and substitute "**A PHYSICIAN WHO:**

(1) PRACTICES".

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:

Senate Bill 821 – Harford County Senators

AN ACT concerning

Harford County – Property Tax Exemption – Continuing Care Facility for Aged

SB0821/455867/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 821
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Exemption" and substitute "Credit"; in the same line, after "for" insert "the"; strike beginning with "exempting" in line 4 down through "tax" in line 7 and substitute "authorizing the governing body of Harford County or of a municipal corporation in Harford County to grant, by law, a credit against the county or municipal corporation property tax imposed on certain property owned by certain continuing care facilities for the aged"; in line 7, after "to" insert "a"; in line 8, strike "exemptions" and substitute "credit"; in line 12, strike "7–402" and substitute "9–314(d)"; and in line 19, strike "**7–402.**" and substitute "9–314.".

AMENDMENT NO. 2

On page 2, in line 1, strike "**(A)**" and substitute "**(D)(1)**"; in the same line, strike "**SECTION**" and substitute "**SUBSECTION**"; in lines 3, 5, 7, and 8, strike "**(1)**", "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; in line 7, after the semicolon insert "**AND**"; strike beginning with "**; AND**" in line 11 down through "**COUNTY**" in line 12; in line 13, strike "**(B)**" and substitute "**(2)**"; strike beginning with "**PROPERTY**" in line 13 down through "**THE**" in line 15 and substitute "**THE**"; in line 16, strike "**IF THE**" and substitute "**MAY GRANT, BY LAW, A TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON**"; in the same line, after "**PROPERTY**" insert "**THAT**"; and in lines 17 and 20, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively.

AMENDMENT NO. 3

On page 2, after line 20, insert:

"**(3) THE GOVERNING BODY OF HARFORD COUNTY OR OF A MUNICIPAL CORPORATION IN HARFORD COUNTY MAY PROVIDE, BY LAW, FOR:**

(I) THE AMOUNT AND DURATION OF THE TAX CREDIT UNDER THIS SUBSECTION;

(II) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SUBSECTION;

(III) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

(IV) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE CREDIT UNDER THIS SUBSECTION.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #15

CONSENT CALENDAR #10

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

Senate Bill 226 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Participating Governmental Units

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:

Senate Bill 276 – The President (By Request – Administration) and Senators Della, Madaleno, and Rosapepe

AN ACT concerning

Smart, Green, and Growing – Annual Report – Smart Growth Goals, Measures, and Indicators and Implementation of Planning Visions

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

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

Senate Bill 346 – Senator Exum

AN ACT concerning

Prince George's County – Alcoholic Beverages – Appeal of Order to Close Place of Business

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 Economic Matters:

Senate Bill 406 – Senators Conway, Pugh, Currie, Della, Exum, Forehand, Frosh, Gladden, Harrington, Jones, Kelley, King, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Raskin, Rosapepe, and Stone

AN ACT concerning

Prevailing Wage Rates – Public Works Contracts – ~~Suits by Employees~~ Payment of Liquidated Damages

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 Appropriations:

Senate Bill 760 – Senator Middleton

AN ACT concerning

State Personnel – At–Will Employment – Reforms and Reports

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 Health and Government Operations:

Senate Bill 761 – Senators Middleton, Klausmeier, Kramer, and Stoltzfus

AN ACT concerning

Department of Health and Mental Hygiene – ~~Federal Waiver – Waiver for Medicaid Coordinated Long–Term Care Program~~ Long–Term Care Supports and Services – Report

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:

Senate Bill 785 – Senators Robey and Madaleno

AN ACT concerning

Inheritance Tax – Exemption – Domestic Partners

The Bill was re–referred to the Committee on Ways and Means.

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

Senate Bill 863 – Senator Edwards

AN ACT concerning

Workers' Compensation – Death Benefits for Partially Dependent Individuals – Payment

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 Appropriations:

Senate Bill 962 – Senator Pinsky

AN ACT concerning

Town of University Park Employees – Participation in the Employees' Pension System

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 Health and Government Operations:

Senate Bill 963 – Senators Klausmeier, Currie, Garagiola, ~~and King~~ King, Middleton, Astle, Della, Exum, Glassman, Kittleman, Pugh, and Forehand

AN ACT concerning

Health – Maryland Commission on Autism

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 Appropriations:

Senate Bill 1019 – Senators McFadden ~~and Robey~~, Robey, and Munson

AN ACT concerning

State Police Retirement System – Reemployment of Retirees

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 Economic Matters:

Senate Bill 1057 – Senator Klausmeier

AN ACT concerning

Public Service Companies – Termination of Electric and Gas Service – Extreme Temperatures

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 Economic Matters:

Senate Bill 1059 – Chair, Finance Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Cigarette Business Licenses – Cigarette Manufacturers – Definitions and Scope of License

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:

Senate Bill 1070 – Senator Middleton

AN ACT concerning

Nonprofit Health Service Plans – Hearing and Order – Impact of Law by Another State

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

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 919)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #67

House Bill 130 – Delegates Pena–Melnyk, Frush, Barnes, Griffith, Holmes, Howard, Ivey, Levi, Malone, Nathan–Pulliam, Niemann, Ramirez, Reznik, Rice, Ross, Tarrant, F. Turner, Valderrama, Waldstreicher, Walker, and Weldon

AN ACT concerning

State Highway Administration – Unauthorized Signs on Highway Rights–of–Way

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

Affirmative – 112 Negative – 22 (See Roll Call No. 920)

The Bill was then sent to the Senate.

House Bill 1469 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

EMERGENCY BILL

AN ACT concerning

State Board of Nursing – Discipline – Hearing Committee

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

Affirmative – 134 Negative – 1 (See Roll Call No. 921)

The Bill was then sent to the Senate.

House Bill 1534 – ~~Delegate Pendergrass~~ Delegates Pendergrass, Hammen, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Nonprofit Health Service Plans – Hearing and Order – Impact of Law by Another State

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

Affirmative – 137 Negative – 0 (See Roll Call No. 922)

The Bill was then sent to the Senate.

House Bill 1557 – Chair, Health and Government Operations Committee and Chair, Ways and Means Committee

AN ACT concerning

State Lottery – Procurement – Licensing Agreements and Prizes

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

Affirmative – 135 Negative – 1 (See Roll Call No. 923)

The Bill was then sent to the Senate.

House Bill 1573 – ~~Delegate Kipke~~ Delegates Kipke, Mathias, Hecht, Impallaria, Jameson, Miller, Minnick, and Vaughn

AN ACT concerning

Business Regulation – Soda Fountain License – Repeal

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

Affirmative – 135 Negative – 0 (See Roll Call No. 924)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #15

Senate Bill 21 – Senator Colburn

AN ACT concerning

Dorchester County – School Buses – Length of Operation – Sunset Repeal

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

Affirmative – 136 Negative – 0 (See Roll Call No. 925)

The Bill was then returned to the Senate.

Senate Bill 29 – Senator Colburn

AN ACT concerning

Talbot County – School Buses – Length of Operation

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

Affirmative – 136 Negative – 1 (See Roll Call No. 926)

The Bill was then returned to the Senate.

Senate Bill 92 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Motor Carriers – Identification Markers – Forged Documents – Criminal Penalties

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

Affirmative – 136 Negative – 0 (See Roll Call No. 927)

The Bill was then returned to the Senate.

Senate Bill 93 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Motor Fuel Taxes – ~~Biodiesel Fuel User License~~ Special Fuel User – Biodiesel Fuel

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

Affirmative – 133 Negative – 0 (See Roll Call No. 928)

The Bill was then returned to the Senate.

Senate Bill 140 – Senators Muse and Klausmeier

AN ACT concerning

Task Force to Study How to Improve Financial Literacy in the State – Membership, Staffing, and Extension

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

Affirmative – 136 Negative – 0 (See Roll Call No. 929)

The Bill was then returned to the Senate.

Senate Bill 257 – The President (By Request – Administration) and Senators Astle, Colburn, Dyson, Edwards, Forehand, Garagiola, Lenett, Peters, Robey, Simonaire, and Stone

AN ACT concerning

Interstate Compact on Educational Opportunity for Military Children

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

Affirmative – 136 Negative – 0 (See Roll Call No. 930)

The Bill was then returned to the Senate.

Senate Bill 331 – Senator Colburn

AN ACT concerning

Dorchester County Board of Education – Annual Election of Board Officers

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

Affirmative – 137 Negative – 0 (See Roll Call No. 931)

The Bill was then returned to the Senate.

Senate Bill 413 – Senator King (Joint Committee on Children, Youth, and Families) and Senators Conway, Forehand, Garagiola, Greenip, Jacobs, Jones, Klausmeier, Kramer, Middleton, Muse, Peters, and Robey

AN ACT concerning

Joint Committee on Children, Youth, and Families – Repeal of Sunset

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

Affirmative – 137 Negative – 0 (See Roll Call No. 932)

The Bill was then returned to the Senate.

Senate Bill 448 – Senator Edwards

AN ACT concerning

Local School Systems – Biannual Financial Status Report Requirement – Repeal

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

Affirmative – 137 Negative – 0 (See Roll Call No. 933)

The Bill was then returned to the Senate.

Senate Bill 463 – Senator Lenett

AN ACT concerning

Maryland Youth Advisory Council – Youth Members

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

Affirmative – 136 Negative – 0 (See Roll Call No. 934)

The Bill was then returned to the Senate.

Senate Bill 560 – Senator Miller

AN ACT concerning

Calvert County – Education – Certificated School Personnel – Collective Bargaining Representation Fees

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

Affirmative – 100 Negative – 35 (See Roll Call No. 935)

The Bill was then returned to the Senate.

Senate Bill 629 – Senators Glassman, Harris, and Jacobs

AN ACT concerning

Harford County – Board of Education – Selection of Members

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

Affirmative – 132 Negative – 4 (See Roll Call No. 936)

The Bill was then returned to the Senate.

Senate Bill 651 – Senator Edwards

AN ACT concerning

Garrett County – Code of Ordinances – Natural Gas

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

Affirmative – 136 Negative – 0 (See Roll Call No. 937)

The Bill was then returned to the Senate.

Senate Bill 879 – Senator Harrington

AN ACT concerning

Gwendolyn Britt Student Health and Fitness Act

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

Affirmative – 136 Negative – 0 (See Roll Call No. 938)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #16

Senate Bill 7 – ~~Senator Glassman~~ Senators Glassman, Colburn, Conway, Dyson, Garagiola, Greenip, Harrington, Harris, Jacobs, Jones, Klausmeier, Lenett, and Stone

AN ACT concerning

State Government – Flags – Made in USA

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

Affirmative – 135 Negative – 0 (See Roll Call No. 939)

The Bill was then returned to the Senate.

Senate Bill 75 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Transportation)

AN ACT concerning

Public Information Act – ~~Maryland Port Administration –~~ Confidentiality of Security–Related Documents and Records

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

Affirmative – 135 Negative – 0 (See Roll Call No. 940)

The Bill was then returned to the Senate.

Senate Bill 149 – Senators Kelley, Conway, Forehand, Glassman, Greenip, Jacobs, Jones, King, Klausmeier, Kramer, Lenett, Madaleno, and Pugh

AN ACT concerning

Maryland Commission for Women – Appointment of Members

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

Affirmative – 136 Negative – 0 (See Roll Call No. 941)

The Bill was then returned to the Senate.

Senate Bill 187 – Senators Pugh, Conway, Exum, Glassman, Harrington, Lenett, McFadden, Muse, and Peters

AN ACT concerning

State Procurement – ~~Structuring and~~ Bundling of Procurements

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

Affirmative – 134 Negative – 0 (See Roll Call No. 942)

The Bill was then returned to the Senate.

Senate Bill 211 – Senators Pugh, Currie, Exum, Forehand, Lenett, McFadden, Muse, ~~and Peters~~ Peters, and Jones

SECOND PRINTING

AN ACT concerning

Minority Business Enterprise Program – Participation by Race or Gender

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

Affirmative – 137 Negative – 0 (See Roll Call No. 943)

The Bill was then returned to the Senate.

Senate Bill 231 – Senator Della

AN ACT concerning

State Health Services Cost Review Commission – Health Care Facilities – ~~Annual Reports of Compensation~~ Required Forms

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

Affirmative – 134 Negative – 0 (See Roll Call No. 944)

The Bill was then returned to the Senate.

Senate Bill 248 – Senators Jones, Conway, Currie, Gladden, Madaleno, McFadden, Muse, Peters, ~~and Pugh~~ Pugh, Colburn, Dyson, Exum, Greenip, Harrington, Harris, Kelley, and Lenett

EMERGENCY BILL

AN ACT concerning

State Government – Commemorative Days – Negro Baseball League

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

Affirmative – 133 Negative – 1 (See Roll Call No. 945)

The Bill was then returned to the Senate.

Senate Bill 341 – Senators Pugh~~, Astle~~, Della, Exum, Gladden, Glassman, Harrington, Jones, Kelley, Klausmeier, Lenett, Madaleno, McFadden, Raskin, ~~and Rosapepe~~ Rosapepe, Garagiola, and Middleton

AN ACT concerning

Prosthetic Parity Act

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

Affirmative – 133 Negative – 4 (See Roll Call No. 946)

The Bill was then returned to the Senate.

Senate Bill 356 – Senators Frosh, Harrington, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Family Day Care Homes and Child Care Centers – Emergency Preparedness Plans

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

Affirmative – 135 Negative – 2 (See Roll Call No. 947)

The Bill was then returned to the Senate.

Senate Bill 368 – Senators Raskin, Brochin, Frosh, Gladden, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Muse, Peters, Pugh, Robey, Rosapepe, ~~and Zirkin~~ Zirkin, Jones, and Forehand

AN ACT concerning

Lilly Ledbetter ~~Fair Pay~~ Civil Rights Restoration Act of 2009

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

Affirmative – 104 Negative – 33 (See Roll Call No. 948)

The Bill was then returned to the Senate.

Senate Bill 380 – Senators Garagiola, Astle, Della, Exum, Glassman, Kelley, ~~Kittleman,~~ Klausmeier, Middleton, Pipkin, and Pugh

AN ACT concerning

Health Maintenance Organizations – Payments to Nonparticipating Providers

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

Affirmative – 136 Negative – 0 (See Roll Call No. 949)

The Bill was then returned to the Senate.

Senate Bill 433 – Senator Astle

AN ACT concerning

State Board of Physicians – Polysomnographic Technologists – Education and Licensing Requirements

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

Affirmative – 137 Negative – 0 (See Roll Call No. 950)

The Bill was then returned to the Senate.

Senate Bill 439 – Senator Middleton

AN ACT concerning

Health Insurance – Prompt Pay – ~~Modifications and~~ Clarifications

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

Affirmative – 136 Negative – 0 (See Roll Call No. 951)

The Bill was then returned to the Senate.

Senate Bill 611 – Senators Jones, Conway, Harrington, Muse, and Pugh

AN ACT concerning

Minority Business Enterprise Program – Prohibitions ~~and Penalties for Contractors~~

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

Affirmative – 137 Negative – 0 (See Roll Call No. 952)

The Bill was then returned to the Senate.

Senate Bill 645 – Senator Astle

AN ACT concerning

Fraternal Benefit Societies – Exemption for Mutual Aid Associations – Clarification

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

Affirmative – 137 Negative – 0 (See Roll Call No. 953)

The Bill was then returned to the Senate.

Senate Bill 646 – Senator Astle

AN ACT concerning

Credentialing of Health Care Providers by Managed Care Organizations, Insurance Carriers, and Hospitals

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

Affirmative – 137 Negative – 0 (See Roll Call No. 954)

The Bill was then returned to the Senate.

Senate Bill 670 – Senators Raskin, Kelley, and Stone

AN ACT concerning

Discrimination in Employment – Expansion of Disability Rights

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

Affirmative – 134 Negative – 2 (See Roll Call No. 955)

The Bill was then returned to the Senate.

Senate Bill 791 – Senator Klausmeier

AN ACT concerning

Group Model Health Maintenance Organizations – Drug Therapy Management

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

Affirmative – 137 Negative – 0 (See Roll Call No. 956)

The Bill was then returned to the Senate.

Senate Bill 854 – Senator Garagiola

AN ACT concerning

Health Insurance – Definition of Coverage Decisions – Pharmacy Inquiries

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

Affirmative – 136 Negative – 0 (See Roll Call No. 957)

The Bill was then returned to the Senate.

Senate Bill 874 – Senators Exum and Pugh

AN ACT concerning

Mental Hygiene Administration – Rights of Individuals with Mental Disorders in Facilities

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

Affirmative – 137 Negative – 0 (See Roll Call No. 958)

The Bill was then returned to the Senate.

Senate Bill 946 – Senators Pugh and McFadden

AN ACT concerning

Minority Business Enterprise Program – Report to Joint Committee on Fair Practices

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

Affirmative – 137 Negative – 0 (See Roll Call No. 959)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #17

Senate Bill 14 – ~~Senator Astle~~ Senators Astle, Della, Exum, Garagiola, Glassman, Kelley, Klausmeier, Middleton, Pugh, Colburn, and Harris

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. 960)

The Bill was then returned to the Senate.

Senate Bill 67 – Chair, Judicial Proceedings Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Corporations and Associations – Proof of Good Standing for Foreign Business Entities

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

Affirmative – 137 Negative – 0 (See Roll Call No. 961)

The Bill was then returned to the Senate.

Senate Bill 68 – Chair, Judicial Proceedings Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Corporations and Associations – Recording, Filing, or Other Fees – Returned Check Fee

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

Affirmative – 134 Negative – 3 (See Roll Call No. 962)

The Bill was then returned to the Senate.

Senate Bill 82 – Chair, Finance 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 – 134 Negative – 2 (See Roll Call No. 963)

The Bill was then returned to the Senate.

Senate Bill 333 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages Act of 2009

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

Affirmative – 133 Negative – 0 (See Roll Call No. 964)

The Bill was then returned to the Senate.

Senate Bill 376 – Senator Middleton

AN ACT concerning

Charles County – Workers' Compensation – Auxiliary Volunteer of Sheriff's Office

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

Affirmative – 135 Negative – 1 (See Roll Call No. 965)

The Bill was then returned to the Senate.

Senate Bill 377 – ~~Senator Middleton~~ Senators Middleton, Glassman, Kelley, and Pugh

EMERGENCY BILL

AN ACT concerning

Business Regulation – Home Builder Guaranty Fund – Fee

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

Affirmative – 130 Negative – 7 (See Roll Call No. 966)

The Bill was then returned to the Senate.

Senate Bill 543 – Senators Brochin and Stone

AN ACT concerning

Baltimore County – Towson Commercial Revitalization District – Alcoholic Beverages – Transfer and Conversion of Licenses

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

Affirmative – 132 Negative – 3 (See Roll Call No. 967)

The Bill was then returned to the Senate.

Senate Bill 550 – Senators King, Astle, Brinkley, Colburn, Conway, Currie, DeGrange, Della, Exum, Forehand, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Harris, Jacobs, Jones, Kelley, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Online Child Safety Act of 2009

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

Affirmative – 136 Negative – 0 (See Roll Call No. 968)

The Bill was then returned to the Senate.

Senate Bill 608 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Alcoholic Beverages – Part–Time Inspectors

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

Affirmative – 135 Negative – 0 (See Roll Call No. 969)

The Bill was then returned to the Senate.

Senate Bill 634 – Senators Pugh, Glassman, Haines, Klausmeier, and Stone

AN ACT concerning

Professional Corporations – Professional Services – Multiple Professions

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

Affirmative – 135 Negative – 1 (See Roll Call No. 970)

The Bill was then returned to the Senate.

Senate Bill 688 – Senator Robey

AN ACT concerning

Public Service Companies – Passenger–For–Hire Services – Limousines

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

Affirmative – 135 Negative – 2 (See Roll Call No. 971)

The Bill was then returned to the Senate.

Senate Bill 884 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Alcoholic Beverages – Wine Festival License

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

Affirmative – 136 Negative – 0 (See Roll Call No. 972)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #18

Senate Bill 58 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Termination of Parental Rights

FLOOR AMENDMENT

SB0058/283329/1

BY: Delegate O'Donnell

AMENDMENTS TO SENATE BILL 58
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "interests;" insert "establishing that the physical absence of a parent due to certain circumstances may not be the basis for a certain finding;".

AMENDMENT NO. 2

On page 2, in line 3, after "(b)" insert "**(1)** **THE PHYSICAL ABSENCE OF A PARENT DUE TO INCARCERATION OR MILITARY SERVICE MAY NOT BE THE BASIS FOR A FINDING BY THE JUVENILE COURT UNDER THIS SUBSECTION THAT A PARENT IS UNFIT TO REMAIN IN A PARENTAL RELATIONSHIP WITH A CHILD.**

(2)".

The preceding 2 amendments were read only.

Delegate O'Donnell moved to make the Bill and Amendments a Special Order for Friday.

The motion was adopted.

Senate Bill 77 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Department of Agriculture – Organic Certification Program – Fees

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

Affirmative – 134 Negative – 0 (See Roll Call No. 973)

The Bill was then returned to the Senate.

Senate Bill 89 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Imposition of Civil Penalties by Board of Trustees – Authorization

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

Affirmative – 135 Negative – 0 (See Roll Call No. 974)

The Bill was then returned to the Senate.

CONCURRENCE CALENDAR #2

AMENDED IN THE SENATE

House Bill 220 – Delegates Carr, Ali, Healey, Montgomery, and Shewell

AN ACT concerning

Municipal Corporations – Annexations – Small Parcels

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0220/884136/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 220
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "Act;" insert "providing that this Act does not apply to land zoned for agricultural use;".

AMENDMENT NO. 2

On page 2, in line 24, after "**(1)**" insert "**THIS SUBSECTION DOES NOT APPLY TO LAND THAT IS ZONED FOR AGRICULTURAL USE.**

(2)".

On page 3, in line 1, strike "**(2)**" and substitute "**(3)**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 135 Negative – 0 (See Roll Call No. 975)

AMENDED IN THE SENATE

House Bill 294 – The Speaker (By Request – Administration) and Delegates Ali, Barve, Beidle, Benson, Cane, Carr, V. Clagett, Feldman, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Healey, Hecht, Howard, Hucker, Lafferty, Lee, Mizeur, Montgomery, Niemann, ~~and Pena-Melnyk~~ Pena–Melnyk, Manno, Glenn, and Stein

AN ACT concerning

Smart, Green, and Growing – Local Government Planning – Planning Visions

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0294/994730/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 294
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, strike "the development right" and substitute "certain development rights"; in line 13, strike "land on which the public facility will be located" and substitute "site"; in line 14, after "facility;" insert "requiring that, for schools and educational facilities, the proceeds of the sale of development rights be used to assist in the purchase of the land on which the school or educational facility will be located;"; and in line 14, after "area;" insert "prohibiting the sale or transfer of development rights associated with certain public land owned by a local jurisdiction on a certain date under certain circumstances;".

AMENDMENT NO. 2

On page 9, in line 20, after "**(3)**" insert "**(I)**"; in the same line, strike "**PROCEEDS**" and substitute "**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, PROCEEDS**"; in line 21, strike "**A LOCAL JURISDICTION**"; in lines 22 and 24, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively; strike beginning with "**LAND**" in line 22 down through "**LOCATED**" in line 23 and substitute "**PUBLIC SITE**"; in line 24, strike "**PUBLIC**"; after line 24, insert:

"**(II) FOR SCHOOLS AND EDUCATIONAL FACILITIES, PROCEEDS OF THE SALE OF DEVELOPMENT RIGHTS SHALL BE USED TO ASSIST**

IN THE PURCHASE OF THE LAND ON WHICH THE SCHOOL OR EDUCATIONAL FACILITY WILL BE LOCATED.";

and after line 27, insert:

"**(5) DEVELOPMENT RIGHTS ASSOCIATED WITH EXISTING PUBLIC LAND THAT IS OWNED BY A LOCAL JURISDICTION ON OCTOBER 1, 2009, MAY NOT BE SOLD OR TRANSFERRED UNDER THIS SUBSECTION.**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 129 Negative – 8 (See Roll Call No. 976)

AMENDED IN THE SENATE

House Bill 595 – Delegates Olszewski and Cardin

AN ACT concerning

State Government – Recycling Program – Aluminum, Glass, Paper, and Plastic

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0595/124536/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 595
(Third Reading File Bill)

On page 2, in line 8, after "**BUILDINGS**" insert "**IN LOCATIONS IN THE STATE WHERE IT IS DETERMINED TO BE PRACTICAL AND ECONOMICALLY FEASIBLE**".

The preceding amendment was read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 977)

AMENDED IN THE SENATE

House Bill 973 – Delegate V. Clagett

AN ACT concerning

Maryland Horse Industry Fund – Assessments on Commercial Equine Feed

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0973/594532/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 973
(Third Reading File Bill)

On page 1, in line 4, after "State;" insert "prohibiting certain funds from reverting to the General Fund;"; in line 5, after the first "the" insert "Maryland Horse Industry Board and the"; after line 6, insert:

"BY repealing and reenacting, without amendments,
Article – Agriculture
Section 2–708.2(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)";

in line 9, after "Section" insert "2–708.2(e) and"; and after line 14, insert:

"2–708.2.

(a) In this section, "Fund" means the Maryland Horse Industry Fund.

(e) At the end of a fiscal year, any unspent or unencumbered balance in the Fund **[**shall**]** **MAY NOT** revert to the General Fund of the State**[**, in accordance with §§ 7–302 and 7–303 of the State Finance and Procurement Article**]**.".

The preceding amendment was read and concurred in.

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

Affirmative – 133 Negative – 2 (See Roll Call No. 978)

AMENDED IN THE SENATE

House Bill 200 – Delegate Carter

EMERGENCY BILL

AN ACT concerning

Maryland Uniform Prudent Management of Institutional Funds Act

Delegate Vallario moved that the House concur in the Senate amendments.

HB0200/128174/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 200
(Third Reading File Bill)

On page 13, in line 21, strike "**§ 101**" and substitute "**§ 101(C)**"; in line 22, strike "**§ 7001(A)**" and substitute "**§ 7001(C)**"; and in line 23, strike "**§ 103**" and substitute "**§ 103(B)**".

The preceding amendment was read and concurred in.

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

Affirmative – 135 Negative – 1 (See Roll Call No. 979)

AMENDED IN THE SENATE

House Bill 305 – The Speaker (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Delegates Dumais, Bronrott, and Waldstreicher

AN ACT concerning

Vehicle Laws – Alcohol Restriction on Driver's License – Penalties for Violations

Delegate Vallario moved that the House concur in the Senate amendments.

HB0305/418074/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 305
(Third Reading File Bill)

On page 1, strike beginning with "making" in line 5 down through "change;" in line 6.

On page 2, strike beginning with the comma in line 9 down through the first comma in line 10.

The preceding amendment was read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 980)

AMENDED IN THE SENATE

House Bill 399 – Delegate Rosenberg

AN ACT concerning

Orphans' Court – Jurisdictional Limit – Questions of Title to Personal Property

Delegate Vallario moved that the House concur in the Senate amendments.

HB0399/238973/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 399
(Third Reading File Bill)

On page 1, in line 2, before "Orphans'" insert "Estates and Trusts – Jurisdiction of"; in the same line, strike "Jurisdictional Limit – Questions of" and substitute "Determination of"; strike beginning with "increasing" in line 4 down through "property" in line 5 and substitute "altering the maximum value of personal property for which an orphans' court is authorized to determine questions of title for a certain purpose"; and in line 7, strike "jurisdiction of an orphans' court under certain circumstances" and substitute "estates of decedents".

The preceding amendment was read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 981)

AMENDED IN THE SENATE

House Bill 120 – Delegates Stein and Krebs

AN ACT concerning

Task Force to Study How to Improve Financial Literacy in the State – Membership, Staffing, and Extension

Delegate Hixson moved that the House concur in the Senate amendments.

HB0120/394035/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 120
(Third Reading File Bill)

On page 2, after line 29, insert:

"**(II) ONE REPRESENTATIVE FROM THE MARYLAND PARENTS AND TEACHERS ASSOCIATION (PTA);**".

On page 3, in lines 1 and 3, strike "(ii)" and "**(III)**", respectively, and substitute "**(III)**" and "**(IV)**", respectively; after line 4, insert:

"**(V) ONE REPRESENTATIVE FROM A NONPROFIT CREDIT COUNSELING SERVICE;**";

and in lines 5, 7, 8, 10, and 12, strike "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", and "**(VIII)**", respectively, and substitute "**(VI)**", "**(VII)**", "**(VIII)**", "**(IX)**", and "**(X)**", respectively.

On page 5, after line 27, insert:

"**(II) ONE REPRESENTATIVE FROM THE MARYLAND PARENTS AND TEACHERS ASSOCIATION (PTA);**";

in lines 28 and 30, strike "(ii)" and "**(III)**", respectively, and substitute "**(III)**" and "**(IV)**", respectively; and after line 31, insert:

"**(V) ONE REPRESENTATIVE FROM A NONPROFIT CREDIT COUNSELING SERVICE;**".

On page 6, in lines 1, 3, 4, 6, and 8, strike "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", and "**(VIII)**", respectively, and substitute "**(VI)**", "**(VII)**", "**(VIII)**", "**(IX)**", and "**(X)**", respectively.

The preceding amendment was read and concurred in.

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

Affirmative – 136 Negative – 0 (See Roll Call No. 982)

AMENDED IN THE SENATE

House Bill 588 – Delegates Kaiser, Cardin, and Olszewski

AN ACT concerning

Education – Public Schools – Standardized Course Numbering System

Delegate Hixson moved that the House concur in the Senate amendments.

HB0588/864238/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 588
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "circumstances;" insert "declaring the intent of the General Assembly;".

AMENDMENT NO. 2

On page 2, after line 10, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that a county school system that has not adopted the State standardized course numbering system and is responsible for providing a translation between the county school system's course numbers and those in the State standardized course numbering system, as required under Section 1 of this Act, may be able to access and use any federal or State funds otherwise available in order to mitigate the fiscal impact of this Act to the county school system.";

and in line 11, strike "2." and substitute "3.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 129 Negative – 7 (See Roll Call No. 983)

AMENDED IN THE SENATE

House Bill 923 – Delegate Rudolph

AN ACT concerning

Higher Education – Community Colleges – BRAC – Exemption from Out–of–State and Out–of–County Fees

Delegate Hixson moved that the House concur in the Senate amendments.

HB0923/593520/1

BY: Senator Pinsky

AMENDMENTS TO HOUSE BILL 923
(Third Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 22, after "16–505(g)(2)(iv)" insert "and (v)".

AMENDMENT NO. 2
On page 3, after line 17, insert:

"**(V) ANY STUDENT ATTENDING THE COLLEGE WHO RECEIVES A TUITION WAIVER UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH SHALL BE INCLUDED AS AN IN–STATE RESIDENT FOR COMPUTATION OF STATE AID TO THE COLLEGE IN ACCORDANCE WITH § 16–512 OF THIS SUBTITLE.**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 984)

CONCURRENCE CALENDAR #3

AMENDED IN THE SENATE

House Bill 164 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Automobile Liability and Homeowner's Insurance – ~~Surcharges~~ Rating, Retiering, and ~~Removal or Reduction of~~ Discounts

Delegate Davis moved that the House concur in the Senate amendments.

HB0164/637471/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 164
(Third Reading File Bill)

On page 1, in line 15, after "circumstances;" insert "providing for a delayed effective date;".

On page 6, in line 31, strike "October 1, 2009" and substitute "January 1, 2010".

The preceding amendment was read and concurred in.

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

Affirmative – 135 Negative – 0 (See Roll Call No. 985)

AMENDED IN THE SENATE

House Bill 246 – Delegate Harrison

AN ACT concerning

Insurance Producers – Continuing Education – ~~Exemption for~~ Funeral Directors and Morticians

Delegate Davis moved that the House concur in the Senate amendments.

HB0246/267575/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 246
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "purpose" insert "and is not a viatical settlement broker".

AMENDMENT NO. 2

On page 2, in line 16, after "**WHO**" insert "**:**

1.";

and in line 18, after "**ARTICLE**" insert "**; AND**

2. IS NOT A VIATICAL SETTLEMENT BROKER AS DEFINED IN § 8–601 OF THIS ARTICLE".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 986)

AMENDED IN THE SENATE

House Bill 380 – Charles County Delegation

AN ACT concerning

Charles County – Workers' Compensation – Auxiliary Volunteer of Sheriff's Office

Delegate Davis moved that the House concur in the Senate amendments.

HB0380/637671/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 380
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "county;" insert "specifying the computation of the average weekly wage of a certain auxiliary volunteer;"; and in line 10, after "9–233" insert "and 9–602(j)".

AMENDMENT NO. 2

On page 2, after line 6, insert:

"9–602.

(j) For the purpose of computing the average weekly wage of a volunteer deputy sheriff of Cecil County **OR AN AUXILIARY VOLUNTEER OF THE CHARLES COUNTY SHERIFF'S OFFICE** who is a covered employee under § 9–233 of this title, the wages of the covered employee shall be:

(1) if the covered employee had other employment at the time of the accidental personal injury or last injurious exposure, the wages from the other employment;

(2) if the covered employee had had other employment but was not otherwise employed at the time of the accidental personal injury or last injurious exposure, the wages last received by the covered employee from the other employment; or

(3) if the covered employee had never had other employment at the time of the accidental personal injury or last injurious exposure, an amount that allows minimum compensation under this title.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 136 Negative – 0 (See Roll Call No. 987)

AMENDED IN THE SENATE

House Bill 736 – Delegates McHale, Davis, Haddaway, Krysiak, and Vaughn

AN ACT concerning

Electric Universal Service Program – Modifications

Delegate Davis moved that the House concur in the Senate amendments.

HB0736/487375/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 736
(Third Reading File Bill)

On page 1, at the top of the page, insert:

"EMERGENCY BILL";

in line 15, after "correction;" insert "making this Act an emergency measure;".

On page 7, strike beginning with "shall" in line 21 down through "July 1, 2009" in line 22 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 concurred in.

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

Affirmative – 136 Negative – 1 (See Roll Call No. 988)

AMENDED IN THE SENATE

House Bill 1088 – Delegates DeBoy, G. Clagett, Doory, Frick, Jones, Lafferty, Malone, Schuler, and Stein

AN ACT concerning

Public Service Companies – Passenger–For–Hire Services – Limousines

Delegate Davis moved that the House concur in the Senate amendments.

HB1088/257979/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1088

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "and" in line 9 down through "plates" in line 10.

AMENDMENT NO. 2

On page 6, in line 10, strike "**§ 21–1127**" and substitute "**§ 21–1127(A)**"; in lines 15 and 16, strike "**: (1) THE**" and substitute "**THE**"; and strike beginning with the semicolon in line 17 down through "**ARTICLE**" in line 19.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 136 Negative – 0 (See Roll Call No. 989)

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 538 – Senator Zirkin

AN ACT concerning

Property Tax Assessment – Home Improvements

FOR the purpose of altering the circumstances under which certain real property is required to be revalued for property tax assessment purposes in any year of a 3–year assessment cycle; ~~altering a certain definition under the Homestead Property Tax Credit; altering the calculation of the Homestead Property Tax Credit under certain circumstances;~~ and generally relating to the assessment of certain real property for property tax purposes.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section ~~8–104(c)(1)(iii), 9–105(a)(5), 9–109(b), and 9–243(c)~~ 8–104(c)(1)(iii)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – Tax – Property~~
~~Section 9–105(a)(2)~~

~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2008 Supplement)~~

~~BY repealing~~
~~Article – Tax – Property~~
~~Section 9–105(c)(5)(iv)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2008 Supplement)~~

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

Senate Bill 866 – Senator Pipkin

AN ACT concerning

~~**Commission to Study the Impact of Large Truck Traffic on the Chesapeake Bay Bridge**~~

Chesapeake Bay Bridge – Required Study

FOR the purpose of ~~establishing a Commission to Study the Impact of Large Truck Traffic on the Chesapeake Bay Bridge; providing for the membership and staffing of the Commission; requiring the Governor to designate the chair of the Commission; prohibiting members of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to study certain matters and to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Commission to Study the Impact of Large Truck Traffic on~~ requiring the Maryland Transportation Authority, in consultation with certain groups, to conduct a certain study; requiring the Authority to report on its findings to the Governor and the General Assembly on or before a certain date; and generally relating to a study regarding the Chesapeake Bay Bridge.

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

Senate Bill 940 – Senator Kittleman

AN ACT concerning

Education – Commission on Civic Literacy – Membership

FOR the purpose of adding a certain member to the membership of the Commission on Civic Literacy; and generally relating to the membership of the Commission on Civic Literacy.

BY repealing and reenacting, without amendments,
Article – Education
Section 24–601(a)
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 24–601(b)(27) and (28)
Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to
Article – Education
Section 24–601(b)(29)
Annotated Code of Maryland
(2008 Replacement Volume)

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

Senate Bill 964 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County Board of Education – Election and Appointment of Members – Referendum

FOR the purpose of requiring that ~~the~~ certain members of the Caroline County Board of Education be elected; requiring that certain members of the Caroline County Board of Education be appointed by the Governor with the advice and consent of the Senate; establishing a procedure for the election of certain members of the county board; specifying that the certain members be elected by certain districts; specifying elected member qualifications; establishing qualifications for certain student members; providing that certain high schools in Caroline County have representation through a student member of the county board; providing for the appointment of certain members by the Governor with the advice and consent of the Senate; specifying certain criteria for the Governor with regard to the appointment of certain members; providing for the nomination and selection of certain student members; establishing a certain term of office for the elected members; specifying the initial terms of the elected members and staggering their terms; providing a procedure for filling ~~a vacancy~~ certain vacancies on the county board; requiring the county board to conduct certain interviews and publish certain notices when filling a vacancy; providing for the removal of certain members under certain circumstances; providing for the election of the president and vice president of the county board; providing

for the compensation and expenses of ~~the~~ certain members of the county board; requiring the county board to meet at certain intervals; providing that the terms of certain appointed members of the county board shall expire on a certain date; making a stylistic change; submitting this Act to a referendum of the legally qualified voters of Caroline County; and generally relating to the Caroline County Board of Education and the election and appointment of its members.

BY repealing and reenacting, with amendments,
Article – Education
Section ~~3–114(a)~~ 3–108(a) and 3–114
Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to
Article – Education
Section 3–3A–01 through 3–3A–06 to be under the new subtitle "Subtitle 3A. Caroline County"
Annotated Code of Maryland
(2008 Replacement Volume)

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

Senate Bill 992 – Senator Kelley

AN ACT concerning

Welfare to Work – Job Skills Enhancement Program – Green Jobs

FOR the purpose of codifying the requirement that the Secretary of Budget and Management develop and implement a plan for hiring within State government certain welfare recipients; clarifying that a certain hiring plan includes certain current and former Family Investment Program (FIP) recipients, children of current or former recipients, foster youth, and certain obligors; clarifying that the Secretary of Human Resources and certain local directors develop and implement certain local government hiring plans for current and former FIP recipients, children of current or former recipients, foster youth, and certain obligors; requiring that the job skills enhancement program include job training for employment in certain energy efficiency and renewable energy industries and construction; authorizing the Secretary of Human Resources to access certain ~~federal stimulus dollars~~ funds for job training in certain industries; ~~requiring that certain procurement subcontracts be designated as appropriate for the execution of certain hiring agreements;~~ clarifying that certain model hiring agreements include certain current and former FIP recipients, children of current or former recipients, foster youth, and certain obligors; clarifying that certain Maryland Strategic Energy Investment Program funds used in certain

low–income and moderate–income sectors include certain current and former FIP recipients, children of current or former recipients, foster youth, and certain obligors; ~~requiring that certain Maryland Strategic Energy Investment Program funds be used as grants to the job skills enhancement program for job training in certain industries; altering the membership of the Strategic Energy Investment Advisory Board to include the Secretary of Human Resources or the Secretary's designee;~~ requiring the Secretary of Human Resources to submit ~~a~~ certain ~~report on a certain program~~ reports by a certain date; ~~altering a certain definition;~~ requiring the Secretary of Budget and Management, in consultation with the Secretary of Human Resources, to issue certain reports to certain legislative committees on or before certain dates; defining certain terms; and generally relating to welfare for work and job training and the hiring of current ~~and former~~ Family Investment Program recipients, certain former recipients, children of current or former recipients, foster youth, and obligors.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 5–304 and 5–318
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 13–224
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – State Government~~
~~Section 9–20B–02 and 9–20B–07(a)~~
~~Annotated Code of Maryland~~
~~(2004 Replacement Volume and 2008 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – State Government~~
~~Section 9–20B–05(f) and (h) and 9–20B–07(e)(4)~~
~~Annotated Code of Maryland~~
~~(2004 Replacement Volume and 2008 Supplement)~~

BY repealing
Chapter 486 of the Acts of the General Assembly of 1999
Section 4

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

Senate Bill 1062 – Senator Exum

AN ACT concerning

Prince George's County – Issuance of Alcoholic Beverages Licenses and Park Permits – Notice to Police Department

FOR the purpose of requiring the Prince George's County Board of License Commissioners to notify the county police department of certain information when the Board issues a special Class C beer, wine and liquor license; requiring the Maryland–National Capital Park and Planning Commission to notify the Prince George's County Police Department of certain information when the Commission issues a park permit for holding a party in a park or facility in the county; making certain stylistic changes; and generally relating to alcoholic beverages licenses and park permits in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 7–101(d)(1)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 7–101(d)(11)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 5–110
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

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

AMENDED IN THE SENATE

House Bill 387 – ~~**Delegates Malone and George**~~ **Delegate Malone and Delegates Ivey, Dumais,** ~~**Aumann, Bartlett, Bates, Beidle, Beitzel, Bohanan, Boteler, Bromwell, C. Clagett,**~~ **V. Clagett,** ~~**Conway, Costa, DeBoy, Donoghue,**~~ **Doory,** ~~**Dwyer, Eckardt, Elliott, Elmore, Frank, Haddaway, Hecht, Impallaria, James,**~~ **Jameson,** ~~**Jennings, Kach, Kelly, King, Kipke, Krebs,**~~ **Kullen, Levy, Love,** ~~**Mathias, McComas, McConkey, McDonough, Miller, Minnick, Myers, Norman, O'Donnell, Olszewski, Riley, Rudolph, Schuh,**~~ **Schuler,** ~~**Serafini, Shank, Shewell, Smigiel,**~~

~~Sophocleus, Sossi,~~ Stein~~, Stifler, Stocksdale, Stull, Walkup, Weir~~, Weldon, ~~and Wood~~ ~~Wood,~~ Vallario, ~~Ali,~~ Anderson, Barkley, ~~Barve,~~ Benson, Bobo, Branch, Bronrott, Burns, Cane, Carr, Carter, Conaway, Davis, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Hammen, Harrison, Haynes, Healey, Heller, Hixson, Holmes, Howard, Hubbard, ~~Hucker,~~ Jones, Kaiser, Kirk, Kramer, Krysiak, ~~Lafferty,~~ Lee, ~~Manno,~~ McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Proctor, Ramirez, Reznik, Rice, Robinson, Rosenberg, Ross, Simmons, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, Waldstreicher, and Walker

EMERGENCY BILL

AN ACT concerning

~~**Vehicle Laws – Drivers' Licenses, Identification Cards, and Moped Operators' Permits – Proof of Legal Presence**~~

Vehicle Laws – Lawful Status in the United States – Material Compliance with Federal Requirements

Delegate Vallario moved that the House not concur in the Senate amendments.

HB0387/448478/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 387
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike "EMERGENCY BILL"; and strike beginning with "Lawful" in line 4 down through "Requirements" in line 5 and substitute "Proof of Lawful Presence Act of 2009".

On page 2, strike beginning with "prohibiting" in line 11 down through "Administration" in line 41 and substitute "requiring the Motor Vehicle Administration to issue an identification card or a moped operator's permit to an individual who, in addition to meeting certain other requirements, provides certain documentation verifying that an individual is either a United States citizen or is lawfully present in the United States in accordance with federal law and that the

individual has a valid Social Security number or is not eligible for a Social Security number; prohibiting the Administration from issuing a driver's license to an individual who cannot provide certain documentation verifying that the individual is either a United States citizen or is lawfully present in the United States in accordance with federal law; providing that the effective term of an identification card, driver's license, or moped operator's permit issued to a certain individual may not exceed the time that the individual is authorized to remain in the United States in accordance with federal law; altering the expiration dates for an identification card, a moped operator's permit, and certain drivers' licenses; altering a certain provision that requires a driver's license application to include a Social Security number to apply only to an applicant who is eligible for a Social Security number; altering a certain provision relating to an applicant for a driver's license who does not have a Social Security number to require an applicant to provide certain documentation verifying that the individual has a valid Social Security number or is not eligible for a Social Security number; requiring an applicant for a driver's license to submit certain documentation with the application; altering certain requirements relating to renewal of a driver's license; clarifying language; making a stylistic change; and generally relating to the issuance of driver's licenses, moped operator's permits, and identification cards and proof of lawful presence in the United States".

On page 3, strike in their entirety lines 13 through 39, inclusive, and substitute:

"BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–128 and 16–106(a), (d), and (e)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–301(a) and (i), 16–103.1, 16–104.2, 16–106(b) and (c), and 16–115(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Transportation
Section 16–106(e)(4)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

On page 4, in line 1, strike "2. AND BE IT FURTHER ENACTED," and substitute "1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND".

AMENDMENT NO. 2

On pages 4 through 21, strike in their entirety the lines beginning with line 4 on page 4 through line 30 on page 21, inclusive, and substitute:

"11–128.

"License", as used in reference to the operation of a motor vehicle, means any:

(1) Driver's license; and

(2) Any other license or permit to drive a motor vehicle that is issued under or granted by the laws of this State, including:

(i) Any temporary license;

(ii) A learner's instructional permit;

(iii) A provisional license;

(iv) The privilege of any individual to drive a motor vehicle, whether or not that individual is formally licensed by this or any other jurisdiction;

(v) Any nonresident's privilege to drive, as defined in this subtitle; and

(vi) A commercial driver's license.

12–301.

(a) On application, the Administration shall issue an identification card to any individual who:

(1) Is a resident of this State;

(2) Does not have a driver's license;

(3) Presents a birth certificate or other proof of age and identity acceptable to the Administration; **[**and**]**

(4) **PROVIDES DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW;**

(5) PROVIDES DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE APPLICANT:

(I) HAS A VALID SOCIAL SECURITY NUMBER; OR

(II) IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER; AND

(6) Presents a completed application for an identification card on a form furnished by the Administration.

(i) (1) **[**An**]** **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN** identification card issued to an applicant at least 16 years old expires **[**every 5 years**]** **AT THE END OF A PERIOD OF TIME DETERMINED BY THE ADMINISTRATION, BUT NOT EXCEEDING 8 YEARS**.

(2) **[**An**]** **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN** identification card issued to an applicant under the age of 16 years expires every **[**2**]** **5** years.

(3) **THE EFFECTIVE TERM OF AN IDENTIFICATION CARD ISSUED TO AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.**

(4) An identification card may be renewed on application and payment of the fee required by this section.

16–103.1.

The Administration may not issue a driver's license to an individual:

(1) During any period for which the individual's license to drive is revoked, suspended, refused, or canceled in this or any other state, unless the individual is eligible for a restricted license under § 16–113(e) of this subtitle;

(2) Who is an habitual drunkard, habitual user of narcotic drugs, or habitual user of any other drug to a degree that renders the individual incapable of safely driving a motor vehicle;

(3) Who previously has been adjudged to be suffering from any mental disability or mental disease and who, at the time of application, has not been adjudged competent;

(4) Who is required by this title to take an examination, unless the individual has passed the examination;

(5) Whose driving of a motor vehicle on the highways the Administration has good cause to believe would be inimical to public safety or welfare;

(6) Who is unable to exercise reasonable control over a motor vehicle due to disease or a physical disability, including the loss of an arm or leg or both, except that, if the individual passes the examination required by this title, the Administration may issue the individual a restricted license requiring the individual to wear a workable artificial limb or other similar body attachment;

(7) Who is unable to understand highway warning or direction signs written in the English language;

(8) Who is unable to sign the individual's name for identification purposes;

(9) Who is 70 years old or older and applying for a new license, unless the applicant presents to the Administration:

(i) Proof of the individual's previous satisfactory operation of a motor vehicle; or

(ii) A written certification acceptable to the Administration from a licensed physician attesting to the general physical and mental qualifications of the applicant; **[**or**]**

(10) **WHO CANNOT PROVIDE DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE INDIVIDUAL:**

(I) IS A UNITED STATES CITIZEN; OR

(II) IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW; OR

(11) Who otherwise does not qualify for a license under this title.

16–104.2.

(a) On application, the Administration shall issue a moped operator's permit to an individual**:**

(1) [who**] WHO** is 16 years of age or **[**older, and who**] OLDER;**

(2) WHO does not possess a valid driver's license issued by this State or any other jurisdiction, but whose license or privilege to drive is not revoked, suspended, refused, or canceled**; AND**

(3) WHO IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

(b) An applicant is entitled to receive a moped operator's permit if the applicant:

(1) Passes the examination provided for in § 16–110(c)(1) of this subtitle; **[**and**]**

(2) Pays the fee provided for in this section**;**

(3) PROVIDES DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW; AND

(4) PROVIDES DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE APPLICANT:

(I) HAS A VALID SOCIAL SECURITY NUMBER; OR

(II) IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER.

(c) Each application for a moped operator's permit shall be on a form and contain the information that the Administration requires and each permit issued shall be of a size, design, and content that the Administration specifies.

(d) (1) A permit is not valid unless the applicant signs the applicant's name on it in the applicant's usual signature.

(2) When issued and signed, a moped operator's permit only authorizes its holder to operate a moped, as defined in § 11–134.1 of this article or a motor scooter, as defined in § 11–134.5 of this article.

(e) **(1) [**A**] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A** moped operator's permit expires **[**every 5 years**] AT THE END OF A PERIOD OF TIME DETERMINED BY THE ADMINISTRATION, BUT NOT EXCEEDING 8 YEARS**.

(2) THE EFFECTIVE TERM OF A MOPED OPERATOR'S PERMIT ISSUED TO AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

(3) [It**] A MOPED OPERATOR'S PERMIT** may be renewed on application and payment of the fee required by subsection (f) of this section.

(f) (1) For issuance or renewal of a moped operator's permit, an applicant shall pay the Administration a fee established by the Administration.

(2) For issuance of a duplicate moped operator's permit, an applicant shall pay the Administration a fee established by the Administration.

16–106.

(a) Each application for a driver's license shall be made on the form that the Administration requires.

(b) The application shall state:

(1) The full name, Maryland residence address, employer, race, sex, height, weight, general physical condition, and date of birth of the applicant;

(2) Whether the applicant previously has been refused a license to drive and, if so:

(i) By what state or country; and

(ii) The date of and reason for the refusal;

(3) Whether the applicant previously has been licensed to drive and, if so:

(i) When and by what state or country; and

(ii) Whether the license ever has been suspended, revoked, or canceled and, if so, the date of and reason for the suspension, revocation, or cancellation;

(4) **[**Subject to the provisions of subsection (c) of this section**]** **IF AN APPLICANT IS ELIGIBLE FOR A SOCIAL SECURITY NUMBER**, the applicant's Social Security number; and

(5) Any other pertinent information that the Administration requires.

(c) **[**(1) Subsection (b)(4) of this section applies only to an applicant who has a Social Security number.

(2) If an applicant does not have a Social Security number, the applicant shall certify in the application that the applicant does not have a Social Security number.**] THE APPLICANT SHALL PROVIDE DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE APPLICANT:**

(1) HAS A VALID SOCIAL SECURITY NUMBER; OR

(2) IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER.

(d) The applicant shall sign the application and certify that the statements made in it are true.

(e) (1) Except as otherwise provided in this subsection, an applicant for an original license shall submit with the application a birth certificate or other proof of age and identity that is satisfactory to the Administration.

(4) AN APPLICANT SHALL SUBMIT WITH THE APPLICATION DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

16–115.

(a) (1) **[**A**] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A** license issued under this title to a driver at least 21 years old shall expire on the birth date of the licensee **[**in the fifth**] IN A YEAR DETERMINED BY THE ADMINISTRATION, BUT NOT LATER THAN THE EIGHTH** year following the issuance of the license.

(2) **[**A**] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A** license issued under this title to a driver under the age of 21 years shall expire **NOT LATER THAN** 60 days after the driver's 21st birthday.

(3) A license is renewable on the presentation of an application **AND ANY OTHER DOCUMENTATION REQUIRED BY THE ADMINISTRATION**, the payment

of the renewal fee required by § 16–111.1 of this subtitle, and satisfactory completion of the examination required or authorized by subsection (h) of this section:

(i) Within **[**6 months before its expiration**]** **A PERIOD OF TIME DETERMINED BY THE ADMINISTRATION**; or

(ii) When a driver qualifies for a corrected license issued under § 16–114.1(c) of this subtitle.

(4) Except as provided in subsection (e) of this section, the Administration may not renew an individual's license for more than one consecutive term without requiring the individual to appear in person at an office of the Administration.

(5) THE EFFECTIVE TERM OF A DRIVER'S LICENSE ISSUED TO AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0387**
SPONSOR: Del Ivey, et al
SUBJECT: Vehicle Laws – Lawful Status in the United States – Material Compliance with Federal Requirements

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Dumais, Chairman
Delegate Rosenberg, and
Delegate Anderson.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

SPECIAL ORDERS

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

House Bill 176 – Delegates Lafferty, Ali, Beidle, Bobo, Bromwell, Carr, Glenn, Healey, Holmes, Hucker, Malone, Niemann, Olszewski, Schuler, and Stein

AN ACT concerning

Bay Restoration Act of 2009

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB0176/843329/1

BY: Delegate McConkey

AMENDMENTS TO HOUSE BILL 176, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Environmental Matters Committee Amendments (HB0176/180919/1), in line 5 of Amendment No. 1, after "technology" insert ", unless a certain waiver is granted; authorizing the Department of the Environment to grant a waiver of a certain requirement of this Act under certain circumstances".

AMENDMENT NO. 2

On page 2 of the bill, in line 4, after "**(B)**" insert "**(1)**"; in the same line, strike "**A**" and substitute "**UNLESS GRANTED A WAIVER UNDER PARAGRAPH (2) OF THIS SUBSECTION, A**"; and before line 7, insert:

"**(2) THE DEPARTMENT MAY WAIVE THE REQUIREMENTS OF PARAGRAPH (1)(II) OF THIS SUBSECTION IF:**

(I) THE REPLACEMENT OF AN ON–SITE SEWAGE DISPOSAL SYSTEM WITH A SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY WOULD REQUIRE THE SYSTEM TO BE PLACED IN A DIFFERENT LOCATION THAN THE EXISTING SYSTEM; AND

(II) 1. THE RELOCATION OF THE SYSTEM WOULD CAUSE SIGNIFICANT DAMAGE TO THE ENVIRONMENT; OR

2. THE RELOCATION WOULD ADVERSELY IMPACT ADJACENT PROPERTY.".

On page 2 of the Environmental Matters Committee Amendments, in lines 2 and 7 of Amendment No. 2, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively.

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

Affirmative – 38 Negative – 87 (See Roll Call No. 990)

Delegate Elmore moved to make the Bill a Special Order for Friday.

The motion was rejected by a roll call vote as follows:

Affirmative – 38 Negative – 93 (See Roll Call No. 991)

FLOOR AMENDMENT

HB0176/433028/1

BY: Delegate Kipke

AMENDMENTS TO HOUSE BILL 176, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Environmental Matters Committee Amendments (HB0176/180919/1), in lines 6 and 7 Amendment No. 1, strike "under certain circumstances".

AMENDMENT NO. 2

On page 2 of the Environmental Matters Committee Amendments, in line 13 of Amendment No. 2, strike "**, IF SUFFICIENT FUNDS ARE AVAILABLE**".

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

Affirmative – 49 Negative – 81 (See Roll Call No. 992)

FLOOR AMENDMENT

HB0176/693422/2

BY: Delegate Haddaway

AMENDMENTS TO HOUSE BILL 176, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 4, after "technology" insert "except under certain circumstances"; in line 5, strike "assist" and substitute "pay to"; and in the same line, strike "in paying for" and substitute "an amount equal to".

On page 1 of the Environmental Matters Committee Amendments (HB0176/180919/1), in line 5 of Amendment No. 1, after "technology" insert "except under certain circumstances"; and in line 6, strike "an owner" and substitute "a certain owner".

AMENDMENT NO. 2

On page 2 of the bill, in line 7, strike "**IN ACCORDANCE WITH § 9–1605.2(H)**" and substitute "**WITH MONEY FROM THE BAY RESTORATION FUND UNDER § 9–1605.2**"; in line 8, strike "**ASSIST**" and substitute "**PAY TO**"; in the same line, strike "**IN PAYING**" and substitute "**WHO, SUBJECT TO SUBSECTION (B) OF THIS SECTION, INSTALLS, HAS INSTALLED, REPLACES, OR HAS REPLACED AN ON–SITE SEWAGE DISPOSAL SYSTEM, AN AMOUNT EQUAL TO**"; strike beginning with "**WITH**"

in line 10 down through "**FUND**" in line 11; and in line 12, strike "**(D)**" and substitute "**(E)**".

On page 2 of the Environmental Matters Committee Amendments, in line 13 of Amendment No. 2, strike "**, IF SUFFICIENT FUNDS ARE AVAILABLE**" and substitute ".

(D) IF THERE ARE NOT SUFFICIENT FUNDS AVAILABLE IN THE BAY RESTORATION FUND TO PAY THE COSTS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION DO NOT APPLY TO A PERSON WHO INSTALLS, HAS INSTALLED, REPLACES, OR HAS REPLACED AN ON–SITE SEWAGE DISPOSAL SYSTEM".

On page 3 of the Environmental Matters Committee Amendments, in lines 1 and 7 of Amendment No. 3, strike "**(E)**" and "**(F)**", respectively, and substitute "**(F)**" and "**(G)**", respectively.

AMENDMENT NO. 3

On page 2 of the Environmental Matters Committee Amendments, in line 7 of Amendment No. 3, strike "**$8,000**" and substitute "**$1,000**".

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

Affirmative – 47 Negative – 78 (See Roll Call No. 993)

FLOOR AMENDMENT

HB0176/983025/1

BY: Delegate Eckardt

AMENDMENTS TO HOUSE BILL 176, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Environmental Matters Committee Amendments (HB0176/180919/1), in line 13 of Amendment No. 1, after "provides;" insert "allowing a credit, not to exceed a certain amount, against the State income tax for certain electricity costs related to certain sewage disposal systems;"; and in line 22, after "10–208(q)" insert "and 10–728".

AMENDMENT NO. 2

On page 4 of the Environmental Matters Committee Amendments, in line 10 of Amendment No. 4, after "**ARTICLE.**" insert:

"**10–728.**

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

(2) "NITROGEN REMOVAL TECHNOLOGY" HAS THE MEANING STATED IN § 9–1108 OF THE ENVIRONMENT ARTICLE.

(3) "ON–SITE SEWAGE DISPOSAL SYSTEM" HAS THE MEANING STATED IN § 9–1108 OF THE ENVIRONMENT ARTICLE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE COST OF ELECTRICITY USED IN OPERATING A CONVENTIONAL ON–SITE SEWAGE DISPOSAL SYSTEM AND THE COST OF ELECTRICITY USED IN OPERATING A SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY.

(C) (1) FOR ANY TAXABLE YEAR, THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT EXCEED THE LESSER OF:

(I) $250; OR

(II) THE STATE INCOME TAX IMPOSED FOR THE TAXABLE YEAR.

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

and in line 11, strike "under § 10–208(q)" and substitute "and tax credit under §§ 10–208(q) and 10–728".

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

Affirmative – 41 Negative – 89 (See Roll Call No. 994)

FLOOR AMENDMENT

HB0176/103827/1

BY: Delegate Dwyer

AMENDMENTS TO HOUSE BILL 176, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Environmental Matters Committee Amendments (HB0176/180919/1), in line 5 of Amendment No. 1, after "technology;" insert "requiring the Department of the Environment to allow a person to use a drainage field of a certain size under certain circumstances;".

On page 1 of the bill, in line 5, strike "of the Environment".

AMENDMENT NO. 2

On page 2 of the bill, after line 6, insert:

"**(C) IF A PERSON IS REPLACING AN EXISTING ON–SITE SEWAGE DISPOSAL SYSTEM WITH A REPLACEMENT SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY IN ACCORDANCE WITH SUBSECTION (B)(2) OF THIS SECTION, THE DEPARTMENT SHALL ALLOW THE PERSON TO USE A DRAIN FIELD THAT IS HALF THE SIZE OF A DRAIN FIELD THAT WOULD BE REQUIRED FOR AN ON–SITE DISPOSAL SYSTEM WITHOUT NITROGEN REMOVAL TECHNOLOGY.**";

and in lines 7 and 12, strike "**(C)**" and "**(D)**", respectively, and substitute "**(D)**" and "**(E)**", respectively.

AMENDMENT NO. 3

On page 3 of the Environmental Matters Committee Amendments, in lines 1 and 7 of Amendment No. 3, strike "**(E)**" and "**(F)**", respectively, and substitute "**(F)**" and "**(G)**", respectively.

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

Affirmative – 37 Negative – 93 (See Roll Call No. 995)

FLOOR AMENDMENT

HB0176/783726/1

BY: Delegate Dwyer

AMENDMENTS TO HOUSE BILL 176, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Environmental Matters Committee Amendments (HB0176/180919/1), in line 5 of Amendment No. 1, after "technology;" insert "requiring the Department of the Environment to allow a person to use an existing drain field to comply with certain provisions for a certain purpose under certain circumstances;".

On page 1 of the bill, in line 5, strike "of the Environment".

AMENDMENT NO. 2

On page 2 of the bill, after line 6, insert:

"**(C) FOR PURPOSES OF MEETING THE REQUIREMENTS OF THIS SECTION, THE DEPARTMENT SHALL ALLOW A PERSON TO USE AN EXISTING DRAIN FIELD IF:**

(1) THE PERSON IS REPLACING AN EXISTING ON–SITE SEWAGE DISPOSAL SYSTEM WITH A REPLACEMENT SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY IN ACCORDANCE WITH SUBSECTION (B)(2) OF THIS SECTION; AND

(2) THE PERSON'S PROPERTY DOES NOT HAVE SUFFICIENT LAND TO CONSTRUCT A NEW DRAIN FIELD.";

and in lines 7 and 12, strike "**(C)**" and "**(D)**", respectively, and substitute "**(D)**" and "**(E)**", respectively.

AMENDMENT NO. 3

On page 3 of the Environmental Matters Committee Amendments, in lines 1 and 7 of Amendment No. 3, strike "**(E)**" and "**(F)**", respectively, and substitute "**(F)**" and "**(G)**", respectively.

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

Affirmative – 38 Negative – 89 (See Roll Call No. 996)

FLOOR AMENDMENT

HB0176/103522/1

BY: Delegate Smigiel

AMENDMENT TO HOUSE BILL 176, AS AMENDED

On page 3 of the Environmental Matters Committee Amendments (HB0176/180919/1), in line 4 of Amendment No. 3, strike "**TO ENSURE**" and substitute "**THAT:**

(I) PROVIDE A DEFINITION FOR A FAILING ON–SITE SEWAGE DISPOSAL SYSTEM THAT REQUIRES REPLACEMENT UNDER SUBSECTION (B)(2) OF THIS SECTION; AND

(II) ENSURE".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 43 Negative – 90 (See Roll Call No. 997)

FLOOR AMENDMENT

HB0176/753922/1

BY: Delegate Impallaria

AMENDMENTS TO HOUSE BILL 176, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Environmental Matters Committee Amendments (HB0176/180919/1), in line 5 of Amendment No. 1, after "technology;" insert "requiring the Department of the Environment to allow a person to use an existing drain field to comply with certain provisions for a certain purpose under certain circumstances;".

On page 1 of the bill, in line 5, strike "of the Environment".

AMENDMENT NO. 2

On page 2 of the bill, after line 6, insert:

"**(C) FOR PURPOSES OF MEETING THE REQUIREMENTS OF THIS SECTION, THE DEPARTMENT SHALL ALLOW A PERSON TO USE AN EXISTING DRAIN FIELD IF:**

(1) THE PERSON IS REPLACING AN EXISTING ON–SITE SEWAGE DISPOSAL SYSTEM WITH A REPLACEMENT SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY IN ACCORDANCE WITH SUBSECTION (B)(2) OF THIS SECTION; AND

(2) CONSTRUCTING A NEW DRAIN FIELD WOULD REQUIRE THE REMOVAL OF ANY TREES ON THE PERSON'S PROPERTY.";

and in lines 7 and 12, strike "**(C)**" and "**(D)**", respectively, and substitute "**(D)**" and "**(E)**", respectively.

AMENDMENT NO. 3

On page 3 of the Environmental Matters Committee Amendments, in lines 1 and 7 of Amendment No. 3, strike "**(E)**" and "**(F)**", respectively, and substitute "**(F)**" and "**(G)**",respectively.

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

Affirmative – 37 Negative – 94 (See Roll Call No. 998)

FLOOR AMENDMENT

HB0176/263528/1

BY: Delegate Eckardt

AMENDMENTS TO HOUSE BILL 176, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Environmental Matters Committee Amendments (HB0176/180919/1), in line 13 of Amendment No. 1, after "provides;" insert "allowing a credit, not to exceed a certain amount, against the State income tax equal to the cost of maintenance and repair of an on–site sewage disposal system that utilizes nitrogen removal technology;"; and in line 22, after "10–208(q)" insert "and 10–728".

AMENDMENT NO. 2

On page 4 of the Environmental Matters Committee Amendments, in line 10 of Amendment No. 4, after "**ARTICLE.**" insert:

"**10–728.**

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

(2) "NITROGEN REMOVAL TECHNOLOGY" HAS THE MEANING STATED IN § 9–1108 OF THE ENVIRONMENT ARTICLE.

(3) "ON–SITE SEWAGE DISPOSAL SYSTEM" HAS THE MEANING STATED IN § 9–1108 OF THE ENVIRONMENT ARTICLE.

(B) SUBJECT TO THE LIMITATIONS OF THIS SECTION, AN INDIVIDUAL MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN AN AMOUNT EQUAL TO THE COST OF MAINTENANCE AND REPAIR DURING THE TAXABLE YEAR OF AN ON–SITE SEWAGE DISPOSAL SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY.

(C) (1) FOR ANY TAXABLE YEAR, THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT EXCEED THE LESSER OF:

(I) $500; OR

(II) THE STATE INCOME TAX IMPOSED FOR THE TAXABLE YEAR.

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

and in line 11, strike "under § 10–208(q)" and substitute "and tax credit under §§ 10–208(q) and 10–728".

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

Affirmative – 39 Negative – 92 (See Roll Call No. 999)

FLOOR AMENDMENT

HB0176/593225/1

BY: Delegate Smigiel

AMENDMENTS TO HOUSE BILL 176, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 4, after "technology" insert "and is on a certain list".

On page 1 of the Environmental Matters Committee Amendments (HB0176/180919/1), in line 5 of Amendment No. 1, after "technology" insert "and is on a certain list".

AMENDMENT NO. 2

On page 1 of the bill, after line 19, insert:

"**(2) "APPROVED SYSTEM" MEANS A SYSTEM ON THE DEPARTMENT'S LIST OF ON–SITE SEWAGE DISPOSAL SYSTEMS THAT:**

(I) HAVE UNDERGONE THE ENVIRONMENTAL PROTECTION AGENCY'S – ENVIRONMENTAL TECHNOLOGY VERIFICATION PROGRAM, NSF 245 CERTIFICATION, OR OTHER THIRD PARTY TESTING; AND

(II) ARE CONSIDERED ELIGIBLE FOR GRANTS FROM THE BAY RESTORATION FUND.";

and in line 20, strike "**(2)**" and substitute "**(3)**".

On page 2 of the bill, in line 1, strike "**(3)**" and substitute "**(4)**"; in line 6, strike "**UTILIZES**" and substitute "**:**

(I) UTILIZES";

and in line 9, strike the second "**A**" and substitute "**AN APPROVED**".

On page 2 of the Environmental Matters Committee Amendments, in line 6 of Amendment No. 2, after the semicolon insert "**AND**

(II) IS AN APPROVED SYSTEM;";

in line 10, strike "**UTILIZES**" and substitute "**:**

(I) UTILIZES";

and in line 11, after "**TECHNOLOGY**" insert "**; AND**

(II) IS AN APPROVED SYSTEM".

On page 3 of the Environmental Matters Committee Amendments, after the last line of Amendment No. 4, insert:

"**(II) "APPROVED SYSTEM" HAS THE MEANING STATED IN § 9–1108 OF THE ENVIRONMENT ARTICLE.**";

On page 4 of the Environmental Matters Committee Amendments, in lines 1 and 3 of Amendment No. 4, strike "**(II)**" and "**(III)**", respectively, and substitute "**(III)**" and "**(IV)**", respectively; and in line 7, strike "**A**" and substitute "**AN APPROVED**".

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

Affirmative – 40 Negative – 88 (See Roll Call No. 1000)

FLOOR AMENDMENT

HB0176/273726/1

BY: Delegate Dwyer

AMENDMENTS TO HOUSE BILL 176, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Environmental Matters Committee Amendments (HB0176/180919/1), in line 5 of Amendment No. 1, after "technology;" insert "prohibiting a local department of health from requiring the installation of nitrogen removal technology for on–site sewage disposal systems for a certain purpose;".

AMENDMENT NO. 2

On page 2 of the bill, after line 6, insert:

"**(C) A LOCAL DEPARTMENT OF HEALTH MAY NOT REQUIRE THE INSTALLATION OF NITROGEN REMOVAL TECHNOLOGY FOR ON–SITE SEWAGE DISPOSAL SYSTEMS FOR THE PURPOSE OF REGULATING GROWTH.**";

and in lines 7 and 12, strike "**(C)**" and "**(D)**", respectively, and substitute "**(D)**" and "**(E)**", respectively.

AMENDMENT NO. 3

On page 3 of the Environmental Matters Committee Amendments, in lines 1 and 7 of Amendment No. 3, strike "**(E)**" and "**(F)**", respectively, and substitute "**(F)**" and "**(G)**", respectively.

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

Affirmative – 35 Negative – 89 (See Roll Call No. 1001)

FLOOR AMENDMENT

HB0176/973620/1

BY: Delegate Impallaria

AMENDMENTS TO HOUSE BILL 176, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 3, after the first "of" insert "providing that a political subdivision may not charge a certain fee for connection with a sewerage system under certain circumstances;"; in line 4, after "technology" insert "except under certain circumstances"; and after line 8, insert:

"BY repealing and reenacting, with amendments,
Article – Environment
Section 9–722
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)".

On page 1 of the Environmental Matters Committee Amendments (HB0176/180919/1), in line 5 of Amendment No. 1, after "technology" insert "except under certain circumstances; establishing that certain provisions do not apply if a certain county plan indicates the property will be connected to a sewerage system in a certain time period".

AMENDMENT NO. 2

On page 1 of the bill, after line 16, insert:

"9–722.

(a) **(1) [**To**]EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, TO** provide funds for the payment of principal and interest on indebtedness that is incurred to finance any water or sewerage system, a political subdivision may:

[(1)**] (I)** Establish a reasonable charge that is not less than the actual cost, payable to the political subdivision, for connection with a water or sewerage system; and

[(2)**] (II)** Set an annual assessment, payable to the political subdivision, on all property, improved or unimproved, that abuts on any street, road, lane, alley, or right–of–way in which there is a water main or sewer.

(2) A POLITICAL SUBDIVISION MAY NOT CHARGE A CONNECTION FEE UNDER THIS SECTION TO CONNECT A PROPERTY TO A SEWERAGE SYSTEM IF THE OWNER OF THE PROPERTY INSTALLED A NEW ON–SITE SEWAGE DISPOSAL SYSTEM IN THE 5 YEARS PRECEDING THE CONNECTION TO THE SEWERAGE SYSTEM.

(b) Except for special provisions that apply only in certain political subdivisions, the provisions of §§ 9–655 through 9–658 of this title govern the imposition of assessments under this section.".

AMENDMENT NO. 3

On page 2 of the bill, in line 4, after "**(B)**" insert "**(1)**"; in the same line, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; and before line 7, insert:

"**(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY IF A COUNTY PLAN, AS DEFINED IN § 9–501 OF THIS SUBTITLE, INDICATES THAT THE PROPERTY ON WHICH AN ON–SITE SEWAGE DISPOSAL SYSTEM IS TO BE INSTALLED OR REPLACED WILL BE CONNECTED TO A SEWERAGE SYSTEM WITHIN 5 YEARS AFTER THE DATE OF THE PROPOSED INSTALLATION OR REPLACEMENT.**".

On page 2 of the Environmental Matters Committee Amendments, in lines 2 and 7 of Amendment No. 2, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively.

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

Affirmative – 38 Negative – 90 (See Roll Call No. 1002)

FLOOR AMENDMENT

HB0176/223420/1

BY: Delegate Elmore

AMENDMENT TO HOUSE BILL 176
(First Reading File Bill)

On page 2, in line 7, after "**(C)**" insert "**(1)**"; after line 11, insert:

"**(2) IF A PERSON WHO OWNS PROPERTY IN THE STATE IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA HAS AN ANNUAL INCOME OF LESS THAN $50,000, THE DEPARTMENT SHALL PAY THE TOTAL COST OF REPLACING OR HAVING REPLACED AN EXISTING ON–SITE SEWAGE DISPOSAL SYSTEM AS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 39 Negative – 90 (See Roll Call No. 1003)

Read the second time and ordered prepared for Third Reading.

AMENDED IN THE SENATE

House Bill 102 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2009, the Hillandale Center Loan of 2001, the Baltimore City – New Shiloh Multipurpose Center Loan of 2001, and the Maryland Consolidated Capital Bond Loans of 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008

Delegate Conway moved that the House not concur in the Senate amendments.

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE TO THE MARYLAND SENATE – 2009 SESSION – RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION PERTAINING TO HOUSE BILL 102 – THE CAPITAL BUDGET

(See Exhibit O of Appendix II)

SENATE BUDGET AND TAXATION COMMITTEE REPRINT TO HOUSE BILL 102 – THE CAPITAL BUDGET

(See Exhibit P of Appendix II)

The preceding amendments were read and not concurred in.

HB0102/313020/2

BY: Senators Rosapepe and Miller

AMENDMENT TO HOUSE BILL 102
(Third Reading File Bill – Committee Reprint)

On page 28, in Amendment No. 18, in line 29, after "campus" insert ". Provided that no funds may be expended on this project until:

(1) the University of Maryland, College Park and the City of College Park enter a memorandum of understanding regarding the scope of the East Campus project and other issues related to the project; or

(2) the City of College Park provides a letter to the General Assembly and the Board of Public Works that certifies that the City is satisfied with the intended use of the funds".

The preceding amendment was read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0102**
SPONSOR: The Speaker (Admin)
SUBJECT: Capital Budget of 2009

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Jones, Chair
Delegate Griffith
Delegate Conway

Delegate Gaines
Delegate Beitzel

In addition, the House has appointed in advisory capacity: Delegates DeBoy, Haynes and Bohanan.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

SPECIAL ORDERS

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

House Bill 1002 – Delegates Conaway, Anderson, and Boteler

EMERGENCY BILL

AN ACT concerning

Public Service Companies – Gas and Electric Service – Alternative Payment Agreements

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

HB1002/443293/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1002
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 7, in each instance, strike "requiring" and substitute "authorizing"; strike beginning with "by" in line 4 down through "date" in line 5; strike beginning with the comma in line 9 down through the second "customer" in line 10; strike beginning with "requiring" in line 11 down through "criteria" in line 13 and

substitute "authorizing the Commission to specify the circumstances under which certain restrictions and agreements may be required; requiring the Commission to include certain information in a certain annual report; authorizing the Commission to adopt certain provisions for a limited period of time by order, notwithstanding a certain provision of law; requiring the Commission to adopt certain regulations to be effective by a certain date under certain circumstances; providing for the continuity of certain agreements under certain circumstances"; strike beginning with "providing" in line 14 down through "Act;" in line 15; in line 17, strike "adding to" and substitute "repealing and reenacting, with amendments,"; and in line 19, strike "7–307.1" and substitute "7–307".

AMENDMENT NO. 2

On page 1, after line 24, insert:

"7–307.

(a) In this section, "termination of service" means the termination, reduction, or refusal to reinstate gas or electric service, or any other action that has the effect of reducing or denying gas or electric service because of nonpayment.

(b) (1) Subject to paragraph (2) of this subsection, the Commission shall adopt regulations concerning the prohibition against or limitation of authority of a public service company to terminate service for gas or electricity to a low income residential customer during the heating season for nonpayment.

(2) In adopting the regulations required under paragraph (1) of this subsection, the Commission shall consider and may include provisions relating to:

(i) the circumstances under which service may and may not be limited or terminated;

(ii) the minimum heating levels required to maintain life, health, and safety;

(iii) the medical, age, disabling, or other individual characteristics that are relevant to a prohibition against or limitation on the termination of service;

(iv) the availability of and qualification for State and federal energy assistance;

(v) the financial eligibility standards relevant to a prohibition against or limitation on the termination of service;

(vi) the availability and appropriateness of equipment designed to limit the flow of service for gas or electricity;

(vii) the short–term and long–term alternative payment plans, for appropriate customers whose accounts are in arrears, that are best designed:

1. to allow present and future continuation of service; and

2. to encourage full payment over a period of time;

(viii) the methods that a public service company might use before and during the heating season to anticipate customer nonpayment, to assist those customers, and to avoid termination of service;

(ix) the procedures that a public service company uses to mitigate the problems of termination of service to customers, including customer contact;

(x) the procedure that a public service company shall follow before termination of service to a customer to avoid a threat to life, health, or safety;

(xi) the appropriate customer notice before the termination of service;

(xii) the appropriate opportunity and procedure for a customer to contest a proposed termination of service;

(xiii) the existence of other circumstances that because of an emergency, might justify a prohibition against or a limitation on the termination of service; and

(xiv) the economic implication of any restriction on termination of service.

(3) IN ADDITION TO THE AUTHORITY GRANTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION MAY BY REGULATION:

(I) PROHIBIT OR LIMIT THE AUTHORITY OF A PUBLIC SERVICE COMPANY TO TERMINATE SERVICE FOR GAS OR ELECTRICITY TO A RESIDENTIAL CUSTOMER FOR NONPAYMENT OF ARREARAGES ACCRUED DURING THE HEATING SEASON;

(II) REQUIRE THE IMPLEMENTATION OF ONE OR MORE PLANS FOR ALTERNATIVE PAYMENT AGREEMENTS IN A FORM APPROVED BY THE COMMISSION TO ALLOW A RESIDENTIAL CUSTOMER TO PAY ARREARAGES ACCRUED DURING THE HEATING SEASON AND MAINTAIN GAS OR ELECTRIC SERVICE THROUGH THE TERM OF THE AGREEMENT; AND

(III) SPECIFY THE CIRCUMSTANCES UNDER WHICH TERMINATION LIMITATIONS AND IMPLEMENTATION OF ALTERNATIVE PAYMENT PLANS MAY BE REQUIRED UNDER THIS PARAGRAPH.

(c) (1) In accordance with § 2–1246 of the State Government Article, on or before June 1 of each year, the Commission shall report to the General Assembly on terminations of service by public service companies during the previous heating season.

(2) The report shall include information in sufficient detail to indicate the effect of the terminations of service on various categories of customers, including:

(i) income levels;

(ii) geographic areas;

(iii) energy assistance recipients; and

(iv) any other category that the Commission determines is relevant to evaluate how the State may best address the problem of assuring adequate gas and electric service for low income **AND OTHER** residential customers.".

On pages 1 and 2, strike in their entirety the lines beginning with line 25 on page 1 through line 30 on page 2, inclusive.

On page 2, in line 31, after "That" insert ":

(a) Notwithstanding Title 10, Subtitle 1 of the State Government Article, the Public Service Commission may by order adopt provisions limiting terminations and requiring plans for alternative payment agreements, either statewide or by service territory, under § 7–307(c)(3) of the Public Utility Companies Article, as enacted by this Act.

(b) Any order that the Commission adopts under subsection (a) of this section:

(1) may be effective only through June 30, 2010; and

(2) shall be replaced by regulations that the Commission adopts, to take effect no later than June 30, 2010, implementing § 7–307(c)(3) of the Public Utility Companies Article, as enacted by this Act.

(c) Any alternative payment agreement that is entered into under the authority of an order adopted by the Commission under subsection (a) of this section shall remain in force under its terms if the residential customer is not in breach of the agreement.

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

On page 3, strike in their entirety lines 4 through 7, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1002/763290/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1002, AS AMENDED

On page 3 of the Economic Matters Committee Amendments (HB1002/443293/1), strike beginning with "**OF**" in line 22 of Amendment No. 2 down through "**SEASON**" in line 23.

On page 4 of the Economic Matters Committee Amendments, in line 4 of Amendment No. 2, strike "**ACCRUED DURING THE HEATING SEASON**".

On page 5 of the Economic Matters Committee Amendments, in lines 5 and 11 of Amendment No. 2, in each instance, strike "§ 7–307(c)(3)" and substitute "§ 7–307(b)(3)".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Delegate Conaway moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 123 Negative – 1 (See Roll Call No. 1004)

In compliance with the rules, the Bill was introduced.

House Bill 1579 – Delegate Conaway

AN ACT concerning

Consumer Protection – Credit and Debit Cards – Prohibition on Charging Fees

FOR the purpose of prohibiting a person that issues a credit card or debit card to a consumer in the State from charging certain fees in connection with the issuance or use of the credit card or debit card; and generally relating to credit card and debit card fees.

BY adding to
Article – Commercial Law

Section 13–320
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Delegate Conaway 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. 1005)

In compliance with the rules, the Bill was introduced.

House Bill 1580 – Delegate Conaway

EMERGENCY BILL

AN ACT concerning

Electric Companies – Payment Plans

FOR the purpose of requiring an electric company to offer to a certain residential customer the opportunity to enroll in a certain payment plan under certain circumstances; prohibiting an electric company from terminating electricity service to a certain residential customer who is enrolled in a certain payment plan for as long as the residential customer is making payments in accordance with the payment plan; making this Act an emergency measure; providing for the termination of this Act; and generally relating to a payment plan offered by an electric company to residential electric customers whose account is in arrears.

BY adding to
Article – Public Utility Companies
Section 7–307.1
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

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

Delegate Conaway moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 113 Negative – 6 (See Roll Call No. 1006)

In compliance with the rules, the Bill was introduced.

House Bill 1581 – Delegate Conaway

EMERGENCY BILL

AN ACT concerning

Consumer Protection – Car Title and Refund Anticipation Loans – Restrictions and Disclosure

FOR the purpose of prohibiting the principal balance of a car title loan from exceeding a certain amount; prohibiting the monthly payment for a car title loan from exceeding a certain percentage of the borrower's monthly gross income; prohibiting a lender from refinancing a car title loan under certain circumstances; requiring a lender under a refund anticipation loan to post a certain fee schedule at the lender's place of business, include a fee schedule on the application for a refund anticipation loan, state that extra fees may apply under certain circumstances, and state the amount of interest being charged for the refund anticipation loan; making this Act an emergency measure; defining certain terms; and generally relating to car title and refund anticipation loans.

BY adding to
Article – Commercial Law
Section 13–320 and 13–321
Annotated Code of Maryland
(2005 Replacement Volume and 2008 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 137 Members present.

(See Roll Call No. 1007)

ADJOURNMENT

At 3:15 P.M. on motion of Delegate Barve the House adjourned until 5:00 P.M., on Legislative Day April 4, 2009, Calendar Day, Thursday, April 9, 2009.

Annapolis, Maryland
Legislative Day: April 4, 2009
Calendar Day: Thursday, April 9, 2009

The House met at 5:12 P.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 128 Members present.

(See Roll Call No. 1008)

The Journal of April 3, 2009 was read and approved.

EXCUSES:
Del. Burns – business
Del. Cardin – Passover
Del. Proctor – foot injury
Del. F. Turner – illness

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0102**
SPONSOR: The Speaker (Admin)
SUBJECT: Capital Budget of 2009

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Jones, Chair
Delegate Griffith
Delegate Conway
Delegate Gaines
Delegate Beitzel

In addition, the House has appointed in advisory capacity: Delegates DeBoy, Haynes and Bohanan.

The Senate appoints:
Senator DeGrange, Chair
Senator Currie
Senator McFadden
Senator Kasemeyer
Senator Munson

In addition, the Senate has appointed in advisory capacity: Senators King and Edwards.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0303**
SPONSOR: The Speaker (Admin), et al
SUBJECT: Vehicle Laws – Teen Driver Safety

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Malone, Chair
Delegate Frush
Delegate Stull

The Senate appoints:
Senator Frosh, Chairman
Senator Haines
Senator Muse.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 1009)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #19

Senate Bill 81 – Chair, Finance Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

State Personnel – Maryland Whistleblower Law – Confidentiality of Information Obtained During Investigations of Complaints

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1010)

The Bill was then returned to the Senate.

Senate Bill 183 – Senators Pinsky, Rosapepe, Brochin, Conway, Dyson, Forehand, Frosh, Harrington, Kramer, Lenett, Madaleno, Peters, ~~and Raskin~~ Raskin, and Klausmeier

AN ACT concerning

College Textbook Competition and Affordability Act of 2009

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

Affirmative – 131 Negative – 2 (See Roll Call No. 1011)

The Bill was then returned to the Senate.

Senate Bill 593 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Board of Trustees – Attendance and Educational Training

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1012)

The Bill was then returned to the Senate.

Senate Bill 711 – Senators Mooney, Brinkley, Dyson, and Robey

AN ACT concerning

Trooper Tobin Triebel Life Insurance Memorial Act

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1013)

The Bill was then returned to the Senate.

Senate Bill 802 – Senators Klausmeier, Colburn, Dyson, Jacobs, Mooney, Rosapepe, ~~and Stone~~ Stone, and Harris

AN ACT concerning

Higher Education – Edward T. Conroy ~~Tuition Waiver Program – Establishment~~ Memorial Scholarship Program – Alterations

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1014)

The Bill was then returned to the Senate.

Senate Bill 1011 – Senators DeGrange, Currie, Jones, Kasemeyer, and Munson

AN ACT concerning

Department of Transportation – Consolidated Transportation Bonds – Issuance Procedures

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1015)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #20

Senate Bill 507 – Senators Conway, Colburn, DeGrange, Klausmeier, and Stone

AN ACT concerning

Maryland Locksmiths Act

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1016)

The Bill was then returned to the Senate.

Senate Bill 597 – Senators Conway, Gladden, Jones, McFadden, ~~and Pugh~~ Pugh, and Dyson

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Electronic Reporting

Delegate George moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

Senate Bill 684 – Senators Kramer, Astle, DeGrange, Della, Forehand, Jones, Kelley, Klausmeier, Lenett, Madaleno, Pinsky, Pugh, Robey, Rosapepe, ~~and Zirkin~~ Zirkin, Brochin, Haines, Jacobs, Raskin, Muse, Simonaire, and Stone

EMERGENCY BILL

AN ACT concerning

Senior Investment Protection Act

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

Affirmative – 133 Negative – 2 (See Roll Call No. 1017)

The Bill was then returned to the Senate.

Senate Bill 751 – ~~Senator Gladden~~ Senators Gladden, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Pipkin, ~~and Pugh~~ Pugh, Currie, Jones, Raskin, Conway, Muse, McFadden, and Harrington

AN ACT concerning

Insurance – Slavery Era Insurance Policies – Reporting

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1018)

The Bill was then returned to the Senate.

Senate Bill 959 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Regulation and Status

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1019)

The Bill was then returned to the Senate.

Senate Bill 1036 – Senator Middleton

EMERGENCY BILL

AN ACT concerning

Credit Regulation – Mortgage Loans – Proof of Ability to Repay – Exception

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

Affirmative – 134 Negative – 2 (See Roll Call No. 1020)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #21

Senate Bill 8 – Senator Haines

AN ACT concerning

Insurance – Unfair and Deceptive Practices – Limit on Offer, Promise, or Gift of Valuable Consideration Not Specified in a Contract or Policy

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1021)

The Bill was then returned to the Senate.

Senate Bill 63 – Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Oral Health Safety Net Program – Sunset Repeal

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1022)

The Bill was then returned to the Senate.

Senate Bill 132 – Senators Conway, Colburn, Dyson, Harrington, and Pinsky

AN ACT concerning

Department of General Services – Renovation of Historic Structures – Procurement Exemptions

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1023)

The Bill was then returned to the Senate.

Senate Bill 242 – Senators Pugh, Garagiola, Harrington, King, Lenett, Muse, ~~and Raskin~~ Raskin, and Klausmeier

AN ACT concerning

~~Pharmacy Permit Holders – Signs for Reporting~~ Dispensation of Prescription Medication – Provision of Information Relating to Incorrectly Filled Prescriptions

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1024)

The Bill was then returned to the Senate.

Senate Bill 309 – Senator Conway

AN ACT concerning

State Board of Pharmacy – Pharmacy Permit – Term and Renewal

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1025)

The Bill was then returned to the Senate.

Senate Bill 464 – Senators Edwards, Colburn, Mooney, Munson, and Stoltzfus

AN ACT concerning

Maryland Trauma Physician Services Fund – Rural Trauma Centers – Reimbursement

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1026)

The Bill was then returned to the Senate.

Senate Bill 471 – Senator Kelley

AN ACT concerning

~~Assisted Living Managers – Certification Requirement~~ State Board of Examiners of Nursing Home Administrators – Composition and Executive Director

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

Affirmative – 132 Negative – 3 (See Roll Call No. 1027)

The Bill was then returned to the Senate.

Senate Bill 602 – Senators Pinsky, Colburn, Conway, Dyson, Harrington, Lenett, ~~and Rosapepe~~ Rosapepe, and Middleton

AN ACT concerning

Dental Hygienists – Expanded Functions

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

Affirmative – 132 Negative – 3 (See Roll Call No. 1028)

The Bill was then returned to the Senate.

Senate Bill 628 – Senators Dyson and Middleton

AN ACT concerning

Health Occupations – Licensure of Social Workers

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1029)

The Bill was then returned to the Senate.

Senate Bill 636 – Senator Middleton

AN ACT concerning

Health Insurance – Required Report and Repeal of Obsolete Provisions

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1030)

The Bill was then returned to the Senate.

Senate Bill 776 – Senator Della

AN ACT concerning

Health Services Cost Review Commission – Financial Assistance and Debt Collection Policies

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1031)

The Bill was then returned to the Senate.

Senate Bill 789 – Senator Klausmeier

EMERGENCY BILL

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – ~~Massage Therapy Advisory Committee~~ Terms of Members

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

Affirmative – 135 Negative – 1 (See Roll Call No. 1032)

The Bill was then returned to the Senate.

Senate Bill 808 – Senator Colburn

AN ACT concerning

Milk Products – Pilot Farmstead Cheese Program – Permits

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

Affirmative – 135 Negative – 1 (See Roll Call No. 1033)

The Bill was then returned to the Senate.

Senate Bill 1039 – Senators Currie, Harrington, Miller, Muse, Peters, Pinsky, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

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

Affirmative – 130 Negative – 5 (See Roll Call No. 1034)

The Bill was then returned to the Senate.

Senate Bill 1054 – Senator Lenett

AN ACT concerning

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

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1035)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #23

Senate Bill 99 – ~~Senator Stone~~ Senators ~~Stone and Simonaire~~ Stone, Simonaire, Jacobs, and Kramer

AN ACT concerning

Criminal Law – Possession of Child Pornography – Penalties

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1036)

The Bill was then returned to the Senate.

Senate Bill 266 – The President (By Request – Administration) and Senators Frosh ~~and Lenett~~, Lenett, Brochin, Forehand, Gladden, Muse, Raskin, and Simonaire

AN ACT concerning

~~Public Safety – Department of State Police – Investigations Affecting First Amendment Rights~~
Freedom of Association and Assembly Protection Act of 2009

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1037)

The Bill was then returned to the Senate.

Senate Bill 303 – Senators Kramer, Astle, Madaleno, Robey, ~~and Rosapepe~~ Rosapepe, Frosh, Gladden, Brochin, Forehand, Haines, Jacobs, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Silver Alert Program – Establishment

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1038)

The Bill was then returned to the Senate.

Senate Bill 601 – ~~Senator Zirkin~~ Senators Zirkin, Brochin, Forehand, Gladden, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Domestic Violence – Temporary Protective Orders – Extension

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1039)

The Bill was then returned to the Senate.

Senate Bill 613 – Senators Gladden, Brochin, Conway, Dyson, Kramer, Madaleno, Munson, Muse, Peters, Pipkin, Raskin, Robey, Rosapepe, Stone, ~~and Zirkin~~ Zirkin, and Simonaire

AN ACT concerning

CINA, Guardianship, Adoption, Custody, and Visitation – Disability of Parent, Guardian, Custodian, or Party

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

Affirmative – 132 Negative – 2 (See Roll Call No. 1040)

The Bill was then returned to the Senate.

Senate Bill 643 – Senators Brochin, Klausmeier, and Simonaire

AN ACT concerning

Estates – Disqualification of Persons Convicted of Unlawfully Obtaining Property from Vulnerable Adults

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1041)

The Bill was then returned to the Senate.

Senate Bill 850 – Senator Muse

AN ACT concerning

Public Safety – Electronic Control Devices – Requirements

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

Affirmative – 111 Negative – 25 (See Roll Call No. 1042)

The Bill was then returned to the Senate.

Senate Bill 870 – Senator Gladden

AN ACT concerning

Marriage Ceremonies – Performance by Tax Court Judges

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

Affirmative – 111 Negative – 25 (See Roll Call No. 1043)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #24

Senate Bill 76 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Baltimore City Community College)

AN ACT concerning

Baltimore City Community College – Term of Student Trustee

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1044)

The Bill was then returned to the Senate.

Senate Bill 87 – Chair, Budget and Taxation Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Property Tax – Homestead Tax Credit – Eligibility

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1045)

The Bill was then returned to the Senate.

Senate Bill 158 – Senator Stone

AN ACT concerning

Baltimore County – Property Tax Credit – Civic League of Inverness, Inc.

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1046)

The Bill was then returned to the Senate.

Senate Bill 228 – Senators Glassman, Harris, and Jacobs

AN ACT concerning

Harford County – Property Tax Credit for Homes Near a Refuse Disposal System

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1047)

The Bill was then returned to the Senate.

Senate Bill 234 – Senators King, Conway, Currie, Della, Exum, Harrington, Jones, Kasemeyer, Lenett, Madaleno, Peters, Pugh, Raskin, and Robey

AN ACT concerning

Education – Maryland's Preschool for All Business Plan – Final Report Requirements

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

Affirmative – 108 Negative – 27 (See Roll Call No. 1048)

The Bill was then returned to the Senate.

Senate Bill 241 – Senators Pugh, Conway, Harrington, Kelley, Muse, and Pinsky

AN ACT concerning

Education – Suspension and Expulsion Procedures – Attendance–Related Offenses

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

Affirmative – 108 Negative – 25 (See Roll Call No. 1049)

The Bill was then returned to the Senate.

Senate Bill 274 – The President (By Request – Administration)

AN ACT concerning

Tax Increment Financing and Special Taxing Districts – Transit–Oriented Development

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1050)

The Bill was then returned to the Senate.

Senate Bill 335 – Senator Colburn

AN ACT concerning

Dorchester County and Talbot County – Property Tax Credit for Habitat for Humanity of Talbot & Dorchester Counties, Inc.

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1051)

The Bill was then returned to the Senate.

Senate Bill 573 – Senators Stoltzfus and Colburn

AN ACT concerning

Wicomico County – Local Board of Elections – Compensation

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1052)

The Bill was then returned to the Senate.

Senate Bill 627 – Senators Middleton, Colburn, Dyson, Edwards, Kasemeyer, and Klausmeier

AN ACT concerning

Loan Assistance Repayment and Practice Assistance for Physicians

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1053)

The Bill was then returned to the Senate.

Senate Bill 821 – Harford County Senators

AN ACT concerning

Harford County – Property Tax Exemption – Continuing Care Facility for Aged

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1054)

The Bill was then returned to the Senate.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0547**

SPONSOR: Del Stein, et al
SUBJECT: Vehicle Laws – Advertising Practices – Prohibited Acts

The Senate recedes from its position on HB 0547.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0539**
SPONSOR: Del Branch, et al
SUBJECT: Public Safety – Electronic Control Devices – Requirements

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Rosenberg, Chair
Delegate Barnes
Delegate McConkey

The Senate appoints:
Senator Muse, Chairman
Senator Forehand
Senator Simonaire.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0145**
SPONSOR: Chr JPR (Md Jud Conf)
SUBJECT: Courts – Violation of Probation or Suspension of Sentence – Notice or Warrant

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

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0145**
SPONSOR: Chr JPR (Md Jud Conf)
SUBJECT: Courts – Violation of Probation or Suspension of Sentence – Notice or Warrant

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments and respectfully requests the Senate to reconsider and concur. Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Lee, Chairman
Delegate Carter, and
Delegate Smigiel.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #16

CONSENT CALENDAR #11

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

Senate Bill 549 – Senator Dyson

AN ACT concerning

Sustainable Forestry Act of 2009

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

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:

Senate Bill 911 – Senators King, Currie, Kasemeyer, ~~and Middleton~~ Middleton, and McFadden

AN ACT concerning

Horse Racing – Purse Dedication Account – Allocation of Funds

The Bill was re–referred to the Committee on Ways and Means.

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:

Senate Bill 952 – Senator Middleton

AN ACT concerning

Maryland Medical Assistance Program – Substance Abuse Services

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 Environmental Matters:

Senate Bill 958 – Senator Rosapepe

EMERGENCY BILL

AN ACT concerning

Construction Permits – Expiration Dates

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

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

Senate Bill 991 – Senators Stone, Della, Kasemeyer, Kelley, Klausmeier, Robey, and Zirkin

AN ACT concerning

Business Occupations – Crane Operators – Certificate of Competence

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

SPECIAL ORDERS

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

Senate Bill 597 – Senators Conway, Gladden, Jones, McFadden, ~~and Pugh~~ Pugh, and Dyson

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Electronic Reporting

STATUS OF BILL: BILL ON 3RD READING.

FLOOR AMENDMENT

SB0597/753022/1

BY: Delegate George

AMENDMENTS TO SENATE BILL 597
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "of" insert "providing that certain record keeping requirements do not apply to certain retail jewelers or certain retail goldsmiths under certain circumstances;".

On page 1, in line 17, after "Section" insert "12–301 and".

AMENDMENT NO. 2

On page 1, after line 22, insert:

"12–301.

(a) **(1)** **[**Each**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH** dealer shall make a written record, on a form provided by the Secretary, of each business transaction that involves the acquisition of a secondhand precious metal object when the transaction is made.

(2) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A RETAIL JEWELER OR A RETAIL GOLDSMITH IF THE SECONDHAND PRECIOUS METAL OBJECT ACQUIRED BY THE RETAIL JEWELER OR RETAIL GOLDSMITH:

(I) IS TO BE CREDITED TOWARD CUSTOM WORK, REPAIRS, OR REMOUNTING FOR THE CUSTOMER WHO BROUGHT IN THE SECONDHAND PRECIOUS METAL OBJECT; AND

(II) THE AMOUNT OF THE CREDIT UNDER ITEM (I) OF THIS PARAGRAPH DOES NOT EXCEED THE COST OF THE CUSTOM WORK, REPAIRS, OR REMOUNTING.

(b) Each pawnbroker shall make a written record, on a form provided by the Secretary, of each business transaction that involves:

(1) lending money on pledge of personal property, other than a security or printed evidence of indebtedness; or

(2) buying personal property on condition of selling it back at a stipulated price; or

(3) buying the following items for the purpose of resale:

(i) binoculars;

(ii) cameras;

(iii) firearms;

(iv) furs;

(v) household appliances;

(vi) musical instruments;

(vii) office machines or equipment;

(viii) radios, televisions, videodisc machines, videocassette recorders, and stereo equipment;

(ix) personal computers, tapes, and disc recorders;

(x) watches;

(xi) bicycles; and

(xii) tangible personal property pledged as collateral.

(c) Each pawnbroker shall make a written record, on a form provided by the Secretary, of each transaction that involves the acquisition of an item described in subsection (b)(3) of this section for the purpose of resale.

(d) A separate record entry shall be made for each item involved in a transaction. However, items in a matching set may be recorded as a set if acquired in a single transaction.

(e) The dealer shall tag each item individually with a number that corresponds to the transaction under which it was acquired. However, items acquired in a matching set may be tagged as a set.

(f) For the purposes of this subtitle, there is a presumption that an object is a precious metal object if:

(1) it reasonably appears to be a precious metal object; and

(2) it was received by a dealer in the course of business or is found in the place of business or storage facility of a dealer.".

The preceding 2 amendments were read only.

Delegate Vaughn 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 134 Members present.

(See Roll Call No. 1055)

RECESS

At 5:57 P.M. on motion of Delegate Barve the House recessed until 10:30 A.M. on Legislative Day April 4, 2009, Calendar Day, Friday, April 10, 2009.

AFTER RECESS
Annapolis, Maryland
Legislative Day: April 4, 2009
Calendar Day: Friday, April 10, 2009

At 10:40 A.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Virginia P. Clagett of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 1056)

EXCUSES:
Del. Braveboy – left early – illness
Del. Myers – son's death
Del. Proctor – foot injury
Del. F. Turner – illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 1065 – ~~Senator Frosh~~ Senators Frosh, Harrington, and Lenett

AN ACT concerning

Standing – Miscellaneous Environmental Protection Proceedings and Judicial Review

FOR the purpose of repealing certain contested case hearing provisions related to permitting decisions by the Department of the Environment; authorizing judicial review of certain permitting and license decisions by the Department or the Board of Public Works at the request of certain persons who meet certain federal standing requirements and participate in a certain public participation process; establishing that under certain circumstances judicial review is available and a contested case hearing is prohibited; providing for the scope of judicial review; requiring a certain petition for judicial review to be filed with a certain circuit court; establishing procedures for filing a petition for judicial review; ~~altering~~ providing for certain temporary stay provisions; establishing

the contents of a certain record; requiring a certain extension of certain public comment periods on a certain request; authorizing certain persons who meet certain federal standing requirements to participate in a certain proceeding and certain judicial actions regarding variances to certain Critical Area requirements; providing for the application of this Act; making the provisions of this Act severable; providing for a delayed effective date; making conforming changes; and generally relating to standing in certain environmental protection proceedings and certain judicial actions.

BY repealing and reenacting, without amendments,
Article – Environment
Section 1–101(b) and 16–202(a), (b), and (c)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 1–601, 1–603(d)(1), 1–605, 5–204, 14–105(b), 14–508(b), 15–810(e), ~~15–813(g),~~ 16–204, ~~and~~ 16–307(d), and 16–309
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing
Article – Environment
Section 1–606 and 16–308
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY adding to
Article – Environment
Section 1–606
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1808(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

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

Senate Bill 80 – Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Distribution of Tobacco–Related Products to Minors – Enforcement

FOR the purpose of prohibiting the distribution of certain tobacco products, cigarette rolling papers, and tobacco–related coupons to minors; ~~requiring photo identification checks in connection with the distribution of certain tobacco–related products to minors;~~ establishing certain civil penalties; repealing a county–specific provision concerning civil enforcement of youth tobacco violations applicable to Carroll County, Garrett County, and St. Mary's County; providing that this Act does not preempt any county or municipal law that regulates tobacco products; and generally relating to the illegal distribution of tobacco and tobacco–related products to minors in Maryland.

BY repealing
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 15–102.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health – General
Section 24–1701 through ~~24–1706~~ 24–1705 to be under the new subtitle "Subtitle 17. Distribution of Tobacco–Related Products to Minors"
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 177 – Senators Glassman, Colburn, Edwards, Jacobs, Klausmeier, Pugh, and Robey

AN ACT concerning

Emergency Responders – Death Benefits and Funeral Expenses

FOR the purpose of providing that certain individuals employed as emergency responders for the Department of the Environment are eligible for certain death benefits and funeral expenses; defining certain terms; requiring the Department of the Environment to place in reserve each fiscal year a certain amount to pay a certain death benefit under certain circumstances; and generally relating to benefits for emergency responders for the Department of the Environment.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 1–202
Annotated Code of Maryland

(2003 Volume and 2008 Supplement)

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

Senate Bill 481 – ~~Senator Pipkin~~ Senators Pipkin, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

FOR the purpose of ~~repealing the exception of certain provider contracts for dental provider panels from certain provisions of law; requiring a provider contract for a dental provider panel to disclose the carriers that comprise each provider panel; prohibiting a provider contract for a dental provider panel from containing a provision requiring a provider to accept certain schedules of fees under certain circumstances; prohibiting a provider contract for a dental provider panel from requiring a provider to treat certain enrollees of certain carriers under certain circumstances;~~ prohibiting a provider contract from containing a provision that requires a provider, as a condition of participating in a fee–for–service dental provider panel, to participate in a capitated dental provider panel; requiring the Maryland Insurance Administration to conduct a certain review and report its findings and certain recommendations to certain committees of the General Assembly on or before a certain date; defining a certain term; altering a certain definition; providing for the application of certain provisions of this Act; providing for the effective ~~date~~ dates of this Act; and generally relating to health insurance provider contracts for dental provider panels.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–112.2
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)
(As enacted by Chapter 688 of the Acts of the General Assembly of 2008)

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

Senate Bill 792 – Senator Klausmeier

AN ACT concerning

Property and Casualty Insurance – Portable Electronics Insurance – Regulation

FOR the purpose of ~~prohibiting the issuance of portable electronics insurance unless~~ establishing a limited lines license to sell coverage under a policy of portable electronics insurance subject to the jurisdiction of the Maryland Insurance Commissioner; providing that the limited lines license authorizes certain employees and authorized representatives of a vendor of portable electronics to sell certain portable electronics insurance under certain circumstances; deeming the acts of certain employees and authorized representatives to be the acts of the vendor for certain purposes; providing for the billing, collection, and maintenance of certain premiums by certain persons; establishing certain limitations on the compensation of certain employees and authorized representatives who sell portable electronics insurance on behalf of a vendor; providing for the issuance and renewal of a limited lines license to sell coverage under a policy of portable electronics insurance subject to certain requirements and procedures; providing for the scope of authority of the limited lines license; requiring the prior filing and approval of certain portable electronics insurance policies; requiring a vendor to hold certain appointments from certain authorized insurers; requiring certain ~~materials are available~~ disclosures to be provided to prospective customers at a certain location and in a certain manner; providing for the ~~materials~~ disclosures to include a certain summary of coverage, a certain ~~disclosure~~ statement about other insurance coverage, a certain statement about required ~~enrollment in~~ purchase of coverage, a certain description of the process for filing a claim, ~~a certain disclosure about employees evaluating certain insurance coverage,~~ and a certain statement about cancelling the insurance; ~~authorizing the offering of portable electronics insurance on a periodic basis as a certain commercial inland marine policy; authorizing vendors of portable electronics and their employees and authorized representatives to offer enrollment in policies of portable electronics insurance without licensure as insurance producers under certain circumstances; requiring an insurer that offers portable electronics insurance to appoint a certain supervising agency for certain purposes;~~ providing that coverage under a policy of portable electronics insurance is primary to certain other coverage; authorizing the Commissioner to suspend, revoke, or refuse to renew a limited lines license under certain circumstances; prohibiting a vendor and the employees and authorized representatives of the vendor from advertising, representing, or otherwise holding themselves out as a certain insurer or insurance producer; authorizing the Commissioner to adopt certain regulations; requiring the development of a certain training program for employees and authorized representatives; ~~authorizing vendors to bill and collect charges for portable electronics insurance in a certain manner;~~ authorizing the ~~Maryland Insurance~~ Commissioner to impose certain fines in certain amounts and impose certain penalties for certain violations; authorizing the issuance of portable electronics insurance on a month–to–month or other periodic basis as a certain commercial inland marine policy; requiring the establishment of certain eligibility and underwriting standards; prohibiting an insurer from terminating or changing the terms and conditions of a policy of portable electronics insurance unless the insurer provides at least a certain number of days of notice, with certain exceptions; requiring an insurer that makes certain changes to a policy to provide certain

revised policies or endorsements to certain persons; providing that coverage continues under the policy under certain circumstances if the insurer does not provide timely notice; providing that covered customers are eligible for reinstatement of coverage under certain circumstances; requiring a vendor that terminates a policy to give certain notice to covered customers in a certain manner; providing certain circumstances under which notice of termination to covered customers is not required; establishing that certain required notice is to be given in a certain manner; defining certain terms; providing for a delayed effective date; and generally relating to the regulation of portable electronics insurance.

BY adding to
Article – Insurance
Section 10–701 through 10–708 to be under the new subtitle "Subtitle 7. Portable Electronics Vendors"; and 19–901 through ~~19–904~~ 19–903 to be under the new subtitle "Subtitle 9. Portable Electronics Insurance"
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 1027 – Senator Dyson

AN ACT concerning

Real Property – Conservation Easements – Disclosure

FOR the purpose of requiring a vendor of real property encumbered by one or more conservation easements to deliver to each purchaser a certain notice and copies of the conservation easements under certain circumstances; altering the form of the notice required to be delivered by a vendor to a purchaser under certain circumstances; altering the right of a purchaser to rescind a sales contract for property encumbered by a conservation easement under certain circumstances; prohibiting a purchaser who receives a certain notice and copies of conservation easements from rescinding the sales contract under certain circumstances; altering the contents of the notification a purchaser of real property encumbered by a conservation easement is required to give to the owner of the conservation easement under certain circumstances; altering a certain definition; making stylistic changes; and generally relating to the disclosure of conservation easements.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 10–705
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

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

Senate Bill 1063 – ~~Senator Pugh~~ Senators Pugh, Glassman, and Middleton

~~EMERGENCY BILL~~

AN ACT concerning

Joint ~~Emergency Medical Services~~ Oversight Committee on Emergency Medical Services

FOR the purpose of establishing the Joint ~~Emergency Medical Services~~ Oversight Committee on Emergency Medical Services; providing for the ~~composition~~ membership, terms, and staffing of the Committee; providing for the appointment of alternating chairs of the Committee; specifying the duties of the Committee; requiring the Committee to ~~submit a certain~~ report to the General Assembly on or before a certain date each year; ~~making this Act an emergency measure;~~ providing for the termination of this Act; and generally relating to the Joint ~~Emergency Medical Services~~ Oversight Committee on Emergency Medical Services.

BY adding to
Article – State Government
Section 2–10A–13
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #21

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

House Bill 800 – Delegate Hucker

AN ACT concerning

Natural Resources – Roadside Trees – Protection and Enforcement

HB0800/940012/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 800
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Hucker" and substitute "Delegates Hucker and Manno"; and in line 4, after "circumstances;" insert "prohibiting a county or municipality from adopting a local law or ordinance that applies to the cutting or clearing of certain trees by public utilities under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 33, after "**(D)**" strike "**A**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A**"; and strike beginning with "**, WITH**" in line 33 down through "**APPROVAL,**" in line 34.

On page 3, after line 2, insert:

"**(E) A COUNTY OR MUNICIPALITY MAY NOT ADOPT A LOCAL LAW OR ORDINANCE FOR THE PLANTING, CARE, AND PROTECTION OF ROADSIDE TREES THAT APPLIES TO:**

(1) THE CUTTING OR CLEARING OF PUBLIC UTILITY RIGHTS–OF–WAY OR LAND FOR ELECTRIC GENERATING STATIONS LICENSED UNDER § 7–204, § 7–205, § 7–207, OR § 7–208 OF THE PUBLIC UTILITY COMPANIES ARTICLE, PROVIDED THAT:

(I) ANY REQUIRED CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY HAVE BEEN ISSUED IN ACCORDANCE WITH § 5–1603(F) OF THIS TITLE; AND

(II) THE CUTTING OR CLEARING OF THE FOREST IS CONDUCTED SO AS TO MINIMIZE THE LOSS OF FOREST;

(2) THE ROUTINE MAINTENANCE OF PUBLIC UTILITY RIGHTS–OF–WAY; AND

(3) THE CUTTING OR CLEARING OF PUBLIC UTILITY RIGHTS–OF–WAY OR LAND FOR NEW TRANSMISSION OR DISTRIBUTION LINES.";

in line 3, strike "**(E)**" and substitute "**(F)**"; and in the same line, strike "**IS AUTHORIZED TO ADOPT**" and substitute "**ADOPTS**".

AMENDMENT NO. 3

On page 4, strike beginning with "**THE**" in line 3 down through "**(F)**" in line 5; and in line 7, after "**SECTION**" insert "**OR WHO FAILS TO OBTAIN A PERMIT AS REQUIRED BY THIS SECTION**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 175 – Senator Colburn

EMERGENCY BILL

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 180 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Authority of Mayor to Remove Police Commissioner

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 201 – Senators Kelley, Currie, Middleton, ~~and Stone~~ Stone, Forehand, and Jacobs

AN ACT concerning

Real Property – Condominiums – ~~Required Insurance Coverage~~ Repair or Replacement of Damage or Destruction by Council of Unit Owners

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 271 – The President (By Request – Administration) and Senators Colburn, Conway, Forehand, Harrington, Lenett, Middleton, Pinsky, ~~and Raskin~~ Raskin, and Klausmeier

AN ACT concerning

Aquaculture – Shellfish – Leasing

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 273 – The President (By Request – Administration) and Senators Della, King, Klausmeier, Lenett, Madaleno, and Rosapepe

AN ACT concerning

Smart, Green, and Growing – Local Government Planning – Planning Visions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 280 – The President (By Request – Administration) and Senators Della, King, Lenett, Madaleno, and Rosapepe

AN ACT concerning

Smart, Green, and Growing – Smart and Sustainable Growth Act of 2009

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 506 – Senator Gladden

AN ACT concerning

Maryland Transit Administration – Public Hearings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 581 – Senators Frosh, Conway, Harrington, Lenett, Pinsky, ~~and~~ ~~Rosapepe~~ Rosapepe, and Peters

AN ACT concerning

Natural Resources – Roadside Trees – Protection and Enforcement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 780 – Carroll County Senators

AN ACT concerning

Counties – Purchase of Development Rights – Carroll 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:

Senate Bill 810 – Senator Colburn

AN ACT concerning

Natural Resources – Oyster Shell Purchase Program – Fair Market Value

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:

Senate Bill 842 – ~~Senator Lenett~~ Senators Lenett and Jones

EMERGENCY BILL

AN ACT concerning

Real Property – Foreclosure of Mortgages and Deeds of Trust on Residential Property – Notice to Occupants

SB0842/560811/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 842
(Third Reading File Bill)

On page 3 in lines 11 and 12, on page 4 in lines 27 and 28, and on page 6 in lines 5 and 6, in each instance, strike "**WITH CERTIFICATE OF MAILING**".

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:

Senate Bill 901 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City Land Bank Authority – Recodification

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 931 – Senator Currie

AN ACT concerning

Community Development Administration – Local Government Infrastructure Financing Program – Capital Reserve Funds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #14

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 706 – Delegate Pena–Melnyk

AN ACT concerning

Electronic Health Records – Regulation and Reimbursement

HB0706/506084/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 706
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Pena–Melnyk" and substitute "Delegates Pena–Melnyk, Hammen, Benson, Costa, Elliott, Hubbard, Kipke, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pendergrass, Reznik, Riley, Tarrant, V. Turner, and Weldon"; strike beginning with "requiring" in line 5 down through "date;" in line 15 and substitute "requiring the Maryland Health Care Commission and the Health Services Cost Review Commission to designate a health information exchange for the State on or before a certain date; requiring the Maryland Health Care Commission, on or before a certain date, to report on progress in implementing certain provisions of this Act; requiring, on or before a certain date, the Maryland Health Care Commission, following consultation with certain stakeholders, to post on its website for a public comment and submit to the Governor and certain legislative committees, a report on certain aspects of health information technology; requiring the committees to have a certain period of time for review and comment; requiring, on or before a certain date, the Maryland Health Care Commission, in consultation with the Department of Health and Mental Hygiene and others, to adopt regulations that require certain payors to provide incentives to health care providers to promote the adoption and certain use of electronic health records; establishing certain requirements for the incentives; providing that the incentives may include certain items and services; specifying that the regulations need not require incentives for certain types of health care providers; requiring the regulations to apply to certain entities under certain circumstances; requiring the Health Services Cost Review Commission and the Department, in consultation with certain other entities, to take certain actions that relate to the American Recovery and Reinvestment Act of 2009 and certain rules and regulations; requiring the Maryland Health Care Commission, on or before a certain date, to report to the Governor and the General Assembly on certain progress achieved and recommendations for changes that may be necessary for certain adoption and use of electronic health records;"; in line 15, after "the" insert "Maryland Health Care"; in line 16, strike the first "a"; in the same line, strike "organization" and substitute "organizations"; in line 17, after "the" insert "Maryland Health Care"; in line 19, strike "or" and substitute "and"; strike beginning with "prohibiting" in line 19 down through "circumstances;" in line 22; in line 23, strike "certain carriers" and substitute "State–regulated payors"; in line 24, strike

"reimburse" and substitute "provide incentives to"; and in line 27, after "Act;" insert "defining certain terms;".

On page 2, in line 6, strike "through 19–145" and substitute "and 19–143".

AMENDMENT NO. 2

On page 3, in line 15, after "**ORGANIZATION;**" insert "**OR**"; and strike beginning with "**A**" in line 16 down through "**(5)**" in line 17.

On page 4, after line 4, insert:

"**(D) (1) "HEALTH BENEFIT PLAN" MEANS A HOSPITAL OR MEDICAL POLICY, CONTRACT, OR CERTIFICATE ISSUED BY A CARRIER.**

(2) "HEALTH BENEFIT PLAN" DOES NOT INCLUDE:

(I) COVERAGE FOR ACCIDENT OR DISABILITY INCOME INSURANCE;

(II) COVERAGE ISSUED AS A SUPPLEMENT TO LIABILITY INSURANCE;

(III) LIABILITY INSURANCE, INCLUDING GENERAL LIABILITY INSURANCE AND AUTOMOBILE LIABILITY INSURANCE;

(IV) WORKERS' COMPENSATION OR SIMILAR INSURANCE;

(V) AUTOMOBILE OR PROPERTY MEDICAL PAYMENT INSURANCE;

(VI) CREDIT–ONLY INSURANCE;

(VII) COVERAGE FOR ON–SITE MEDICAL CLINICS;

(VIII) DENTAL OR VISION INSURANCE;

(IX) LONG–TERM CARE INSURANCE OR BENEFITS FOR NURSING HOME CARE, HOME HEALTH CARE, COMMUNITY–BASED CARE, OR ANY COMBINATION OF THESE;

(X) COVERAGE ONLY FOR A SPECIFIED DISEASE OR ILLNESS;

(XI) HOSPITAL INDEMNITY OR OTHER FIXED INDEMNITY INSURANCE; OR

(XII) THE FOLLOWING BENEFITS IF OFFERED AS A SEPARATE INSURANCE POLICY:

1. MEDICARE SUPPLEMENTAL HEALTH INSURANCE, AS DEFINED IN § 1882(G)(1) OF THE SOCIAL SECURITY ACT;

2. COVERAGE SUPPLEMENTAL TO THE COVERAGE PROVIDED UNDER CHAPTER 55 OF TITLE 10, U.S.C.; OR

3. SIMILAR SUPPLEMENTAL COVERAGE PROVIDED TO COVERAGE UNDER AN EMPLOYER–SPONSORED PLAN.";

and in lines 5 and 27, strike "**(D)**" and "**(E)**", respectively, and substitute "**(E)**" and "**(F)**", respectively.

On page 5, in line 1, strike "**(F)**" and substitute "**(G)**"; in line 2, strike "**MULTIPLE**" and substitute "**ONE OR MORE**"; strike lines 5 and 6 in their entirety; in line 7, after "**(H)**" insert "**(1)**"; strike line 8 in its entirety; in lines 9 and 11, strike "**(2)**" and "**(3)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; in line 11, after "**CARRIER**" insert "**ISSUING OR DELIVERING HEALTH BENEFIT PLANS IN THE STATE**"; and after line 11, insert:

"**(2) "STATE–REGULATED PAYOR" DOES NOT INCLUDE A MANAGED CARE ORGANIZATION AS DEFINED IN TITLE 15, SUBTITLE 1 OF THIS ARTICLE.**".

AMENDMENT NO. 3

On pages 5 through 7, strike in their entirety the lines beginning with line 13 on page 5 through line 9 on page 7, inclusive, and substitute:

"**(A) ON OR BEFORE OCTOBER 1, 2009, THE COMMISSION AND THE HEALTH SERVICES COST REVIEW COMMISSION SHALL DESIGNATE A HEALTH INFORMATION EXCHANGE FOR THE STATE.**

(B) ON OR BEFORE JANUARY 1, 2010, THE COMMISSION SHALL:

(1) REPORT, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON PROGRESS IN IMPLEMENTING THE REQUIREMENTS OF SUBSECTIONS (A) AND (D) OF THIS SECTION; AND

(2) INCLUDE IN THE REPORT RECOMMENDATIONS FOR LEGISLATION SPECIFYING HOW INCENTIVES REQUIRED FOR STATE–REGULATED PAYORS THAT ARE NATIONAL CARRIERS SHALL TAKE INTO ACCOUNT EXISTING CARRIER ACTIVITIES THAT PROMOTE THE ADOPTION AND MEANINGFUL USE OF ELECTRONIC HEALTH RECORDS.

(C) (1) ON OR BEFORE JANUARY 1, 2011, FOLLOWING CONSULTATIONS WITH APPROPRIATE STAKEHOLDERS, THE COMMISSION SHALL POST ON ITS WEBSITE FOR PUBLIC COMMENT AND SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE A REPORT ON:

(I) THE DEVELOPMENT OF A COORDINATED PUBLIC–PRIVATE APPROACH TO IMPROVE THE STATE'S HEALTH INFORMATION INFRASTRUCTURE;

(II) ANY CHANGES IN STATE LAWS THAT ARE NECESSARY TO PROTECT THE PRIVACY AND SECURITY OF HEALTH INFORMATION STORED IN ELECTRONIC HEALTH RECORDS OR EXCHANGED THROUGH A HEALTH INFORMATION EXCHANGE IN THE STATE;

(III) ANY CHANGES IN STATE LAWS THAT ARE NECESSARY TO PROVIDE FOR THE EFFECTIVE OPERATION OF A HEALTH INFORMATION EXCHANGE;

(IV) ANY ACTIONS THAT ARE NECESSARY TO ALIGN FUNDING OPPORTUNITIES UNDER THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 WITH OTHER STATE AND PRIVATE SECTOR INITIATIVES RELATED TO HEALTH INFORMATION TECHNOLOGY, INCLUDING:

1. THE PATIENT–CENTERED MEDICAL HOME;

2. THE ELECTRONIC HEALTH RECORD DEMONSTRATION PROJECT SUPPORTED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES;

3. THE HEALTH INFORMATION EXCHANGE; AND

4. THE MEDICAID INFORMATION TECHNOLOGY ARCHITECTURE INITIATIVE; AND

(V) RECOMMENDED LANGUAGE FOR THE REGULATIONS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.

(2) THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE SHALL HAVE 60 DAYS FROM RECEIPT OF THE REPORT FOR REVIEW AND COMMENT.

(D) (1) ON OR BEFORE SEPTEMBER 1, 2011, THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT, PAYORS, AND HEALTH CARE PROVIDERS, SHALL ADOPT REGULATIONS THAT REQUIRE STATE–REGULATED PAYORS TO PROVIDE INCENTIVES TO HEALTH CARE PROVIDERS TO PROMOTE THE ADOPTION AND MEANINGFUL USE OF ELECTRONIC HEALTH RECORDS.

(2) INCENTIVES REQUIRED UNDER THE REGULATIONS:

(I) SHALL HAVE MONETARY VALUE;

(II) SHALL FACILITATE THE USE OF ELECTRONIC HEALTH RECORDS BY HEALTH CARE PROVIDERS IN THE STATE;

(III) TO THE EXTENT FEASIBLE, SHALL RECOGNIZE AND BE CONSISTENT WITH EXISTING PAYOR INCENTIVES THAT PROMOTE THE ADOPTION AND MEANINGFUL USE OF ELECTRONIC HEALTH RECORDS;

(IV) SHALL TAKE INTO ACCOUNT:

1. INCENTIVES PROVIDED TO HEALTH CARE PROVIDERS UNDER MEDICARE AND MEDICAID; AND

2. ANY GRANTS OR LOANS THAT ARE AVAILABLE TO HEALTH CARE PROVIDERS FROM THE FEDERAL GOVERNMENT; AND

(V) MAY INCLUDE:

1. INCREASED REIMBURSEMENT FOR SPECIFIC SERVICES;

2. LUMP SUM PAYMENTS;

3. GAIN–SHARING ARRANGEMENTS;

4. REWARDS FOR QUALITY AND EFFICIENCY;

5. IN–KIND PAYMENTS; AND

6. OTHER ITEMS OR SERVICES TO WHICH A SPECIFIC MONETARY VALUE CAN BE ASSIGNED.

(3) THE REGULATIONS NEED NOT REQUIRE INCENTIVES FOR THE ADOPTION AND MEANINGFUL USE OF ELECTRONIC HEALTH RECORDS, FOR

EACH TYPE OF HEALTH CARE PROVIDER LISTED IN § 19–142(E) OF THIS SUBTITLE.

(4) IF FEDERAL LAW IS AMENDED TO ALLOW THE STATE TO REGULATE PAYMENTS MADE BY ENTITIES THAT SELF–INSURE THEIR HEALTH BENEFIT PLANS, REGULATIONS ADOPTED UNDER THIS SECTION SHALL APPLY TO THOSE ENTITIES TO THE SAME EXTENT TO WHICH THEY APPLY TO STATE–REGULATED PAYORS.

(E) THE HEALTH SERVICES COST REVIEW COMMISSION, IN CONSULTATION WITH HOSPITALS, PAYORS, AND THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES, SHALL TAKE THE ACTIONS NECESSARY TO:

(1) ASSURE THAT HOSPITALS IN THE STATE RECEIVE THE PAYMENTS PROVIDED UNDER § 4102 OF THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AND ANY SUBSEQUENT FEDERAL RULES AND REGULATIONS; AND

(2) IMPLEMENT ANY CHANGES IN HOSPITAL RATES REQUIRED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES TO ENSURE COMPLIANCE WITH § 4102 OF THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AND ANY SUBSEQUENT FEDERAL RULES AND REGULATIONS.

(F) THE DEPARTMENT, IN CONSULTATION WITH THE COMMISSION, SHALL DEVELOP A MECHANISM TO ASSURE THAT HEALTH CARE PROVIDERS THAT PARTICIPATE IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM RECEIVE THE PAYMENTS PROVIDED FOR ADOPTION AND USE OF ELECTRONIC HEALTH RECORDS TECHNOLOGY UNDER § 4201 OF THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AND ANY SUBSEQUENT FEDERAL RULES AND REGULATIONS.

(G) ON OR BEFORE OCTOBER 1, 2012, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON PROGRESS

ACHIEVED TOWARD ADOPTION AND MEANINGFUL USE OF ELECTRONIC HEALTH RECORDS BY HEALTH CARE PROVIDERS IN THE STATE AND RECOMMENDATIONS FOR ANY CHANGES IN STATE LAWS THAT MAY BE NECESSARY TO ACHIEVE OPTIMAL ADOPTION AND USE.

(H) (1) ON OR BEFORE OCTOBER 1, 2012, THE COMMISSION SHALL DESIGNATE ONE OR MORE MANAGEMENT SERVICE ORGANIZATIONS TO OFFER SERVICES THROUGHOUT THE STATE.

(2) THE COMMISSION MAY USE FEDERAL GRANTS AND LOANS TO HELP SUBSIDIZE THE USE OF THE DESIGNATED MANAGEMENT SERVICE ORGANIZATIONS BY HEALTH CARE PROVIDERS.

(I) ON AND AFTER THE LATER OF JANUARY 1, 2015, OR THE DATE ESTABLISHED FOR THE IMPOSITION OF PENALTIES UNDER § 4102 OF THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009:

(1) EACH HEALTH CARE PROVIDER USING AN ELECTRONIC HEALTH RECORD THAT SEEKS PAYMENT FROM A STATE–DESIGNATED PAYOR SHALL USE ELECTRONIC HEALTH RECORDS THAT ARE:

(I) CERTIFIED BY A NATIONAL CERTIFICATION ORGANIZATION DESIGNATED BY THE COMMISSION; AND

(II) CAPABLE OF CONNECTING TO AND EXCHANGING DATA WITH THE HEALTH INFORMATION EXCHANGE DESIGNATED BY THE COMMISSION UNDER SUBSECTION (A) OF THIS SECTION; AND

(2) THE INCENTIVES REQUIRED UNDER SUBSECTION (C) OF THIS SECTION MAY INCLUDE REDUCTIONS IN PAYMENTS TO A HEALTH CARE PROVIDER THAT DOES NOT USE ELECTRONIC HEALTH RECORDS THAT MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION.".

AMENDMENT NO. 4

On page 7, strike in their entirety lines 15 through 24, inclusive, and substitute:

"**(A) IN THIS SECTION, "CARRIER" HAS THE MEANING STATED IN § 19–142 OF THE HEALTH – GENERAL ARTICLE.**

(B) A CARRIER SHALL PROVIDE INCENTIVES TO HEALTH CARE PROVIDERS IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 19, SUBTITLE 1, PART IV OF THE HEALTH – GENERAL ARTICLE.".

On page 8, in line 13, strike "October" and substitute "July".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0706/596285/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 706, AS AMENDED

On page 10 of the Health and Government Operations Committee Amendments (HB0706/506084/1), in line 2 of Amendment No. 3, strike "**STATE–DESIGNATED**" and substitute "**STATE–REGULATED**"; and in line 9, strike "**(C)**" and substitute "**(D)**".

The preceding amendment was 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 708 – Delegates Vaughn, Glenn, Gutierrez, Holmes, Hucker, Jones, Lafferty, Lee, Love, Manno, Oaks, Ramirez, Robinson, and Valderrama

AN ACT concerning

Recipients of State Incentives or Financial Assistance – Diversity Initiatives

HB0708/166086/3

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 708
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Valderrama" and substitute "Valderrama, and Braveboy"; strike line 2 in its entirety and substitute "General Obligation Bonds for Capital Projects – Required Reports"; strike beginning with "certain" in line 3 down through "assistance." in line 10 and substitute "an enabling act authorizing the creation of a State debt, that is for at least a certain amount to be used by certain entities to complete certain projects, to contain a provision that requires the grantee to submit certain reports to the Governor's Office of Minority Affairs by certain dates regarding the extent to which the entity has used, or will use, certain funds for contracts with minority–owned businesses; requiring that the Governor's Office of Minority Affairs determine a certain form and annually report to certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the provisions of an enabling act authorizing the creation of a State debt."; and strike in their entirety lines 11 through 20, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 8–117
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On pages 1 through 5, strike in their entirety the lines beginning with line 23 on page 1 through line 2 on page 5, inclusive, and substitute:

"Article – State Finance and Procurement

8–117.

(a) The General Assembly may authorize the Board to:

(1) borrow money for any public purpose; and

(2) issue State bonds to evidence the debt.

(b) An enabling act shall specify the total principal amount of the debt authorized by the enabling act.

(c) An enabling act may take substantially the following form:

"A BILL ENTITLED

AN ACT concerning

Creation of a State Debt – (Name of Project)

FOR the purpose of authorizing the creation of a State debt not to exceed $....., (for an enabling act that requires an equal matching fund)/ in the amount of $....., (for an enabling act that requires no matching fund or a lesser matching fund) the proceeds to be used as a grant to ..... (name of grantee) for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to the requirement that the grantee provide and expend a matching fund (if the enabling act requires a matching fund); and providing generally for the issuance and sale of bonds evidencing the loan.

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the ... (name of project) Loan of ... (year) equal to the lesser of (i) $... or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. (For an enabling act that requires an equal matching fund)/ in the total principal amount of $..... (for an enabling act that requires no matching fund or a lesser matching fund). This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

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

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees: as a grant to ..... (name of grantee) (referred to hereafter in this Act as "the grantee") (for an enabling act that requires a matching fund) for (here state the purpose or purposes to which the proceeds of the bonds are to be applied).

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, ... (year)".

(d) (1) If an enabling act requires an equal matching fund, the fifth paragraph is as follows:

"(5) Prior to the payment of any funds under the provisions of this Act for the purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching fund. No part of the grantee's matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. No part of the fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act. In case of any dispute as to the amount of the matching fund or what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final. The grantee has until June 1, ... (2 years from the effective date of the Act), to present evidence satisfactory to the Board of Public Works that a matching fund will be provided. If satisfactory evidence is presented, the Board shall certify this fact and the amount of the matching fund to the State Treasurer, and the proceeds of the loan equal to the amount of the matching fund shall be expended for the purposes provided in this Act. Any amount of the loan in excess of the amount of the matching fund certified by the Board of Public Works shall be canceled and be of no further effect.".

(2) If an enabling act requires a lesser matching fund, the fifth paragraph is as follows:

"(5) Prior to the payment of any funds under the provisions of this Act for the purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching fund of $ ..., (amount of the matching fund to be provided by the grantee). No part of the grantee's matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. No part of the fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act. In case of any dispute as to the amount of the matching fund or what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final. The grantee has until June 1, ... (2 years from the effective date of the Act), to present evidence satisfactory to the Board of Public Works that a matching fund will be provided. If satisfactory evidence is presented, the Board shall certify this fact to the State Treasurer, and the proceeds of the loan shall be expended for the purposes provided in this Act.".

(e) An enabling act may also contain the following paragraph:

"The proceeds of the loan must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, ... (7 years from the effective date of the Act). If any funds authorized by this Act remain unexpended or unencumbered after June 1, ... (7 years from the effective date of the Act), the amount of the unencumbered or unexpended authorization shall be canceled and be of no further effect. If bonds have been issued for the loan, the amount of unexpended or unencumbered bond proceeds shall be disposed of as provided in § 8–129 of the State Finance and Procurement Article.".

(f) An enabling act under this section may contain:

(1) an additional provision for all or part of the principal of and interest on the State bonds issued under the enabling act to be paid primarily from sources of funds other than a State tax on assessable property; and

(2) any other additional provision that is appropriate to the purpose of the enabling act and the nature of State bonds.

(G) (1) AN ENABLING ACT SHALL CONTAIN THE FOLLOWING PARAGRAPH IF THE ACT AUTHORIZES THE CREATION OF A STATE DEBT OF AT LEAST $500,000 FOR A HOSPITAL OR INSTITUTION OF HIGHER EDUCATION THAT IS NOT INCLUDED UNDER § 14–305 OF THIS TITLE TO COMPLETE A CAPITAL PROJECT:

"ON OR BEFORE DECEMBER 31 OF ANY YEAR IN WHICH THE PAYMENT OF ANY FUNDS UNDER THE PROVISIONS OF THIS ACT FOR THE PURPOSES OF A CAPITAL PROJECT AS SET FORTH IN SECTION 1(3) ABOVE IS MADE AND ON OR BEFORE DECEMBER 31 OF THE YEAR FOLLOWING A YEAR IN WHICH THE PAYMENT OF ANY FUNDS UNDER THE PROVISIONS OF THIS ACT FOR THE PURPOSES SET FORTH IN SECTION 1(3) ABOVE IS MADE, THE GRANTEE SHALL SUBMIT A REPORT TO THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS ON THE EXTENT TO WHICH THE GRANTEE HAS USED, OR WILL USE, ANY PART OF THE FUNDS RECEIVED UNDER THE PROVISIONS OF THIS ACT FOR CONTRACTS WITH MINORITY–OWNED BUSINESSES AND ANY MINORITY BUSINESS OUTREACH EFFORTS."

(2) THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS SHALL DETERMINE A SINGLE FORM FOR ALL REPORTS SUBMITTED UNDER THIS SUBSECTION.

(3) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS 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 INFORMATION SUBMITTED TO THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS UNDER THIS SECTION.";

and in line 4, after "2009." insert "It shall remain effective for a period of 3 years and, at the end of September 30, 2012, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and 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:

Senate Bill 79 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Health Insurance – Reform

SB0079/106487/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 79
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with "requiring" in line 4 down through "date;" in line 8; in line 9, strike "certain provisions of"; and in line 10, strike "providing for the effective dates of this Act;".

AMENDMENT NO. 2

On pages 10 and 11, strike in their entirety the lines beginning with line 24 on page 10 through line 12 on page 11, inclusive.

On page 11, in line 13, strike "3." and substitute "2."; in the same line, strike "Section 1 of"; in line 14, strike "on"; and strike in their entirety lines 17 and 18.

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

Senate Bill 212 – ~~Senator Frosh~~ Senators Frosh, Conway, Dyson, Harrington, Colburn, Lenett, and Rosapepe

AN ACT concerning

Environment – Green Building Council

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:

Senate Bill 247 – Senators Rosapepe, Colburn, Greenip, Harrington, Harris, and Kelley

AN ACT concerning

Health Occupations – Maryland Athletic Trainers Act

SB0247/946287/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 247
(Third Reading File Bill)

On page 3, after line 12, insert:

"**(G) "EDUCATIONAL INSTITUTION" INCLUDES:**

(1) THE SCHOOLS IN THE PUBLIC ELEMENTARY AND SECONDARY EDUCATION SYSTEM OF THE STATE;

(2) A NONCOLLEGIATE EDUCATIONAL INSTITUTION GOVERNED UNDER § 2–206 OF THE EDUCATION ARTICLE; AND

(3) AN INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10–101 OF THE EDUCATION ARTICLE.".

On page 3, in lines 13, 16, 18, 20, and 23, strike "**(G)**", "**(H)**", "**(I)**", "**(J)**", and "**(K)**", respectively, and substitute "**(H)**", "**(I)**", "**(J)**", "**(K)**", and "**(L)**", respectively.

On page 4, in line 21, strike "**(L)**" and substitute "**(M)**".

On page 5, in line 4, strike "**(M)**" and substitute "**(N)**".

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:

Senate Bill 367 – Senators Klausmeier, Astle, Brinkley, Della, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Greenip, Jones, Kasemeyer, Kelley, King, Kramer, Middleton, Munson, Peters, Pinsky, Pipkin, Pugh, and Stone

AN ACT concerning

Commission on the Establishment of a Maryland Women in Military Service Monument ~~– Extension of Termination Date~~

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:

Senate Bill 489 – Senators Pugh, Currie, Harrington, Madaleno, McFadden, Muse, Peters, ~~and Raskin~~ Raskin, Exum, Lenett, and Conway

AN ACT concerning

Minority Business Enterprise Certification – Cap on Personal Net Worth

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:

Senate Bill 568 – Senators Pugh, Currie, Exum, Gladden, Harrington, Jones, Madaleno, McFadden, Muse, Peters, and Raskin

AN ACT concerning

Minority Business Enterprise Program – Directory of Minority Business Enterprises

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:

Senate Bill 638 – Senators Garagiola, Glassman, Kittleman, and Klausmeier

AN ACT concerning

Health Insurance – ~~Discrimination or Rebates –~~ Bona Fide Wellness Programs – Incentives

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:

Senate Bill 661 – Senators Garagiola, Astle, Kelley, and Middleton

AN ACT concerning

Health Insurance – Use of Physician Rating Systems by Carriers

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:

Senate Bill 664 – Senators Garagiola, Currie, Klausmeier, McFadden, Peters, and Robey

AN ACT concerning

Nursing Facilities – Accountability Measures – Pay–for–Performance Program

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:

Senate Bill 690 – Senators Kelley, Currie, Jones, Kasemeyer, and Madaleno

AN ACT concerning

Programs for Children in Out–of–Home Placement – System for Outcomes Evaluation

SB0690/266984/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 690
(Third Reading File Bill)

On page 1, in lines 9 and 10, strike "the effective dates" and substitute "a delayed effective date for certain provisions".

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:

Senate Bill 700 – Senator Klausmeier

AN ACT concerning

Pharmacists – Administration of Vaccinations – Expanded Authority

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:

Senate Bill 759 – Senator Dyson

AN ACT concerning

Public Health – ~~Authority to Certify Incapacity or~~ Certificates of Death – Nurse Practitioners

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:

Senate Bill 796 – Senator Della

AN ACT concerning

Office of the Treasurer – Community Services Trust Fund – ~~Restructuring~~ Workgroup

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:

Senate Bill 951 – Senator Lenett

AN ACT concerning

Health Occupations – License to Practice Psychology – Doctoral Degree in Psychology

SB0951/106089/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 951
(Third Reading File Bill)

On page 3, in line 10, after "Board" insert "**IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD**"; and strike beginning with "At" in line 11 down through "awarded." in line 12.

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:

Senate Bill 963 – Senators Klausmeier, Currie, Garagiola, ~~and King~~ King, Middleton, Astle, Della, Exum, Glassman, Kittleman, Pugh, and Forehand

AN ACT concerning

Health – Maryland Commission on Autism

SB0963/266583/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 963
(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 15, strike "**TWO**" and substitute "**THREE**"; in line 16, strike "**A PARENT**" and substitute "**TWO PARENTS**"; and in line 17, strike "**A**" and substitute "**ONE**".

On page 4, strike in their entirety lines 7 through 10, inclusive, and substitute:

"**(XIII) A REPRESENTATIVE OF A LABOR ORGANIZATION THAT REPRESENTS EMPLOYEES WHO PROVIDE SERVICES TO INDIVIDUALS WITH AUTISM SPECTRUM DISORDERS; AND**

(XIV) A REPRESENTATIVE OF A HEALTH INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION THAT DOES BUSINESS IN THE STATE.".

AMENDMENT NO. 2

On page 5, strike beginning with "**DEVELOP**" in line 20 down through "**ANALYSIS**" in line 23 and substitute "**REVIEW THE FINDINGS OF ANY SUMMIT OR**

CONFERENCE CONVENED BY THE STATE REGARDING AUTISM SPECTRUM DISORDERS".

AMENDMENT NO. 3

On page 7, in line 6, strike "**AND**"; and in line 10, after "**DATA**" insert "**; AND**

(6) STUDY AND MAKE RECOMMENDATIONS RELATED TO ANY ISSUE RELATED TO AUTISM SPECTRUM DISORDERS THAT IS CONSIDERED NECESSARY BY THE COMMISSION".

AMENDMENT NO. 4

On page 7, strike in their entirety lines 14 through 17, inclusive; and in lines 18 and 22, strike "**(2)**" and "**(3)**", respectively, and substitute "**(1)**" and "**(2)**", respectively.

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:

Senate Bill 1070 – Senator Middleton

AN ACT concerning

Nonprofit Health Service Plans – Hearing and Order – Impact of Law by Another State

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #15

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

Senate Bill 151 – Senators Mooney, Haines, Jacobs, Kittleman, Munson, Simonaire, and Stone

AN ACT concerning

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

SB0151/892813/2

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 151
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Classes –" insert "Expansion to"; in line 3, after "Groups" insert "and Age, Gender, and Disability"; in line 4, after "persons" insert "and a person's age, gender, or disability"; in line 9, after "group;" insert "prohibiting the attempt to commit a crime against a certain person because of the race, color, religious beliefs, sexual orientation, age, gender, disability, or national origin of that person, or because the person is homeless; establishing that a certain penalty applies to certain offenses;"; in line 10, strike "against homeless persons"; and after line 15, insert:

"BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–306
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, in line 16, after "orientation," insert "**AGE, GENDER, DISABILITY,**"; and in line 18, after "crime" insert "**OR ATTEMPT TO COMMIT A CRIME**".

AMENDMENT NO. 3

On page 3, in lines 6 and 9, in each instance, after "orientation," insert "**AGE, GENDER, DISABILITY,**"; and after line 10, insert:

"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 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:

Senate Bill 181 – Senator McFadden (By Request – Baltimore City Administration) and Senators Brochin, Forehand, Gladden, Haines, Jacobs, Raskin, Simonaire, and Stone

AN ACT concerning

Criminal Procedure – Restrictions on Pretrial Release – Offenses Involving Firearms – Repeat Offenders

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 667 – Senator Raskin

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:

Senate Bill 811 – ~~Senator Muse~~ Senators Muse, Frosh, Gladden, Brochin, Forehand, Haines, Jacobs, Mooney, Raskin, Simonaire, and Stone

AN ACT concerning

Domestic Violence – Duration of Protective Order – Subsequent Act of Abuse

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #19

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

House Bill 670 – Delegate Frick

AN ACT concerning

Sales and Use and Property Tax – Exemptions – Solar Energy Equipment and Property

HB0670/265469/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 670
(First Reading File Bill)

On page 2, in lines 4 and 14, in each instance, strike the bracket; and in the same lines, in each instance, after "structure" insert "**OR SUPPLIED TO THE ELECTRIC GRID**".

The preceding amendment was withdrawn.

HB0670/823528/1

BY: Committee on Ways and Means

SUBSTITUTE AMENDMENT TO HOUSE BILL 670

(First Reading File Bill)

On page 2, in lines 4 and 14, in each instance, strike the brackets; in line 4, after the second "structure" insert "**OR SUPPLIED TO THE ELECTRIC GRID**"; and in line 14, after "structure" insert "**OR SUPPLIED TO THE ELECTRIC GRID**".

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:

Senate Bill 156 – Senator Frosh

AN ACT concerning

Maryland Estate Tax – Filing of Returns

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:

Senate Bill 403 – Senators Harrington, Muse, and Peters

AN ACT concerning

Prince George's County – Green Businesses – Tax Credits

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:

Senate Bill 569 – Senators Pugh, Frosh, Lenett, Muse, Raskin, and Stone

AN ACT concerning

Education – Collective Bargaining – Topics of Negotiation

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:

Senate Bill 644 – Senator Astle

AN ACT concerning

Property Tax Credit – Marine Trade Waterfront Property

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:

Senate Bill 965 – Senators Colburn and Pipkin

AN ACT concerning

Caroline 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:

Senate Bill 990 – ~~Senator Stone~~ Senators Stone, Conway, Dyson, Colburn, Greenip, Harrington, Harris, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Education – Reporting Requirement – Class Size

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 58 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Termination of Parental Rights

STATUS OF BILL: BILL ON 3RD READING. FLOOR AMENDMENT BY DEL. O'DONNELL NOT ADOPTED.

FLOOR AMENDMENT

SB0058/283329/1

BY: Delegate O'Donnell

AMENDMENTS TO SENATE BILL 58
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "interests;" insert "establishing that the physical absence of a parent due to certain circumstances may not be the basis for a certain finding;".

AMENDMENT NO. 2

On page 2, in line 3, after "(b)" insert "**(1)** **THE PHYSICAL ABSENCE OF A PARENT DUE TO INCARCERATION OR MILITARY SERVICE MAY NOT BE THE BASIS FOR A FINDING BY THE JUVENILE COURT UNDER THIS SUBSECTION THAT A PARENT IS UNFIT TO REMAIN IN A PARENTAL RELATIONSHIP WITH A CHILD.**

(2)".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0058/283329/2

BY: Delegate O'Donnell

AMENDMENTS TO SENATE BILL 58
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "interests;" insert "establishing that the physical absence of a parent due to a certain circumstance may not be the basis for a certain finding;".

AMENDMENT NO. 2

On page 2, in line 3, after "(b)" insert "**(1) THE PHYSICAL ABSENCE OF A PARENT DUE TO MILITARY SERVICE MAY NOT BE THE BASIS FOR A FINDING BY THE JUVENILE COURT UNDER THIS SUBSECTION THAT A PARENT IS UNFIT TO REMAIN IN A PARENTAL RELATIONSHIP WITH A CHILD.**

(2)".

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

Affirmative – 54 Negative – 77 (See Roll Call No. 1057)

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1058)

The Bill was then returned to the Senate.

Senate Bill 597 – Senators Conway, Gladden, Jones, McFadden, ~~and Pugh~~ Pugh, and Dyson

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Electronic Reporting

STATUS OF BILL: BILL ON 3RD READING. FLOOR AMENDMENT BY DEL. GEORGE NOT ADOPTED.

FLOOR AMENDMENT

SB0597/753022/1

BY: Delegate George

AMENDMENTS TO SENATE BILL 597
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "of" insert "providing that certain record keeping requirements do not apply to certain retail jewelers or certain retail goldsmiths under certain circumstances;".

On page 1, in line 17, after "Section" insert "12–301 and".

AMENDMENT NO. 2

On page 1, after line 22, insert:

"12–301.

(a) **(1) [**Each**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH** dealer shall make a written record, on a form provided by the Secretary, of each business transaction that involves the acquisition of a secondhand precious metal object when the transaction is made.

(2) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A RETAIL JEWELER OR A RETAIL GOLDSMITH IF THE SECONDHAND PRECIOUS METAL OBJECT ACQUIRED BY THE RETAIL JEWELER OR RETAIL GOLDSMITH:

(I) IS TO BE CREDITED TOWARD CUSTOM WORK, REPAIRS, OR REMOUNTING FOR THE CUSTOMER WHO BROUGHT IN THE SECONDHAND PRECIOUS METAL OBJECT; AND

(II) THE AMOUNT OF THE CREDIT UNDER ITEM (I) OF THIS PARAGRAPH DOES NOT EXCEED THE COST OF THE CUSTOM WORK, REPAIRS, OR REMOUNTING.

(b) Each pawnbroker shall make a written record, on a form provided by the Secretary, of each business transaction that involves:

(1) lending money on pledge of personal property, other than a security or printed evidence of indebtedness; or

(2) buying personal property on condition of selling it back at a stipulated price; or

(3) buying the following items for the purpose of resale:

(i) binoculars;

(ii) cameras;

(iii) firearms;

(iv) furs;

(v) household appliances;

(vi) musical instruments;

(vii) office machines or equipment;

(viii) radios, televisions, videodisc machines, videocassette recorders, and stereo equipment;

(ix) personal computers, tapes, and disc recorders;

(x) watches;

(xi) bicycles; and

(xii) tangible personal property pledged as collateral.

(c) Each pawnbroker shall make a written record, on a form provided by the Secretary, of each transaction that involves the acquisition of an item described in subsection (b)(3) of this section for the purpose of resale.

(d) A separate record entry shall be made for each item involved in a transaction. However, items in a matching set may be recorded as a set if acquired in a single transaction.

(e) The dealer shall tag each item individually with a number that corresponds to the transaction under which it was acquired. However, items acquired in a matching set may be tagged as a set.

(f) For the purposes of this subtitle, there is a presumption that an object is a precious metal object if:

(1) it reasonably appears to be a precious metal object; and

(2) it was received by a dealer in the course of business or is found in the place of business or storage facility of a dealer.".

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

Affirmative – 44 Negative – 89 (See Roll Call No. 1059)

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

Affirmative – 132 Negative – 1 (See Roll Call No. 1060)

The Bill was then returned to the Senate.

QUORUM CALL

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

(See Roll Call No. 1061)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #68

House Bill 503 – Delegates Kipke, Ali, Barkley, Benson, Cardin, Carr, Costa, Donoghue, Eckardt, Elliott, Elmore, Frush, George, Haddaway, Howard, Hubbard, Kach, Krebs, Kullen, Myers, Olszewski, Pena–Melnyk, Reznik, Riley, Robinson, Schuh, Shewell, Sophocleus, Sossi, Stocksdale, Taylor, F. Turner, Waldstreicher, ~~and Weldon~~ Weldon, Hammen, Bromwell, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Tarrant, V. Turner, and Manno

AN ACT concerning

Health – Maryland Commission on Autism

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1062)

The Bill was then sent to the Senate.

House Bill 686 – Calvert County Delegation

AN ACT concerning

Calvert County – Sheriff – ~~Pension~~ Compensation

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1063)

The Bill was then sent to the Senate.

House Bill 691 – Delegates Murphy, Branch, Jameson, Kullen, Levy, and Proctor

AN ACT concerning

Maryland Native American Status – Standards for Recognition

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1064)

The Bill was then sent to the Senate.

House Bill 866 – Delegates Holmes, Barkley, Beidle, McConkey, Niemann, and Sophocleus

AN ACT concerning

Alcoholic Beverages – Issuance, Renewal, and Transfer of Licenses and Permits – Payment of State and Local Taxes

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1065)

The Bill was then sent to the Senate.

House Bill 1002 – Delegates Conaway, Anderson, and Boteler

EMERGENCY BILL

AN ACT concerning

Public Service Companies – Gas and Electric Service – Alternative Payment Agreements

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

Affirmative – 134 Negative – 2 (See Roll Call No. 1066)

The Bill was then sent to the Senate.

House Bill 1175 – Delegates Myers, Beitzel, Boteler, Eckardt, Kelly, Krebs, Miller, Serafini, Stull, Walkup, and Weldon

AN ACT concerning

Electricians, Gas Fitters, HVAC Contractors, and Plumbers – Display of Licenses and License Numbers

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

Affirmative – 123 Negative – 13 (See Roll Call No. 1067)

The Bill was then sent to the Senate.

House Bill 1275 – ~~Delegate Nathan-Pulliam~~ Delegates Nathan–Pulliam, Benson, Montgomery, Oaks, Pena–Melnyk, Tarrant, and V. Turner

AN ACT concerning

Health Occupations Boards – Revisions

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

Affirmative – 133 Negative – 2 (See Roll Call No. 1068)

The Bill was then sent to the Senate.

House Bill 1460 – Delegate Hubbard

EMERGENCY BILL

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – ~~Massage Therapy Advisory Committee~~ Terms of Members

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

Affirmative – 134 Negative – 1 (See Roll Call No. 1069)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #22

Senate Bill 39 – Senator Harrington

AN ACT concerning

Municipal Corporations – Tax Increment Financing – Application of Bond Proceeds

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1070)

The Bill was then returned to the Senate.

Senate Bill 98 – ~~Senator Stone~~ Senators Stone, Forehand, ~~and Raskin~~ Raskin, and Lenett

AN ACT concerning

~~**Motor Vehicles – Use of Text Messaging Device While Driving – Prohibition**~~ **The Delegate John Arnick Electronic Communications Traffic Safety Act**

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

Affirmative – 133 Negative – 2 (See Roll Call No. 1071)

The Bill was then returned to the Senate.

Senate Bill 159 – Senator McFadden (By Request – Baltimore City Administration) and Senator Simonaire

AN ACT concerning

Commercial Real Property – Action to Abate Drug Nuisance – ~~Repeal of~~ Prior Notice Requirement

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1072)

The Bill was then returned to the Senate.

Senate Bill 265 – The President (By Request – Administration) and Senators Frosh, Robey, Forehand, ~~and Dyson~~ Dyson, Gladden, Jacobs, and Muse

AN ACT concerning

Vehicle Laws – ~~Young Drivers – Driving Privileges~~ Teen Driver Safety

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

Affirmative – 133 Negative – 1 (See Roll Call No. 1073)

The Bill was then returned to the Senate.

Senate Bill 277 – The President (By Request – Administration) and Senators Robey, Forehand, Klausmeier, and Peters

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

FLOOR AMENDMENT

SB0277/193425/2

BY: Delegate McDonough

AMENDMENTS TO SENATE BILL 277
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "all" and substitute "certain".

AMENDMENT NO. 2

On page 7, in lines 27 and 28, strike "**IN A LOCAL JURISDICTION**"; in line 28, after "**SECTION**" insert "**:**

1. IN A LOCAL JURISDICTION";

in line 30, after "**HEARING**" insert "**; OR**

2. IN HARFORD COUNTY".

AMENDMENT NO. 3

On page 19, in line 28, strike "**MAY**" and substitute "**:**

(I) MAY NOT BE USED IN HARFORD COUNTY; AND

(II) MAY" ;

in lines 29 and 31, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively.

On page 20, in line 1, strike "**(III)**" and substitute "**3.**".

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

Affirmative – 44 Negative – 86 (See Roll Call No. 1074)

FLOOR AMENDMENT

SB0277/993929/1

BY: Delegate Shank

AMENDMENTS TO SENATE BILL 277
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "all" and substitute "certain".

AMENDMENT NO. 2

On page 7, in lines 27 and 28, strike "**IN A LOCAL JURISDICTION**"; in line 28, after "**SECTION**" insert "**:**

1. IN A LOCAL JURISDICTION";

and in line 30, after "**HEARING**" insert "**; OR**

2. IN ALLEGANY COUNTY, GARRETT COUNTY, OR WASHINGTON COUNTY".

AMENDMENT NO. 3

On page 19, in line 28, strike "**MAY**" and substitute "**:**

(I) MAY NOT BE USED IN ALLEGANY COUNTY, GARRETT COUNTY, OR WASHINGTON COUNTY; AND

(II) MAY";

and in lines 29 and 31, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively.

On page 20, in line 1, strike "**(III)**" and substitute "**3.**".

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

Affirmative – 43 Negative – 86 (See Roll Call No. 1075)

FLOOR AMENDMENT

SB0277/423520/1

BY: Delegate Kipke

AMENDMENTS TO SENATE BILL 277
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "all" and substitute "certain".

AMENDMENT NO. 2

On page 7, in lines 27 and 28, strike "**IN A LOCAL JURISDICTION**"; in line 28, after "**SECTION**" insert "**:**

1. IN A LOCAL JURISDICTION";

and in line 30, after "**HEARING**" insert "**; OR**

2. IN ANNE ARUNDEL COUNTY".

AMENDMENT NO. 3

On page 19, in line 28, strike "**MAY**" and substitute "**:**

(I) MAY NOT BE USED IN ANNE ARUNDEL COUNTY; AND

(II) MAY";

and in lines 29 and 31, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively.

On page 20, in line 1, strike "**(III)**" and substitute "**3.**".

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

Affirmative – 43 Negative – 86 (See Roll Call No. 1076)

FLOOR AMENDMENT

SB0277/993028/1

BY: Delegate McConkey

AMENDMENTS TO SENATE BILL 277
(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 16, after "date;" insert "providing that the owner of a vehicle with license plates indicating membership in certain legislative bodies, that is recorded by a speed monitoring system as being in violation of certain provisions of law, may not be exempt from receiving a warning or citation for the violation;".

AMENDMENT NO. 2

On page 27, in line 30, after "8." insert "AND BE IT FURTHER ENACTED, That the owner of a vehicle with license plates indicating membership in the United States Congress, the Maryland General Assembly, or any other state legislature, that

is recorded by a speed monitoring system as being in violation of § 21–809 or § 21–810 of the Transportation Article, may not be exempt from receiving a warning or a citation for the violation.

SECTION 9.";

in line 32, strike "9." and substitute "10."; and in line 33, strike "8" and substitute "9".

The preceding 2 amendments were read only.

Delegate Smigiel moved the previous question.

The motion was adopted.

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

Affirmative – 34 Negative – 85 (See Roll Call No. 1077)

FLOOR AMENDMENT

SB0277/993727/1

BY: Delegate Kipke

AMENDMENT TO SENATE BILL 277
(Third Reading File Bill)

On page 9, in line 8, strike "**BETWEEN 6:00 A.M. AND 8:00 P.M**" and substitute "**DURING REGULAR SCHOOL HOURS**".

The preceding amendment was read and rejected.

FLOOR AMENDMENT

SB0277/803823/1

BY: Delegate Boteler

AMENDMENTS TO SENATE BILL 277
(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 2, after "Act;" insert "requiring that certain contracts between a contractor and a local jurisdiction or police department include a provision prohibiting a contractor's payment from being based on the number of citations issued or paid;".

AMENDMENT NO. 2

On page 14, in line 4, after "**(2)**" insert "**(I)**"; and after line 6, insert:

"**(II) A CONTRACT BETWEEN A LOCAL JURISDICTION AND A CONTRACTOR OPERATING A SPEED MONITORING SYSTEM ON BEHALF OF THE LOCAL JURISDICTION SHALL INCLUDE A PROVISION PROHIBITING THE CONTRACTOR'S PAYMENT FROM BEING BASED ON THE NUMBER OF CITATIONS ISSUED OR PAID.**".

AMENDMENT NO. 3

On page 25, in line 25, after "**(2)**" insert "**(I)**"; and after line 28, insert:

"**(II) A CONTRACT BETWEEN A POLICE DEPARTMENT AND A CONTRACTOR PROVIDING, DEPLOYING, OR OPERATING A WORK ZONE CONTROL SYSTEM ON BEHALF OF THE POLICE DEPARTMENT, SHALL INCLUDE A PROVISION PROHIBITING THE CONTRACTOR'S PAYMENT FROM BEING BASED ON THE NUMBER OF CITATIONS ISSUED OR PAID.**".

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

Affirmative – 41 Negative – 88 (See Roll Call No. 1078)

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

Affirmative – 94 Negative – 41 (See Roll Call No. 1079)

The Bill was then returned to the Senate.

Senate Bill 350 – Senators Pinsky and Harrington

SECOND PRINTING

AN ACT concerning

Municipal Corporations – Annexations – Small Parcels

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

Affirmative – 132 Negative – 1 (See Roll Call No. 1080)

The Bill was then returned to the Senate.

Senate Bill 473 – Senators Lenett, Garagiola, Harrington, Jones, Madaleno, Pinsky, Pugh, Raskin, and Rosapepe

AN ACT concerning

Environment – Recycling – Public School Plans

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

Affirmative – 127 Negative – 6 (See Roll Call No. 1081)

The Bill was then returned to the Senate.

Senate Bill 553 – Senators Lenett, Brinkley, Colburn, Conway, Currie, Forehand, Frosh, Garagiola, Gladden, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Chesapeake Bay Phosphorous Reduction Act of 2009

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

Affirmative – 123 Negative – 12 (See Roll Call No. 1082)

The Bill was then returned to the Senate.

Senate Bill 607 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Overdue Water and Sewer Charge – Restoration of Service Penalty

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1083)

The Bill was then returned to the Senate.

Senate Bill 657 – Senator Peters

AN ACT concerning

Real Property – New Home Sales Contracts – Financing Contingency Clauses

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1084)

The Bill was then returned to the Senate.

Senate Bill 859 – Senator Pugh

AN ACT concerning

Vehicle Laws – Advertising Practices – Prohibited Acts

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1085)

The Bill was then returned to the Senate.

Senate Bill 915 – Senators Forehand, Madaleno, and Muse

AN ACT concerning

Washington Metropolitan Area Transit Authority – Finance and Governance

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1086)

The Bill was then returned to the Senate.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #25

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

House Bill 1422 – Delegates McHale, Anderson, Barkley, Braveboy, Bromwell, Feldman, Glenn, Hammen, Harrison, Haynes, Healey, Hecht, Heller, Hixson, Hubbard, Hucker, Kirk, Krysiak, Lafferty, Love, Malone,

Manno, Minnick, Mizeur, Montgomery, Murphy, Olszewski, Riley, Robinson, Schuler, Stukes, Tarrant, and Vaughn

AN ACT concerning

Business Occupations – Crane Operators – Certificate of Competence

HB1422/343294/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1422
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike the comma and substitute "or"; in line 11, strike ", or a law enforcement officer"; in line 12, after "circumstances;" insert "authorizing the Commissioner to bring a certain action in a certain court under certain circumstances; establishing certain appeal procedures;"; in line 13, strike "certain penalties" and substitute "a certain penalty"; and in line 15, after "Act;" insert "declaring the intent of the General Assembly; defining certain terms;".

AMENDMENT NO. 2

On page 2, strike beginning with "**MEETS**" in line 10 down through "**CRANE**" in line 11 and substitute "**DEMONSTRATES KNOWLEDGE OF AND TRAINING IN SAFE CRANE OPERATING PROCEDURES**"; strike beginning with "**HOISTING**" in line 14 down through "**MORE**" in line 17 and substitute "**MACHINE, FOR LIFTING, LOWERING, AND HORIZONTALLY MOVING A LOAD, THAT HAS A HOISTING MECHANISM THAT IS AN INTEGRAL PART OF THE MACHINE**"; strike beginning with the comma in line 18 down through "**DERRICKS**" in line 19; in line 26, strike "**OR**"; after line 26, insert:

"**(VII) A HYDRAULIC CRANE;**

(VIII) A POWER–OPERATED DERRICK; OR";

and in line 27, strike "**(VII)**" and substitute "**(IX)**".

AMENDMENT NO. 3

On page 3, after line 1, insert:

"**(F) (1) "OPERATE A CRANE" MEANS TO USE MECHANISMS INSIDE A CRANE TO GUIDE THE MACHINE IN:**

(I) THE LIFTING, MOVING, POSITIONING, AND PLACING OF LARGE AND HEAVY OBJECTS, EARTH, OR OTHER MATERIALS; OR

(II) THE DRIVING OF LARGE OBJECTS OR MATERIALS INTO THE GROUND.

(2) "OPERATE A CRANE" INCLUDES:

(I) THE INSPECTION OF A CRANE;

(II) ASSISTING IN THE ERECTION, ADDING TO, OR DISMANTLING OF A CRANE; AND

(III) THE PERFORMANCE OF ROUTINE MAINTENANCE ON A CRANE.

(3) "OPERATE A CRANE" DOES NOT INCLUDE THE MOVEMENT OF A CRANE ON A STATE HIGHWAY FROM ONE LOCATION TO ANOTHER LOCATION.";

in line 27, after "**(B)**" insert "**(1)**"; in the same line, strike the first comma and substitute "**OR**"; strike beginning with the second comma in line 27 down through "**OFFICER**" in line 28; and in line 30, strike the colon.

AMENDMENT NO. 4

On page 4, in line 1, strike "**(1)**"; in line 2, strike the semicolon and substitute a period; in line 3, strike "**ISSUE A CITATION**" and substitute "**IF A CRANE OPERATOR FAILS TO PROVIDE PROOF OF A VALID CERTIFICATE OF COMPETENCE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER OR THE AGENT OF THE COMMISSIONER SHALL ISSUE A WRITTEN NOTICE**";

in the same line, strike "**FOR**" and substitute "**THAT:**

(I) STATES THAT THERE HAS BEEN A";

in line 5, strike "**(3)**" and substitute "**(II)**"; in the same line, strike "**REQUIRE**" and substitute "**REQUIRES**"; after line 6, insert:

"**(3) IF A PERSON FAILS TO COMPLY WITH A WRITTEN NOTICE ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSIONER MAY BRING AN ACTION TO ENFORCE THE WRITTEN NOTICE IN THE COUNTY WHERE THE CRANE BEING OPERATED IS LOCATED OR IN THE CIRCUIT COURT OF BALTIMORE CITY.**

(C) (1) A PERSON AGGRIEVED BY A DECISION OF THE COMMISSIONER UNDER THIS SECTION MAY APPEAL TO A COURT OF COMPETENT JURISDICTION IN ACCORDANCE WITH THE MARYLAND RULES.

(2) A DECISION OF THE COMMISSIONER MAY NOT BE STAYED BY THE FILING OF AN APPEAL UNDER THIS SUBSECTION.";

in line 8, strike "**(A)**"; in line 10, strike the colon; in line 11, strike "**(1)**"; in the same line, strike the colon and substitute "**$1,000.**"; strike in their entirety lines 12 through 19, inclusive; after line 25, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that enactment of the requirement that a person hold a Certificate of Competence to operate a crane in this State be in addition to and compatible with any federal and State law regulating crane operators, the operation of cranes, and the movement of cranes along highways and should not be used in any manner to rescind Federal Motor Carrier Safety Regulations adopted by the State or any other state or local law or regulation regarding the movement of oversize or overweight vehicles on State highways.";

and in line 26, 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 Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 204 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Public Accountancy – Required Peer Reviews

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #17

CONSENT CALENDAR #12

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

Senate Bill 358 – Senators Middleton, Dyson, Garagiola, and Glassman

EMERGENCY BILL

AN ACT concerning

~~Agriculture~~ Calvert County, Charles County, and St. Mary's County – Agricultural Preservation Easements – Renewable Energy Generation

The Bill was re–referred to the Committee on Environmental Matters and 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 Ways and Means:

Senate Bill 538 – Senator Zirkin

AN ACT concerning

Property Tax Assessment – Home Improvements

The Bill was re–referred to the Committee on Ways and Means.

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

Senate Bill 609 – Senator Brinkley

AN ACT concerning

Frederick County – Deer Hunting on Private Property – Sundays

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

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

Senate Bill 908 – Senators Muse, Conway, Exum, Gladden, Harrington, Jones, Kelley, Peters, and Zirkin

EMERGENCY BILL

AN ACT concerning

Task Force on Prisoner Reentry

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

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

Senate Bill 935 – ~~Senator Robey~~ Senators Robey and McFadden

AN ACT concerning

Real Property – Mobile Home Parks – Plans for Dislocated Residents

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

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:

Senate Bill 940 – Senator Kittleman

AN ACT concerning

Education – Commission on Civic Literacy – Membership

The Bill was re–referred to the Committee on Ways and Means.

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

Senate Bill 944 – Senators Dyson, Colburn, and Middleton

AN ACT concerning

Calvert, Charles, and St. Mary's Counties – Deer Hunting

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

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:

Senate Bill 964 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County Board of Education – Election and Appointment of Members – Referendum

The Bill was re–referred to the Committee on Ways and Means.

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

Senate Bill 992 – Senator Kelley

AN ACT concerning

Welfare to Work – Job Skills Enhancement Program – Green Jobs

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:

Senate Bill 1043 – Senator Harrington

AN ACT concerning

Prince George's County – Development Impact Fees

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

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

Senate Bill 1045 – Senator Harrington

AN ACT concerning

DHCD – Community Development Administration – Financing Instruments – Mortgage Loans Guaranteed by Government–Sponsored Enterprises

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

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 and the Committee on Judiciary:

Senate Bill 1049 – Senator Muse

AN ACT concerning

~~Domestic Violence~~ Education – Tween/Teen Dating Violence ~~Education and Awareness~~

The Bill was re–referred to the Committee on Ways and Means and the Committee on Judiciary.

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

Senate Bill 1062 – Senator Exum

AN ACT concerning

Prince George's County – Issuance of Alcoholic Beverages Licenses and Park Permits – Notice to Police Department

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

QUORUM CALL

The presiding officer announced a quorum call, showing 130 Members present.

(See Roll Call No. 1087)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #69

House Bill 176 – Delegates Lafferty, Ali, Beidle, Bobo, Bromwell, Carr, Glenn, Healey, Holmes, Hucker, Malone, Niemann, Olszewski, Schuler, and Stein

AN ACT concerning

Bay Restoration Act of 2009

Delegate Cane moved the previous question.

The motion was adopted.

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

Affirmative – 85 Negative – 48 (See Roll Call No. 1088)

The Bill was then sent to the Senate.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0145**
SPONSOR: Chr JPR (Md Jud Conf)
SUBJECT: Courts – Violation of Probation or Suspension of Sentence – Notice or Warrant

The Senate still does not concur in the House amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Lee, Chair
Delegate Carter
Delegate Smigiel

The Senate appoints:
Senator Gladden, Chairman
Senator Stone
Senator Brochin.

Said Bill is returned herewith.
By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 1089)

ADJOURNMENT

At 1:11 P.M. on motion of Delegate Barve the House adjourned until 4:00 P.M., on Legislative Day April 5, 2009, Calendar Day, Friday, April 10, 2009.

Annapolis, Maryland
Legislative Day: April 5, 2009
Calendar Day: Friday, April 10, 2009

The House met at 5:03 P.M. 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 132 Members present.

(See Roll Call No. 1090)

The Journal of April 4, 2009 was read and approved.

EXCUSES:
Del. Myers – son's death
Del. Norman – illness
Del. Proctor – foot injury
Del. Serafini – personal – Del. Myers' son's death
Del. Stull – wife's illness
Del. F. Turner – illness

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0311**
SPONSOR: The Speaker (Admin), et al
SUBJECT: Freedom of Association and Assembly Protection Act of 2009

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Dumais, Chair
Delegate Valderrama
Delegate Frank

The Senate appoints:

Senator Raskin, Chairman
Senator Forehand
Senator Mooney.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

AMENDED IN THE SENATE

House Bill 1179 – Delegates Cardin, Hixson, Olszewski, and Ross

AN ACT concerning

Election Law – Early Voting

Delegate Hixson moved that the House not concur in the Senate amendments.

HB1179/284638/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1179
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "voting;" insert "expressing the intent of the General Assembly with regard to the consideration of certain factors by the State Board and the local boards when selecting early voting centers;".

On pages 1 and 2, strike beginning with "repealing" in line 17 on page 1 through "elections;" in line 1 on page 2.

On page 2, in line 21, strike "10–101,"; in the same line, strike ", 10–310(a), and 15–103" and substitute "and 10–310(a)"; and in line 26, before "10–203" insert "10–101 and".

AMENDMENT NO. 2

On page 4, in lines 26 and 27, strike "**SUBPARAGRAPHS (III) AND (IV)**" and substitute "subparagraph (iii)".

On page 5, strike in their entirety lines 6 through 15, inclusive.

AMENDMENT NO. 3

On page 8, in line 22, strike "**THE**" and substitute "**NO LATER THAN 6 MONTHS BEFORE A PRIMARY ELECTION, THE**"; in line 25, after the second "**VOTING**" insert "**AS FOLLOWS**"; strike in their entirety lines 26 through 28, inclusive, and substitute:

"**(1) BEGINNING ON THE SECOND SATURDAY BEFORE A PRIMARY OR GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTIONS; AND**"; in line 29, after "**(2)**" insert "**(I)**"; and in the same line, after "**8 P.M.**" insert "**ON THE SATURDAY AND THE MONDAY THROUGH THE THURSDAY DURING THE EARLY VOTING PERIOD; AND**

(II) DURING THE HOURS BETWEEN 12 NOON AND 6 P.M. ON THE SUNDAY DURING THE EARLY VOTING PERIOD.".

AMENDMENT NO. 4

On pages 10 and 11, strike in their entirety the lines beginning with line 9 on page 10 through line 12 on page 11, inclusive.

AMENDMENT NO. 5

On page 11, after line 12, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that in selecting early voting centers under this Act, the State Board of Elections, in collaboration with the local boards of elections, shall give due consideration to the voting patterns, demographics, and political party affiliation of the voters in each county.".

The preceding 5 amendments were read and not concurred in.

HB1179/743729/1

BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 1179, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (HB1179/284638/1), in line 3 of Amendment No. 1, after "selecting" insert "and establishing".

AMENDMENT NO. 2

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 6 of Amendment No. 5, after "county" insert "and establish locations for early voting centers that are fair and impartial, that do not provide an undue advantage to any candidates or political parties, and that ensure convenience and public safety for the county's voters".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 1179**
SPONSOR: Del Cardin, et al
SUBJECT: Election Law – Early Voting

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Ross, Chairman
Delegate Cardin, and
Delegate Elmore.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 227	Del. Elmore
HB 250	Del. Kullen
HB 252	Del. Costa
HB 334	Del. Beitzel
HB 349	Washington County Del.
HB 427	Cecil County Del.
HB 521	Del. Donoghue
HB 550	Del. Kelly
HB 572	Ch., Envir. Mat. Com.
HB 576	Del. Bromwell
HB 577	Carroll County Del.
HB 616	Howard County Del.
HB 623	Allegany County Del.
HB 624	Allegany County Del.
HB 654	Del. Hubbard
HB 660	Del. Kaiser
HB 683	Del. Ivey
HB 689	Del. Rosenberg
HB 719	Frederick County Del.
HB 731	Howard County Del.
HB 788	Del. Jones
HB 813	Del. Heller
HB 821	Montgomery Co. Del.
HB 833	Montgomery Co. Del.
HB 835	Montgomery Co. Del.
HB 843	Del. Love
HB 883	Del. Olszewski
HB 931	Cecil County Del.
HB 959	Prince George's Del.
HB 976	Carroll County Del.
HB 1133	Montgomery/PG Co. Del.
HB 1135	Montgomery/PG Co. Del.
HB 1141	Montgomery/PG Co. Del.
HB 1227	Del. Carter
HB 1330	Del. Conway
HB 1331	Del. Conway
HB 1374	Del. Oaks

HB 1425	Del. Gaines
HB 1439	Del. Bromwell
HB 1466	Ch., Appropriations
HB 1472	Ch. Hlth & Govt Ops
HB 1479	Ch. Hlth & Govt Ops
HB 1480	Ch. Hlth & Govt Ops
HB 1486	Del. Hubbard
HB 1542	Del. Haddaway
HB 1555	Ch., Econ Matters Co.

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 51	The Speaker
HB 52	The Speaker
HB 53	The Speaker
HB 54	The Speaker
HB 79	Del. Stifler
HB 94	Del. Anderson
HB 119	Del. Hubbard
HB 122	Del. Kullen
HB 149	Del. Kach
HB 163	Ch., Econ Matters Co.
HB 243	Del. Haddaway
HB 277	St. Mary's County Del.
HB 300	The Speaker
HB 310	The Speaker
HB 361	Washington County Del.
HB 392	Del. Malone
HB 422	Del. Shewell
HB 487	Del. Montgomery
HB 542	Del. Simmons
HB 547	Del. Stein
HB 548	Caroline County Del.
HB 571	Del. Kramer
HB 579	Del. Mizeur
HB 582	Del. Carter
HB 606	Del. Beitzel
HB 625	Washington County Del.
HB 637	Del. Levi
HB 640	Del. Pena–Melnyk
HB 674	Del. Morhaim
HB 739	Del. Hammen
HB 754	Del. Stein

HB 760	Del. Walkup
HB 792	Del. Rice
HB 795	Del. Impallaria
HB 809	Del. Heller
HB 810	Del. Heller
HB 811	Del. Heller
HB 841	Montgomery Co. Del.
HB 864	Howard County Del.
HB 865	Harford County Del.
HB 942	Queen Anne's Co. Del.
HB 957	Del. Hubbard
HB 1071	Del. Kach
HB 1128	Prince George's Del.
HB 1171	Del. Bartlett
HB 1370	Charles County Del.
HB 1399	Ch., Ways and Means
HB 1406	Ch., Econ Matters Co.
HB 1442	Del. Walkup
HB 1535	Del. Rudolph

Read and ordered journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 130 Members present.

(See Roll Call No. 1091)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #70

House Bill 670 – Delegate Frick

AN ACT concerning

Sales and Use and Property Tax – Exemptions – Solar Energy Equipment and Property

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1092)

The Bill was then sent to the Senate.

House Bill 800 – ~~Delegate Hucker~~ Delegates Hucker and Manno

AN ACT concerning

Natural Resources – Roadside Trees – Protection and Enforcement

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

Affirmative – 130 Negative – 1 (See Roll Call No. 1093)

The Bill was then sent to the Senate.

House Bill 1422 – Delegates McHale, Anderson, Barkley, Braveboy, Bromwell, Feldman, Glenn, Hammen, Harrison, Haynes, Healey, Hecht, Heller, Hixson, Hubbard, Hucker, Kirk, Krysiak, Lafferty, Love, Malone, Manno, Minnick, Mizeur, Montgomery, Murphy, Olszewski, Riley, Robinson, Schuler, Stukes, Tarrant, and Vaughn

AN ACT concerning

Business Occupations – Crane Operators – Certificate of Competence

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

Affirmative – 113 Negative – 19 (See Roll Call No. 1094)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #71

House Bill 706 – ~~Delegate Pena-Melnyk~~ Delegates Pena–Melnyk, Hammen, Benson, Costa, Elliott, Hubbard, Kipke, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pendergrass, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Electronic Health Records – Regulation and Reimbursement

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1095)

The Bill was then sent to the Senate.

House Bill 708 – Delegates Vaughn, Glenn, Gutierrez, Holmes, Hucker, Jones, Lafferty, Lee, Love, Manno, Oaks, Ramirez, Robinson, ~~and Valderrama~~ Valderrama, and Braveboy

AN ACT concerning

~~Recipients of State Incentives or Financial Assistance – Diversity Initiatives~~ General Obligation Bonds for Capital Projects – Required Reports

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1096)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #25

Senate Bill 175 – Senator Colburn

EMERGENCY BILL

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

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

Affirmative – 131 Negative – 1 (See Roll Call No. 1097)

The Bill was then returned to the Senate.

Senate Bill 180 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Authority of Mayor to Remove Police Commissioner

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

Affirmative – 131 Negative – 1 (See Roll Call No. 1098)

The Bill was then returned to the Senate.

Senate Bill 201 – Senators Kelley, Currie, Middleton, ~~and Stone~~ Stone, Forehand, and Jacobs

AN ACT concerning

Real Property – Condominiums – ~~Required Insurance Coverage~~ Repair or Replacement of Damage or Destruction by Council of Unit Owners

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1099)

The Bill was then returned to the Senate.

Senate Bill 271 – The President (By Request – Administration) and Senators Colburn, Conway, Forehand, Harrington, Lenett, Middleton, Pinsky, ~~and Raskin~~ Raskin, and Klausmeier

AN ACT concerning

Aquaculture – Shellfish – Leasing

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1100)

The Bill was then returned to the Senate.

Senate Bill 273 – The President (By Request – Administration) and Senators Della, King, Klausmeier, Lenett, Madaleno, and Rosapepe

AN ACT concerning

Smart, Green, and Growing – Local Government Planning – Planning Visions

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

Affirmative – 126 Negative – 7 (See Roll Call No. 1101)

The Bill was then returned to the Senate.

Senate Bill 280 – The President (By Request – Administration) and Senators Della, King, Lenett, Madaleno, and Rosapepe

AN ACT concerning

Smart, Green, and Growing – Smart and Sustainable Growth Act of 2009

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

Affirmative – 120 Negative – 12 (See Roll Call No. 1102)

The Bill was then returned to the Senate.

Senate Bill 506 – Senator Gladden

AN ACT concerning

Maryland Transit Administration – Public Hearings

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

Affirmative – 129 Negative – 3 (See Roll Call No. 1103)

The Bill was then returned to the Senate.

Senate Bill 581 – Senators Frosh, Conway, Harrington, Lenett, Pinsky, ~~and Rosapepe~~ Rosapepe, and Peters

AN ACT concerning

Natural Resources – Roadside Trees – Protection and Enforcement

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

Affirmative – 131 Negative – 2 (See Roll Call No. 1104)

The Bill was then returned to the Senate.

Senate Bill 780 – Carroll County Senators

AN ACT concerning

Counties – Purchase of Development Rights – Carroll County

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1105)

The Bill was then returned to the Senate.

Senate Bill 810 – Senator Colburn

AN ACT concerning

Natural Resources – Oyster Shell Purchase Program – Fair Market Value

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

Affirmative – 131 Negative – 0 (See Roll Call No. 1106)

The Bill was then returned to the Senate.

Senate Bill 842 – ~~Senator Lenett~~ Senators Lenett and Jones

EMERGENCY BILL

AN ACT concerning

Real Property – Foreclosure of Mortgages and Deeds of Trust on Residential Property – Notice to Occupants

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

Affirmative – 131 Negative – 1 (See Roll Call No. 1107)

The Bill was then returned to the Senate.

Senate Bill 901 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City Land Bank Authority – Recodification

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1108)

The Bill was then returned to the Senate.

Senate Bill 931 – Senator Currie

AN ACT concerning

Community Development Administration – Local Government Infrastructure Financing Program – Capital Reserve Funds

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

Affirmative – 126 Negative – 5 (See Roll Call No. 1109)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #26

Senate Bill 79 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Health Insurance – Reform

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1110)

The Bill was then returned to the Senate.

Senate Bill 212 – ~~Senator Frosh~~ Senators Frosh, Conway, Dyson, Harrington, Colburn, Lenett, and Rosapepe

AN ACT concerning

Environment – Green Building Council

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1111)

The Bill was then returned to the Senate.

Senate Bill 247 – Senators Rosapepe, Colburn, Greenip, Harrington, Harris, and Kelley

AN ACT concerning

Health Occupations – Maryland Athletic Trainers Act

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1112)

The Bill was then returned to the Senate.

Senate Bill 367 – Senators Klausmeier, Astle, Brinkley, Della, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Greenip, Jones, Kasemeyer, Kelley, King, Kramer, Middleton, Munson, Peters, Pinsky, Pipkin, Pugh, and Stone

AN ACT concerning

Commission on the Establishment of a Maryland Women in Military Service Monument ~~– Extension of Termination Date~~

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1113)

The Bill was then returned to the Senate.

Senate Bill 489 – Senators Pugh, Currie, Harrington, Madaleno, McFadden, Muse, Peters, ~~and Raskin~~ Raskin, Exum, Lenett, and Conway

AN ACT concerning

Minority Business Enterprise Certification – Cap on Personal Net Worth

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

Affirmative – 129 Negative – 4 (See Roll Call No. 1114)

The Bill was then returned to the Senate.

Senate Bill 568 – Senators Pugh, Currie, Exum, Gladden, Harrington, Jones, Madaleno, McFadden, Muse, Peters, and Raskin

AN ACT concerning

Minority Business Enterprise Program – Directory of Minority Business Enterprises

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1115)

The Bill was then returned to the Senate.

Senate Bill 638 – Senators Garagiola, Glassman, Kittleman, and Klausmeier

AN ACT concerning

Health Insurance – ~~Discrimination or Rebates –~~ Bona Fide Wellness Programs – Incentives

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1116)

The Bill was then returned to the Senate.

Senate Bill 661 – Senators Garagiola, Astle, Kelley, and Middleton

AN ACT concerning

Health Insurance – Use of Physician Rating Systems by Carriers

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

Affirmative – 130 Negative – 1 (See Roll Call No. 1117)

The Bill was then returned to the Senate.

Senate Bill 664 – Senators Garagiola, Currie, Klausmeier, McFadden, Peters, and Robey

AN ACT concerning

Nursing Facilities – Accountability Measures – Pay–for–Performance Program

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

Affirmative – 129 Negative – 0 (See Roll Call No. 1118)

The Bill was then returned to the Senate.

Senate Bill 690 – Senators Kelley, Currie, Jones, Kasemeyer, and Madaleno

AN ACT concerning

Programs for Children in Out–of–Home Placement – System for Outcomes Evaluation

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1119)

The Bill was then returned to the Senate.

Senate Bill 700 – Senator Klausmeier

AN ACT concerning

Pharmacists – Administration of Vaccinations – Expanded Authority

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

Affirmative – 132 Negative – 1 (See Roll Call No. 1120)

The Bill was then returned to the Senate.

Senate Bill 759 – Senator Dyson

AN ACT concerning

Public Health – ~~Authority to Certify Incapacity or~~ Certificates of Death – Nurse Practitioners

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1121)

The Bill was then returned to the Senate.

Senate Bill 796 – Senator Della

AN ACT concerning

Office of the Treasurer – Community Services Trust Fund – ~~Restructuring~~ Workgroup

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1122)

The Bill was then returned to the Senate.

Senate Bill 951 – Senator Lenett

AN ACT concerning

Health Occupations – License to Practice Psychology – Doctoral Degree in Psychology

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

Affirmative – 131 Negative – 0 (See Roll Call No. 1123)

The Bill was then returned to the Senate.

Senate Bill 963 – Senators Klausmeier, Currie, Garagiola, ~~and King~~ King, Middleton, Astle, Della, Exum, Glassman, Kittleman, Pugh, and Forehand

AN ACT concerning

Health – Maryland Commission on Autism

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1124)

The Bill was then returned to the Senate.

Senate Bill 1070 – Senator Middleton

AN ACT concerning

Nonprofit Health Service Plans – Hearing and Order – Impact of Law by Another State

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1125)

The Bill was then returned to the Senate.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #22

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

Senate Bill 554 – Senators Lenett, Conway, Currie, Della, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, Klausmeier, Madaleno, McFadden, Miller, Muse, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Chesapeake Bay Nitrogen Reduction Act of 2009

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

AMENDED IN THE SENATE

House Bill 299 – The Speaker (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Delegates Dumais, Bronrott, Lafferty, and Waldstreicher

AN ACT concerning

Criminal Law – Alcoholic Beverages – Underage Individuals – Prohibitions and Penalties

Delegate Vallario moved that the House not concur in the Senate amendments.

HB0299/478776/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 299
(Third Reading File Bill)

On page 9, in line 28, strike "**IMPRISONMENT NOT EXCEEDING 30 DAYS OR**"; in lines 29 and 31, in each instance, strike "**OR BOTH**"; and in line 30, strike "**IMPRISONMENT NOT EXCEEDING 60 DAYS OR**".

The preceding amendment was read and not concurred in.

HB0299/733429/1

BY: Senator Zirkin

AMENDMENTS TO HOUSE BILL 299
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "exceptions;" insert "requiring the existence of a certain circumstance before an individual may be stopped on suspicion of or charged with committing a certain offense;".

AMENDMENT NO. 2

On page 2, in line 28, after "**(B)**" insert "**(1)**"; in the same line, after "**SECTION,**" insert "**AND SUBJECT TO SUBSECTION (B)(2) OF THIS SECTION,**".

AMENDMENT NO. 3

On page 3, in line 6, after "**(B)**" insert "**(1)**"; in line 8, strike "**(1)**"; in the same line, after "**(I)**" insert "**1.**"; in lines 11, 16, and 19, strike "**(II)**", "**(III)**", and "**(2)**", respectively, and substitute "**2.**", "**3.**", and "**(II)**", respectively; after line 20, insert:

"**(2) AN INDIVIDUAL MAY NOT BE STOPPED ON SUSPICION OF A VIOLATION OF SUBSECTION (A)(1) OR (2) OF THIS SECTION OR CHARGED WITH A VIOLATION OF SUBSECTION (A)(1) OR (2) OF THIS SECTION UNLESS THE INDIVIDUAL IS OBSERVED IN POSSESSION OF AN ALCOHOLIC BEVERAGE.**".

The preceding 3 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0299**
SPONSOR: The Speaker (Admin) (Drunk Drvg TF), et al
SUBJECT: Criminal Law – Alcoholic Beverages – Underage Individuals – Prohibitions and Penalties

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Dumais, Chairman
Delegate Waldstreicher, and
Delegate Jennings.

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 0850**
SPONSOR: Sen Muse
SUBJECT: Public Safety – Electronic Control Devices – Requirements

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 Muse, Chairman
Senator Forehand
Senator Simonaire.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0850**
SPONSOR: Sen Muse
SUBJECT: Public Safety – Electronic Control Devices – Requirements

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 Muse, Chair
Senator Forehand
Senator Simonaire

The House appoints: Delegate Rosenberg, Chairman
Delegate McConkey, and
Delegate Barnes.

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 0870**
SPONSOR: Sen Gladden
SUBJECT: Marriage Ceremonies – Performance by Tax Court Judges

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

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

Senator Gladden, Chairman
Senator Jacobs
Senator Forehand.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0870**
SPONSOR: Sen Gladden
SUBJECT: Marriage Ceremonies – Performance by Tax Court Judges

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed: Senator Gladden, Chair
Senator Jacobs
Senator Forehand

The House appoints: Delegate Barnes, Chairman
Delegate Kramer, and
Delegate McComas.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

QUORUM CALL

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

(See Roll Call No. 1126)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #27

Senate Bill 151 – Senators Mooney, Haines, Jacobs, Kittleman, Munson, Simonaire, and Stone

AN ACT concerning

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

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

Affirmative – 106 Negative – 26 (See Roll Call No. 1127)

The Bill was then returned to the Senate.

Senate Bill 181 – Senator McFadden (By Request – Baltimore City Administration) and Senators Brochin, Forehand, Gladden, Haines, Jacobs, Raskin, Simonaire, and Stone

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 – 132 Negative – 0 (See Roll Call No. 1128)

The Bill was then returned to the Senate.

Senate Bill 667 – Senator Raskin

AN ACT concerning

Attorney General – State Legal Business – Hiring Counsel

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

Affirmative – 131 Negative – 1 (See Roll Call No. 1129)

The Bill was then returned to the Senate.

Senate Bill 811 – ~~Senator Muse~~ Senators Muse, Frosh, Gladden, Brochin, Forehand, Haines, Jacobs, Mooney, Raskin, Simonaire, and Stone

AN ACT concerning

Domestic Violence – Duration of Protective Order – Subsequent Act of Abuse

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1130)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #28

Senate Bill 156 – Senator Frosh

AN ACT concerning

Maryland Estate Tax – Filing of Returns

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1131)

The Bill was then returned to the Senate.

Senate Bill 403 – Senators Harrington, Muse, and Peters

AN ACT concerning

Prince George's County – Green Businesses – Tax Credits

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1132)

The Bill was then returned to the Senate.

Senate Bill 569 – Senators Pugh, Frosh, Lenett, Muse, Raskin, and Stone

AN ACT concerning

Education – Collective Bargaining – Topics of Negotiation

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

Affirmative – 101 Negative – 32 (See Roll Call No. 1133)

The Bill was then returned to the Senate.

Senate Bill 644 – Senator Astle

AN ACT concerning

Property Tax Credit – Marine Trade Waterfront Property

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1134)

The Bill was then returned to the Senate.

Senate Bill 965 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – School Buses – Length of Operation

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1135)

The Bill was then returned to the Senate.

Senate Bill 990 – ~~Senator Stone~~ Senators Stone, Conway, Dyson, Colburn, Greenip, Harrington, Harris, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Education – Reporting Requirement – Class Size

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

Affirmative – 115 Negative – 17 (See Roll Call No. 1136)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #29

Senate Bill 204 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Public Accountancy – Required Peer Reviews

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1137)

The Bill was then returned to the Senate.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #18

CONSENT CALENDAR #13

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

Senate Bill 80 – Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Distribution of Tobacco–Related Products to Minors – Enforcement

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:

Senate Bill 481 – ~~Senator Pipkin~~ Senators Pipkin, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

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:

Senate Bill 792 – Senator Klausmeier

AN ACT concerning

Property and Casualty Insurance – Portable Electronics Insurance – Regulation

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 Environmental Matters:

Senate Bill 1027 – Senator Dyson

AN ACT concerning

Real Property – Conservation Easements – Disclosure

The Bill was re–referred to the Committee on Environmental 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:

Senate Bill 1063 – ~~Senator Pugh~~ Senators Pugh, Glassman, and Middleton

~~EMERGENCY BILL~~

AN ACT concerning

Joint ~~Emergency Medical Services~~ Oversight Committee on Emergency Medical Services

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 Environmental Matters:

Senate Bill 1065 – ~~Senator Frosh~~ Senators Frosh, Harrington, and Lenett

AN ACT concerning

Standing – Miscellaneous Environmental Protection Proceedings and Judicial Review

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

CONCURRENCE CALENDAR #4

AMENDED IN THE SENATE

House Bill 46 – Delegate Sossi

AN ACT concerning

Caroline County – Alcoholic Beverages – Multiple Event Licenses

Delegate Davis moved that the House concur in the Senate amendments.

HB0046/234430/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 46
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Multiple" insert "Special"; and in lines 3, 5, 7, and 9, in each instance, before "multiple" insert "special".

AMENDMENT NO. 2

On page 2 in lines 8, 9, 15, 19, and 23, and on page 3 in line 5, in each instance, before "**MULTIPLE**" insert "**SPECIAL**".

On page 2, in lines 10, 11, 12, and 14, strike "**$125**", "**$250**", "**$375**", and "**$500**", respectively, and substitute "**$250**", "**$500**", "**$750**", and "**$1,000**", respectively.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1138)

AMENDED IN THE SENATE

House Bill 165 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Cancellation of Policies – Limitation on Midterm Cancellations

Delegate Davis moved that the House concur in the Senate amendments.

HB0165/157573/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 165
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "personal" insert "insurance"; in the same line, after the comma insert "a certain policy of homeowner's insurance, a policy of"; in line 4, after "commercial" insert "insurance"; in the same line, after "or" insert "a policy of"; and in line 5, strike "unless the insurer makes a certain determination or" and substitute "except".

AMENDMENT NO. 2

On page 2, in line 2, after "of" insert "**:**

(I)";

in the same line, after "insurance" insert "**; AND**

(II) HOMEOWNER'S INSURANCE UNDER WHICH A ONETIME GUARANTEED FULLY REFUNDABLE DEPOSIT IS REQUIRED FOR A STATED AMOUNT OF COVERAGE".

On page 2 in line 33, on page 4 in line 28, and on page 6 in line 17, in each instance, strike "**THE INSURER HAS DETERMINED THAT**".

On page 3, in line 8, after "**PREMIUM;**" insert "**OR**"; and strike beginning with "**IN**" in line 9 down through "**(IV)**" in line 16.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1139)

AMENDED IN THE SENATE

House Bill 103 – Delegates Eckardt, Cane, Elmore, Haddaway, O'Donnell, ~~and Smigiel~~ Smigiel, Lafferty, and Sossi

EMERGENCY BILL

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0103/224038/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 103
(Third Reading File Bill)

On page 1, in line 6, strike the first "and" and substitute "an".

The preceding amendment was read and concurred in.

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

Affirmative – 133 Negative – 1 (See Roll Call No. 1140)

AMENDED IN THE SENATE

House Bill 610 – ~~Delegate Morhaim~~ Delegates Morhaim, Hammen, Pendergrass, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery,

Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Health Insurance – ~~Discrimination or Rebates –~~ Bona Fide Wellness Programs – Incentives

Delegate Hammen moved that the House concur in the Senate amendments.

HB0610/437970/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 610
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 23, after "terms;" insert "altering certain definitions;".

On page 2, in line 16, after "Section" insert "15–10A–01(a), 15–1201(a), and"; and in line 21, after "Section" insert "15–10A–01(b)(1), 15–1201(r), and".

AMENDMENT NO. 2

On page 3, strike beginning with "**AND**" in line 6 down through "**CHOICES**" in line 7; strike line 21 in its entirety; and in lines 22 and 23, strike "**(VII)**" and "**(VIII)**", respectively, and substitute "**(VI)**" and "**(VII)**", respectively.

AMENDMENT NO. 3

On page 5, in line 21, strike "**AND**".

On page 6, after line 26, insert:

"15–10A–01.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Adverse decision" means**:**

(I) a utilization review determination by a private review agent, a carrier, or a health care provider acting on behalf of a carrier that:

[(i)**]** **1.** a proposed or delivered health care service covered under the member's contract is or was not medically necessary, appropriate, or efficient; and

[(ii)**]** **2.** may result in noncoverage of the health care service**; OR**

(II) A DENIAL BY A CARRIER OF A REQUEST BY A MEMBER FOR AN ALTERNATIVE STANDARD OR A WAIVER OF A STANDARD TO SATISFY THE REQUIREMENTS OF A BONA FIDE WELLNESS PROGRAM UNDER § 15–509 OF THIS TITLE.

15–1201.

(a) In this subtitle the following words have the meanings indicated.

(r) "Wellness benefit" means a benefit **[**offered as a rider to a health benefit plan that provides coverage for a program or activity**]** that:

(1) **[**is designed to:

(i) prevent or detect disease or illness;

(ii) reduce or avoid poor clinical outcomes;

(iii) prevent complications from medical conditions; or

(iv) promote healthy behaviors and lifestyle choices;**] INCLUDES A BONA FIDE WELLNESS PROGRAM AS DEFINED IN § 15–509 OF THIS TITLE;** and

(2) complies with regulations adopted by the Commission.".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1141)

CONCURRENCE CALENDAR #5

AMENDED IN THE SENATE

House Bill 32 – Delegate Kullen

AN ACT concerning

Health Insurance – Limitations on Preexisting Condition Provisions – ~~Applicability~~ Individual Health Benefit Plans

Delegate Hammen moved that the House concur in the Senate amendments.

HB0032/817273/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 32
(Third Reading File Bill)

On page 4, in line 6, strike "**DEPENDENTS**" and substitute "**FAMILY MEMBERS**".

The preceding amendment was read and concurred in.

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1142)

AMENDED IN THE SENATE

House Bill 142 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Antifraud Plans

Delegate Hammen moved that the House concur in the Senate amendments.

HB0142/167776/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 142
(Third Reading File Bill)

On page 3, in line 23, strike "**TO**" and substitute "**MUST**".

The preceding amendment was read and concurred in.

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1143)

AMENDED IN THE SENATE

House Bill 462 – Delegates Hubbard, Costa, Kipke, V. Turner, and Weldon

AN ACT concerning

Medicaid State Plan and Medical Assistance Program – Amendments and Waiver Applications

Delegate Hammen moved that the House concur in the Senate amendments.

HB0462/383425/1

BY: Senator Middleton

AMENDMENT TO HOUSE BILL 462
(Third Reading File Bill)

On page 2, in line 19, strike the first comma.

The preceding amendment was read and concurred in.

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1144)

AMENDED IN THE SENATE

House Bill 471 – Delegates Pena–Melnyk, Robinson, Walker, Weir, Barnes, Braveboy, Ivey, Levi, V. Turner, Valderrama~~, and Walker~~, Benson, Donoghue, Hubbard, Kullen, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Reznik, and Tarrant

AN ACT concerning

Minority Business Enterprise Certification – Cap on Personal Net Worth

Delegate Hammen moved that the House concur in the Senate amendments.

HB0471/184236/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 471
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "altering" and substitute "requiring"; in line 4, after "enterprise" insert "to be adjusted annually in accordance with the Consumer Price Index; requiring the certification agency to evaluate certain data in conjunction with certain committees of the General Assembly and the Office of the Attorney General; requiring the certification agency to make a certain report on or before a certain date; altering a certain term to exclude up to a certain amount of the cash value of certain retirement funds from the calculation of personal net worth"; in line 8, strike "14–301(i)" and substitute "14–301(g) and (i)".

AMENDMENT NO. 2

On page 1, after line 14, insert:

"(g) (1) Subject to paragraphs (2) and (3) of this subsection, "personal net worth" means the net value of the assets of an individual remaining after total liabilities are deducted.

(2) "Personal net worth" includes the individual's share of assets held jointly or as community property with the individual's spouse.

(3) "Personal net worth" does not include:

(i) the individual's ownership interest in the applicant or a certified minority business enterprise; **[**or**]**

(ii) the individual's equity in his or her primary place of residence**; OR**

(III) UP TO $500,000 OF THE CASH VALUE OF ANY QUALIFIED RETIREMENT SAVINGS PLANS OR INDIVIDUAL RETIREMENT ACCOUNTS.".

On page 2, in line 31, strike the brackets; in line 32, strike "**$1,750,000**"; after line 34, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2010:

(a) The certification agency as defined in § 14–301 of the State Finance and Procurement Article, in consultation with the Senate Education, Health, and Environmental Affairs Committee, the House Health and Government Operations Committee, and the Office of the Attorney General, shall evaluate State bonding and other financial business data to determine whether the cap on the personal net worth requirement for certification as a minority business enterprise should be further adjusted; and

(b) The certification agency shall report its findings to the General Assembly, in accordance with § 2–1246 of the State Government Article.";

and in line 35, strike "2." and substitute "3.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 127 Negative – 6 (See Roll Call No. 1145)

AMENDED IN THE SENATE

House Bill 533 – Delegates Morhaim and Weldon

AN ACT concerning

Cooperative Purchasing Agreements – Requirements and Expansion of Use

Delegate Hammen moved that the House concur in the Senate amendments.

HB0533/714237/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 533
(Third Reading File Bill)

AMENDMENT NO. 1

On page 4, in line 31, after "**THE**" insert "**STATE OR**"; in line 32, after "**MEET**" insert "**:**

A.";

in line 33, after "**OR**" insert "**ANY OTHER MINORITY BUSINESS ENTERPRISE PROGRAM SPONSORED BY THE LOCAL ENTITY; OR**

B.";

and in line 34, after "**ARTICLE**" insert "**OR ANY OTHER SMALL BUSINESS PROCUREMENT PROGRAM SPONSORED BY THE LOCAL ENTITY**".

AMENDMENT NO. 2

On page 8, in line 15, strike "and"; after line 15, insert:

"(7) the Maryland Department of Transportation; and";

and in line 16, strike "(7)" and substitute "(8)".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1146)

AMENDED IN THE SENATE

House Bill 1195 – Delegates Montgomery, Bartlett, Bobo, Carr, G. Clagett, Hecht, Hucker, Manno, Rice, Robinson, and Stull

EMERGENCY BILL

AN ACT concerning

Prescription Drugs – Wholesale Drug Distribution – Surety Bond Requirements

Delegate Hammen moved that the House concur in the Senate amendments.

HB1195/464233/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1195
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "bond" insert "or certain other security"; in line 6, after "bond" insert "or other security"; and in line 10, in each instance, after "bond" insert "or other security".

AMENDMENT NO. 2

On page 2, in line 12, after "**BOND**" insert "**OR OTHER SECURITY**"; in line 19, after "**A**" insert "**SURETY BOND OR OTHER SECURITY IN THE AMOUNT OF**"; and in the same line, strike "**SURETY BOND**".

On page 3, in lines 3, 4, and 7, in each instance, after "bond" insert "or other security".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1147)

CONCURRENCE CALENDAR #6

AMENDED IN THE SENATE

House Bill 489 – Allegany County Delegation

AN ACT concerning

Allegany County – Upper Potomac River Commission – Savage River Dam – Borrowing Authority

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

HB0489/989430/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 489
(Third Reading File Bill)

On page 2, in line 26, strike "**CODE**" and substitute "**ANNOTATED CODE OF MARYLAND**".

The preceding amendment was read and concurred in.

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1148)

AMENDED IN THE SENATE

House Bill 776 – Delegates Healey, Lafferty, Hecht, Ali, Beidle, Bobo, Cane, Carr, Frush, Glenn, Holmes, Hucker, Shewell, Sossi, ~~and Stukes~~ Stukes, Valderrama, Niemann, and V. Clagett

EMERGENCY BILL

AN ACT concerning

Real Property – Foreclosure of Mortgages and Deeds of Trust on Residential Property – Notice to Occupants

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0776/758977/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 776
(Third Reading File Bill)

On page 3 in lines 11 and 12, on page 4 in lines 27 and 28, and on page 6 in lines 5 and 6, in each instance, strike "**WITH CERTIFICATE OF MAILING**".

The preceding amendment was read and concurred in.

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

Affirmative – 130 Negative – 1 (See Roll Call No. 1149)

AMENDED IN THE SENATE

House Bill 1078 – Delegate Niemann

AN ACT concerning

Environment – Permit Applications – Notice Requirements

Delegate McIntosh moved that the House concur in the Senate amendments.

HB1078/634536/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1078
(Third Reading File Bill)

On page 3, in line 20, strike "**SUBSECTIONS**" and substitute "**SUBSECTION**"; and in the same line, strike "**AND (B)**".

The preceding amendment was read and concurred in.

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1150)

AMENDED IN THE SENATE

House Bill 1219 – Washington County Delegation

AN ACT concerning

Washington County – Sheriff – Salary

Delegate McIntosh moved that the House concur in the Senate amendments.

HB1219/578177/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1219
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 3 down through "recommendations;" in line 6; and strike in their entirety lines 10 through 19, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 4 on page 2 through line 7 on page 3, inclusive.

On page 3, in line 10, strike "**1.**"; and strike in their entirety lines 12 through 16, inclusive.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1151)

AMENDED IN THE SENATE

House Bill 1569 – ~~Delegate McIntosh~~ Delegates McIntosh, Barkley, Beidle, Carr, V. Clagett, Dumais, Frush, Glenn, Haynes, Healey, Howard, Hucker, Ivey, Kaiser, Lafferty, Lee, McHale, Morhaim, Niemann, Olszewski, Riley, Robinson, Stein, and Waldstreicher

AN ACT concerning

Standing – Miscellaneous Environmental Protection Proceedings and Judicial Review

Delegate McIntosh moved that the House concur in the Senate amendments.

HB1569/404034/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1569
(Third Reading File Bill)

On page 18, in line 33, strike "1" and substitute "2".

On page 19, in line 14, strike "1" and substitute "2"; and strike beginning with "require" in line 19 down through "raised" in line 21 and substitute "examine:

(a) the likelihood the plaintiff will succeed on the merits;

(b) the balance of convenience determined by whether greater injury would be done to the defendant by granting the stay than would result from its refusal;

(c) whether the plaintiff will suffer irreparable injury unless the stay is granted; and

(d) the public interest in granting the stay".

The preceding amendment was read and concurred in.

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

Affirmative – 108 Negative – 25 (See Roll Call No. 1152)

AMENDED IN THE SENATE

House Bill 66 – Delegates Anderson, Carter, Conaway, Rosenberg, Simmons, Sophocleus, and Waldstreicher

AN ACT concerning

Criminal Law – Theft – Penalties

Delegate Vallario moved that the House concur in the Senate amendments.

HB0066/898375/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 66
(Third Reading File Bill)

On page 3, strike beginning with "**LESS**" in line 14 down through "**$100,**" in line 15.

The preceding amendment was read and concurred in.

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

Affirmative – 120 Negative – 13 (See Roll Call No. 1153)

AMENDED IN THE SENATE

House Bill 282 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Adult Public Guardianship Review Board – Membership

Delegate Vallario moved that the House concur in the Senate amendments.

HB0282/118077/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 282
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "requiring one of two physician members" and substitute "altering the membership"; in line 4, after "to" insert "require one member to be a physician other than a psychiatrist and one to"; in line 5, strike "a" and substitute "the"; and strike beginning with "that" in line 5 down through "psychologists" in line 6.

AMENDMENT NO. 2

On page 2, in line 1, after "(ii)" insert "**1. IN COUNTIES OTHER THAN ST. MARY'S COUNTY,**"; strike beginning with the colon in line 1 down through "**1.**" in line 2; in line 3, strike "**OR**" and substitute "**AND**"; in line 4, after "**1**" insert "**SHALL BE A PHYSICIAN OTHER THAN A PSYCHIATRIST AND 1 SHALL BE A**"; in line 5, strike "**A**" and substitute "**THE**"; and strike beginning with "**THAT**" in line 5 down through "**PSYCHOLOGISTS**" in line 6.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1154)

AMENDED IN THE SENATE

House Bill 289 – Delegate Proctor

AN ACT concerning

Attorney General – State Legal Business – Hiring Counsel

Delegate Vallario moved that the House concur in the Senate amendments.

HB0289/178870/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 289
(Third Reading File Bill)

On page 5, in line 7, strike "**AND**"; after line 7, insert:

"**(4) THE OFFICE OF THE PUBLIC DEFENDER MAY EMPLOY OR BE REPRESENTED BY A LEGAL ADVISER OR COUNSEL OTHER THAN THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE; AND**";

and in line 8, strike "**(4)**" and substitute "**(5)**".

The preceding amendment was read and concurred in.

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1155)

AMENDED IN THE SENATE

House Bill 1183 – Delegate Simmons

AN ACT concerning

Juvenile Law – Hearings

Delegate Vallario moved that the House concur in the Senate amendments.

HB1183/648776/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1183
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "from" insert "the testimony of a victim during".

AMENDMENT NO. 2

On page 3, in line 6, after "**FROM**" insert "**THE TESTIMONY OF THE VICTIM DURING**"; in line 8, after "**ADMIT**" insert "**DURING THE TESTIMONY OF THE VICTIM**"; and in line 10, strike "**CONDUCT THE HEARING OR PROCEEDING**" and substitute "**RECEIVE THE TESTIMONY OF THE VICTIM**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1156)

AMENDED IN THE SENATE

House Bill 184 – Delegates Hucker, Hixson, Kaiser, Ali, Gilchrist, Ivey, Myers, Olszewski, Rice, and Ross

AN ACT concerning

Education – Maryland's Preschool for All Business Plan – Final Report Requirements

Delegate Hixson moved that the House concur in the Senate amendments.

HB0184/979238/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 184
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "date;" insert "prohibiting the Department from implementing the finalized Business Plan unless the Department identifies a certain funding source;".

AMENDMENT NO. 2

On page 2, after line 24, insert:

"(d) The Department may not implement the finalized Business Plan until the Department has identified an on–going funding source.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 109 Negative – 24 (See Roll Call No. 1157)

QUORUM CALL

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

(See Roll Call No. 1158)

ADJOURNMENT

At 6:00 P.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day April 6, 2009, Calendar Day, Saturday, April 11, 2009.

Annapolis, Maryland
Legislative Day: April 6, 2009
Calendar Day: Saturday, April 11, 2009

The House met at 11:58 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Shirley Nathan–Pulliam of Baltimore County.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 1161)

The Journal of April 5, 2009 was read and approved.

EXCUSES:
Del. Myers – son's death
Del. Proctor – foot injury
Del. Serafini – personal – Del. Myers' son's death
Del. F. Turner – illness

CONFERENCE COMMITTEE REPORT

House Bill 100 – The Speaker (By Request – Administration)

Budget Bill

(Fiscal Year 2010)

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 100 – THE BUDGET BILL AND HOUSE BILL 101 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit Q of Appendix II)

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE BILL 100 – THE BUDGET BILL

(See Exhibit R of Appendix II)

Conference Committee Report read only.

Delegate Conway moved to make the Bill and Conference Committee Report a Special Order for next session.

The motion was adopted.

THE COMMITTEE ON APPROPRIATIONS REPORT #17

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

Senate Bill 83 – Chair, Finance Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Human Services – Child Welfare Workforce

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:

Senate Bill 556 – Senators Jones, Miller, Brinkley, Colburn, Conway, Currie, DeGrange, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Harris, Jacobs, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Simonaire, Stoltzfus, Stone, and Zirkin

AN ACT concerning

State Funding Accountability Act

SB0556/314666/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 556
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "grantees that receive" and substitute "grantors that provide"; in line 5, strike "Information Technology" and substitute "Budget and Management"; strike beginning with "requiring" in line 5 down through "date;" in line 8; in line 9, after "Department" insert "of Information Technology"; and in line 16, after "reporting" insert "of certain grantors".

AMENDMENT NO. 2

On page 2, in line 15, strike "**INFORMATION TECHNOLOGY**" and substitute "**BUDGET AND MANAGEMENT**"; in line 20, after "**(4)**" insert "**"GRANTOR" MEANS A UNIT OF STATE GOVERNMENT OR OTHER STATE ENTITY THAT PROVIDES STATE AID TO A GRANTEE.**

(5)";

in line 26, strike "**GRANTEE**" and substitute "**GRANTOR**"; in line 28, strike "**GRANTEE RECEIVES**" and substitute "**GRANTOR PROVIDED**"; and in line 29, after "**AID**" insert "**TO A GRANTEE**".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 31 on page 2 through line 29 on page 3, inclusive, and substitute:

"**1. THE NAME, ADDRESS, AND ZIP CODE OF EACH GRANTEE THAT RECEIVED STATE AID FROM THE GRANTOR DURING THE PREVIOUS FISCAL YEAR;**

2. THE AMOUNT OF ANY STATE AID PROVIDED TO THE GRANTEE; AND

3. A DESCRIPTION OF THE STATE AID PROVIDED TO THE GRANTEE.";

in line 30, strike "**(3)**" and substitute "**(2)**"; and strike beginning with "**BUDGET**" in line 32 down through "**AND MANAGEMENT**" in line 33 and substitute "**INFORMATION TECHNOLOGY**".

AMENDMENT NO. 4

On page 4, in line 1, after "**DEPARTMENT**" insert "**OF INFORMATION TECHNOLOGY**"; strike beginning with "**CONTAIN**" in line 5 down through "**AID**" in line 8 and substitute "**CONTAIN:**

(I) THE NAME OF THE GRANTOR THAT PROVIDED THE STATE AID;

(II) THE NAME OF THE GRANTEE THAT RECEIVED THE STATE AID;

(III) THE AMOUNT OF THE STATE AID THAT WAS PROVIDED TO THE GRANTEE;

(IV) THE ZIP CODE OF THE GRANTEE THAT RECEIVED THE STATE AID; AND

(V) A DESCRIPTION OF THE STATE AID THAT WAS PROVIDED TO THE GRANTEE.

(3) THE SEARCHABLE WEBSITE SHALL ALLOW A USER TO SEARCH BY THE FOLLOWING DATA FIELDS:

(I) THE GRANTEE THAT RECEIVED THE STATE AID;

(II) THE GRANTOR THAT PROVIDED THE STATE AID; AND

(III) THE ZIP CODE OF ANY GRANTEE THAT RECEIVED STATE AID".

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 reported favorably with amendments:

Senate Bill 686 – Senators Robey, Forehand, Frosh, Garagiola, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Peters, Raskin, ~~and Rosapepe~~ Rosapepe, DeGrange, Greenip, Jones, and Stoltzfus

AN ACT concerning

High Performance Buildings Act – ~~Applicable~~ Modifications and Applicability to Community College Capital Projects

SB0686/474269/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 686
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Modifications" in line 2 down through "Applicability" in line 3 and substitute "Applicable"; strike beginning with "altering" in line 4 down through "projects;" in line 5; in line 7, strike "altering a certain waiver process;" and substitute "authorizing a community college to apply for a waiver from certain high performance building requirements under a certain waiver process established by the Department of Budget and Management and the Department of General Services;"; strike beginning with "altering" in line 9 down through "meet" in line 11 and substitute "making a technical correction"; and in line 12, after "buildings" insert "at community colleges".

AMENDMENT NO. 2

On page 2, in line 3, after "that" insert ":

(i) meets or exceeds the current version of the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) Green Building Rating System Silver rating; or

(ii) achieves at least a comparable";

strike beginning with "**MEETS**" in line 7 down through "**CERTAIN**" in line 8; in line 10, strike "**AS**"; in line 19, after "meet" insert "the"; and strike beginning with "**THAT**" in line 21 down through "**COUNCIL.**" in line 22 and substitute "established under the

"High **[**Efficiency**]** **PERFORMANCE** Green Building Program" adopted by the Maryland Green Building Council."

On page 3, strike beginning with "**LOCAL**" in line 11 down through "**SECTION**" in line 12 and substitute "**COMMUNITY COLLEGE**".

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:

Senate Bill 962 – Senator Pinsky

AN ACT concerning

Town of University Park Employees – Participation in the Employees' Pension System

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:

Senate Bill 1019 – Senators McFadden ~~and Robey~~, Robey, and Munson

AN ACT concerning

State Police Retirement System – Reemployment of Retirees

SB1019/804163/1

BY: Appropriations Committee

AMENDMENT TO SENATE BILL 1019
(Third Reading File Bill)

On page 8, in line 8, after "**PAY**" insert "**THE BALANCE OF THE RETIREE'S ACCUMULATED CONTRIBUTIONS AND**"; and in line 9, after "**RETIREMENT**" insert "**,**

WITH ACCUMULATED COST–OF–LIVING ADJUSTMENTS FROM THE DATE THE RETIREE RETIRED".

The preceding amendment was 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:

Senate Bill 1060 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

General Obligation Bonds – Method of Sale by Board of Public Works

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #26

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

House Bill 1453 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – Exemption from Covered Employment – Home Workers

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 37 – ~~Senator Colburn~~ Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Alcoholic Beverages – Special Multiple Event Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 60 – Chair, Finance Committee (By Request – Departmental – Public Service Commission)

AN ACT concerning

Maryland Transit Administration – Mass Transit Service Alterations – Public Service Commission and People's Counsel Reporting and Representation 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:

Senate Bill 86 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Title Insurance Producers – Regulation and Requirements

SB0086/863092/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 86
(Third Reading File Bill)

On page 2, in line 15, strike "**ANOTHER PERSON**" and substitute "**A LICENSED TITLE INSURANCE PRODUCER**".

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:

Senate Bill 161 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Board – Term Limits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 278 – Senator Pinsky and the President (By Request – Administration) and Senators Conway, Currie, Forehand, Frosh, Garagiola, Gladden, Harrington, Kelley, King, Lenett, Madaleno, Middleton, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, ~~and Stone~~ Stone, and Jones

AN ACT concerning

Greenhouse Gas Emissions Reduction Act of 2009

SB0278/483594/1

BY: Economic Matters Committee and Environmental Matters Committee

AMENDMENTS TO SENATE BILL 278
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "regulations;" insert "requiring the Department to take certain actions as it develops and implements the plan in a certain manner;".

On page 2, in line 6, after "dates;" insert "requiring the Department to include certain agencies and entities in certain discussions regarding certain matters;".

AMENDMENT NO. 2

On page 8, in line 14, strike "**AND**"; after line 14, insert:

"**(6) CONSIDER WHETHER THE MEASURES WOULD RESULT IN AN INCREASE IN ELECTRICITY COSTS TO CONSUMERS IN THE STATE;**

(7) CONSIDER THE IMPACT OF THE PLAN ON THE ABILITY OF THE STATE TO:

(I) ATTRACT, EXPAND, AND RETAIN COMMERCIAL AVIATION SERVICES; AND

(II) CONSERVE, PROTECT, AND RETAIN AGRICULTURE; AND";

and in line 15, strike "**(6)**" and substitute "**(8)**".

On page 11, after line 22, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That during the process outlined in § 2–1205(a) of the Environment Article, as enacted by Section 3 of this Act, the Department of the Environment shall include the Department of Agriculture, the Maryland Farm Bureau, the Maryland Association of Soil Conservation Districts, the Delmarva Poultry Industry, the Maryland Dairy Industry Association, and the Maryland Agricultural Commission in discussions on the role to be played by agriculture to reduce greenhouse gas emissions.";

in line 23, strike "4." and substitute "5."; in line 29, strike "5." and substitute "6."; and in line 34, strike "6." and substitute "7.".

On page 12, in line 3, strike "7." and substitute "8."; and in line 4, strike "6" and substitute "7".

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:

Senate Bill 334 – Senator Colburn

AN ACT concerning

Talbot County – Alcoholic Beverages – Limited Wineries

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:

Senate Bill 406 – Senators Conway, Pugh, Currie, Della, Exum, Forehand, Frosh, Gladden, Harrington, Jones, Kelley, King, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Raskin, Rosapepe, and Stone

AN ACT concerning

Prevailing Wage Rates – Public Works Contracts – ~~Suits by Employees~~ Payment of Liquidated Damages

SB0406/223490/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 406
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Payment of Liquidated Damages" and substitute "Suits by Employees"; strike beginning with "altering" in line 17 down through "violations" in line 18 and substitute "expanding rights and remedies for private enforcement suits under the State prevailing wage law; authorizing certain employees to seek certain compensation and additional remedies from certain employers under certain circumstances; authorizing certain employees to file certain court actions; requiring that certain actions be brought within a certain time period; providing that a certain contract is not a bar to the recovery of certain remedies; authorizing a court to award certain employees certain wages, other compensation, and fees in certain circumstances; authorizing certain employees to bring an action on their behalf and on behalf of certain other employees; subjecting certain persons to certain civil penalties;

prohibiting a contractor or subcontractor from engaging in certain conduct against certain employees; subjecting a contractor or subcontractor to certain penalties for certain violations"; in line 19, strike "the payment of liquidated damages" and substitute "private enforcement actions"; and in line 23, strike "17–222" and substitute "17–224".

AMENDMENT NO. 2

On page 2, after line 5, insert:

"17–224.

(a) (1) If an employee under a public work contract is paid less than the prevailing wage rate for that employee's classification for the work performed, the employee is entitled to sue **THE EMPLOYEE'S EMPLOYER** to recover the difference between the prevailing wage rate and the amount received by the employee **AND TO SEEK ADDITIONAL REMEDIES AS PROVIDED UNDER THIS SECTION**.

(2) A determination by the Commissioner that a contractor is required to make restitution does not preclude an employee from filing an action under this section.

(b) (1) An action under this section is considered to be a suit for wages **AND MAY BE FILED IN ANY COURT OF COMPETENT JURISDICTION**.

(2) A judgment in an action under this section shall have the same force and effect as any other judgment for wages.

(3) AN ACTION BROUGHT UNDER THIS SECTION FOR A VIOLATION OF THIS SUBTITLE SHALL BE FILED WITHIN 3 YEARS FROM THE DATE THE AFFECTED EMPLOYEE KNEW OR SHOULD HAVE KNOWN OF THE VIOLATION.

(c) **(1)** The failure of an employee to protest orally or in writing the payment of a wage that is less than the prevailing wage rate is not a bar to recovery in an action under this section.

(2) A CONTRACT OR OTHER WRITTEN DOCUMENT IN WHICH AN EMPLOYEE STATES THAT THE EMPLOYEE SHALL BE PAID LESS THAN THE

AMOUNT REQUIRED BY THIS SUBTITLE DOES NOT BAR THE RECOVERY OF ANY REMEDY PRESCRIBED UNDER THIS SUBTITLE.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF THE COURT IN AN ACTION FILED UNDER THIS SECTION FINDS THAT AN EMPLOYER PAID AN EMPLOYEE LESS THAN THE REQUISITE PREVAILING WAGE, THE COURT SHALL AWARD THE AFFECTED EMPLOYEE THE DIFFERENCE BETWEEN THE WAGE ACTUALLY PAID AND THE PREVAILING WAGE AT THE TIME THAT THE SERVICES WERE RENDERED.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, UNPAID FRINGE BENEFIT CONTRIBUTIONS OWED FOR AN EMPLOYEE IN ACCORDANCE WITH THIS SECTION SHALL BE PAID TO THE APPROPRIATE BENEFIT FUND, PLAN, OR PROGRAM.

(II) IN THE ABSENCE OF AN APPROPRIATE BENEFIT FUND, PLAN, OR PROGRAM, THE AMOUNT OWED FOR FRINGE BENEFITS FOR AN EMPLOYEE SHALL BE PAID DIRECTLY TO THE EMPLOYEE.

(3) THE COURT MAY NOT ORDER THE PAYMENT OF DOUBLE DAMAGES OR TREBLE DAMAGES UNDER THIS SECTION UNLESS THE COURT FINDS THAT THE EMPLOYER WITHHELD WAGES OR FRINGE BENEFITS WILLFULLY AND KNOWINGLY OR WITH DELIBERATE IGNORANCE OR RECKLESS DISREGARD OF THE EMPLOYER'S OBLIGATIONS UNDER THIS SUBTITLE.

(4) IN AN ACTION UNDER THIS SECTION, THE COURT SHALL AWARD A PREVAILING PLAINTIFF REASONABLE COUNSEL FEES AND COSTS.

(5) IF THE COURT FINDS THAT AN EMPLOYEE SUBMITTED A FALSE OR FRAUDULENT CLAIM IN AN ACTION UNDER THIS SECTION, THE COURT MAY ORDER THE EMPLOYEE TO PAY THE EMPLOYER REASONABLE COUNSEL FEES AND COSTS.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ACTION FILED IN ACCORDANCE WITH THIS SECTION MAY BE BROUGHT BY ONE OR MORE EMPLOYEES ON BEHALF OF THAT EMPLOYEE OR GROUP OF EMPLOYEES AND ON BEHALF OF OTHER EMPLOYEES SIMILARLY SITUATED.

(2) AN EMPLOYEE MAY NOT BE A PARTY PLAINTIFF TO AN ACTION BROUGHT UNDER THIS SECTION UNLESS THAT EMPLOYEE FILES WRITTEN CONSENT WITH THE COURT IN WHICH THE ACTION IS BROUGHT TO BECOME A PARTY TO THE ACTION.

(F) (1) A PERSON FOUND TO HAVE MADE A FALSE OR FRAUDULENT REPRESENTATION OR OMISSION KNOWN TO BE FALSE OR MADE WITH DELIBERATE IGNORANCE OR RECKLESS DISREGARD FOR ITS TRUTH OR FALSITY REGARDING A MATERIAL FACT IN CONNECTION WITH ANY PREVAILING WAGE PAYROLL RECORD REQUIRED BY § 17–220 OF THIS SUBTITLE IS LIABLE FOR A CIVIL PENALTY OF $1,000 FOR EACH FALSIFIED RECORD.

(2) THE PENALTY SHALL BE RECOVERABLE IN A CIVIL ACTION FILED IN ACCORDANCE WITH THIS SECTION AND PAID TO THE STATE GENERAL FUND.

(G) AN EMPLOYER MAY NOT DISCHARGE, THREATEN, OR OTHERWISE RETALIATE OR DISCRIMINATE AGAINST AN EMPLOYEE REGARDING COMPENSATION OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT BECAUSE THAT EMPLOYEE OR AN ORGANIZATION OR OTHER PERSON ACTING ON BEHALF OF THAT EMPLOYEE:

(1) REPORTS OR MAKES A COMPLAINT UNDER THIS SUBTITLE OR OTHERWISE ASSERTS THE WORKER'S RIGHTS UNDER THIS SECTION; OR

(2) PARTICIPATES IN ANY INVESTIGATION, HEARING, OR INQUIRY HELD BY THE COMMISSIONER UNDER § 17–221 OF THIS SUBTITLE.

(H) (1) A CONTRACTOR OR SUBCONTRACTOR MAY NOT RETALIATE OR DISCRIMINATE AGAINST AN EMPLOYEE IN VIOLATION OF THIS SECTION.

(2) IF A CONTRACTOR OR SUBCONTRACTOR RETALIATES OR DISCRIMINATES AGAINST AN EMPLOYEE IN VIOLATION OF THIS SECTION, THE AFFECTED EMPLOYEE MAY FILE AN ACTION IN ANY COURT OF COMPETENT JURISDICTION WITHIN 3 YEARS FROM THE EMPLOYEE'S KNOWLEDGE OF THE ACTION.

(3) IF THE COURT FINDS IN FAVOR OF THE EMPLOYEE IN AN ACTION BROUGHT UNDER THIS SUBSECTION, THE COURT SHALL ORDER THAT THE CONTRACTOR OR SUBCONTRACTOR:

(I) REINSTATE THE EMPLOYEE OR PROVIDE THE EMPLOYEE RESTITUTION, AS APPROPRIATE;

(II) PAY THE EMPLOYEE AN AMOUNT EQUAL TO THREE TIMES THE AMOUNT OF BACK WAGES AND FRINGE BENEFITS CALCULATED FROM THE DATE OF THE VIOLATION; AND

(III) PAY REASONABLE COUNSEL FEES AND OTHER COSTS.".

On pages 4 and 5, strike in their entirety the lines beginning with line 29 on page 4 through line 9 on page 5, 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 Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 562 – Senators Garagiola, Kittleman, ~~and Middleton~~ Middleton, Exum, Glassman, Klausmeier, and Pugh

EMERGENCY BILL

AN ACT concerning

Labor and Employment – Flexible Leave

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 576 – Senators Middleton, Exum, Kelley, Della, ~~and Pugh~~ Pugh, and Garagiola

AN ACT concerning

Unemployment Insurance – Maximum Benefit – Increase

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:

Senate Bill 626 – Senators Forehand and Garagiola

AN ACT concerning

Corporations – Corporate Documents, Fractional Shares, and Redemption of Stock

SB0626/753490/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 626
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Documents," insert "Distributions,"; in line 9, after "circumstances;" insert "authorizing a corporation to make distributions from certain net earnings under certain circumstances;"; in line 22, after "2–214(a)," insert "2–308,"; and in the same line, after "2–310.1," insert "2–311(a),".

AMENDMENT NO. 2

On page 3, after line 8, insert:

"2–308.

(a) Subject to the limitations of subsection (b) of this section, any surplus which arises from a reduction of stated capital becomes capital surplus and may be made the basis of:

(1) A distribution or payment to stockholders; and

(2) A reduction of the liability of stockholders whose shares of stock are not fully paid.

(b) **[**The**] EXCEPT AS PROVIDED IN § 2–311(A)(2) OF THIS SUBTITLE, THE** net assets of the corporation which remain after a distribution, payment, or reduction of liability shall be at least equal to the aggregate preferential amount payable in the event of voluntary liquidation to the holders of all stock having rights preferred to the rights of holders who received the distribution, payment, or whose liability was reduced.".

On page 4, after line 12, insert:

"2–311.

(a) **(1)** No distribution may be made if, after giving effect to the distribution:

[(1)**] (I)** The corporation would not be able to pay indebtedness of the corporation as the indebtedness becomes due in the usual course of business; or

[(2)**] (II) [**The**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** corporation's total assets would be less than the sum of the corporation's total liabilities plus, unless the charter permits otherwise, the amount that would be needed, if the corporation were to be dissolved at the time of the distribution, to satisfy the preferential rights upon dissolution of stockholders whose preferential rights on dissolution are superior to those receiving the distribution.

(2) A CORPORATION MAY MAKE A DISTRIBUTION FROM:

(I) THE NET EARNINGS OF THE CORPORATION FOR THE FISCAL YEAR IN WHICH THE DISTRIBUTION IS MADE;

(II) THE NET EARNINGS OF THE CORPORATION FOR THE PRECEDING FISCAL YEAR; OR

(III) THE SUM OF THE NET EARNINGS OF THE CORPORATION FOR THE PRECEDING EIGHT FISCAL QUARTERS.".

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:

Senate Bill 886 – Senator Rosapepe

AN ACT concerning

Prince George's County – Laurel Commons – Alcoholic Beverages – Additional Class B Licenses

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:

Senate Bill 909 – The President (By Request – Administration) and Senators Kelley, Raskin, Currie, Forehand, Gladden, Harrington, King, Klausmeier, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Rosapepe, and Stone

AN ACT concerning

Workplace Fraud Act of 2009

SB0909/713094/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 909
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 10, after "violations;" insert "requiring the court or an administrative unit to award restitution under certain circumstances; authorizing the court or an administrative unit to award other damages under certain circumstances;";

in line 16, after "employer" insert "under certain circumstances"; and in line 45, after "classify" insert "individuals as".

On page 3, strike beginning with "employee" in line 3 down through "contractor" in line 4 and substitute "individual as an employee"; in line 6, after "classify" insert "an individual as"; in the same line, strike "as an independent contractor"; and in line 9, after "classify" insert "an individual as".

AMENDMENT NO. 2

On page 15, in line 25, after "**CLASSIFY**" insert "**AS AN EMPLOYEE**".

On page 18, after line 17, insert:

"**(C) IF THE COURT OR AN ADMINISTRATIVE UNIT DETERMINES THAT AN INDIVIDUAL OR CLASS OF INDIVIDUALS IS ENTITLED TO RESTITUTION AS A RESULT OF THE EMPLOYER'S VIOLATION OF § 3–904 OF THIS SUBTITLE, THE COURT OR ADMINISTRATIVE UNIT:**

(1) SHALL AWARD EACH INDIVIDUAL ANY RESTITUTION TO WHICH THE INDIVIDUAL MAY BE ENTITLED; AND

(2) MAY AWARD EACH INDIVIDUAL AN ADDITIONAL AMOUNT UP TO THREE TIMES THE AMOUNT OF SUCH RESTITUTION.";

and in lines 18, 23, and 27, strike "**(C)**", "**(D)**", and "**(E)**", respectively, and substitute "**(D)**", "**(E)**", and "**(F)**", respectively.

On page 19, in line 4, strike "**(F)**" and substitute "**(G)**"; in line 8, strike "**IF**" and substitute "**UNLESS**"; strike beginning with "**KNOWINGLY**" in line 9 down through "**IMPOSED**" in line 10 and substitute "**DID NOT OR WITH THE EXERCISE OF REASONABLE DILIGENCE COULD NOT KNOW OF THE VIOLATION FOR WHICH THE PENALTY WAS IMPOSED**"; strike in their entirety lines 27 through 29, inclusive; and after line 29, insert:

"**(2) AN INDIVIDUAL MAY NOT BRING A CIVIL ACTION UNDER THIS SECTION IF A FINAL ORDER OF AN ADMINISTRATIVE UNIT OR OF A COURT HAS BEEN ISSUED UNDER § 3–906 OF THIS SUBTITLE.**".

AMENDMENT NO. 3

On page 27 in lines 24 and 27, on page 28 in line 23, and on page 31 in line 33, in each instance, strike "**EMPLOYEE AS AN INDEPENDENT CONTRACTOR**" and substitute "**INDIVIDUAL AS AN EMPLOYEE**".

On page 29, in line 4, strike "**OF**" and substitute "**AN INDIVIDUAL AS**".

On page 29 in lines 13 and 32, and on page 32 in lines 22 and 31, in each instance, after "**CLASSIFY**" insert "**AN INDIVIDUAL AS**".

On page 30, in lines 19 and 24, in each instance, strike "**EMPLOYEE AS AN INDEPENDENT CONTRACTOR**" and substitute "**INDIVIDUAL AS AN EMPLOYEE**".

On page 32, in lines 2 and 3, strike "**EMPLOYEE AS AN INDEPENDENT CONTRACTOR**" and substitute "**INDIVIDUAL AS AN EMPLOYEE,**"; and in lines 7 and 8, strike "**EMPLOYEE AS AN INDEPENDENT CONTRACTOR**" and substitute "**INDIVIDUAL AS AN EMPLOYEE**".

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:

Senate Bill 955 – Senator Klausmeier

AN ACT concerning

Public Utility Companies – Energy Efficiency, Conservation, and Demand Response Programs – Selection of HVAC Service Providers

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 981 – Senator Garagiola

AN ACT concerning

Public Service Companies – Net Energy Metering

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 1057 – Senator Klausmeier

AN ACT concerning

Public Service Companies – Termination of Electric and Gas Service – Extreme Temperatures

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #23

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

Senate Bill 61 – Chair, Finance Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Port Administration – Jurisdiction, Powers, and Duties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 69 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Air–Conditioning Equipment Specifications and Requirements

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:

Senate Bill 163 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

EMERGENCY BILL

AN ACT concerning

Program Open Space – Use of Funds – Indoor or Outdoor Recreational Facilities

SB0163/470412/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 163
(Third Reading File Bill)

On page 1, strike beginning with "requiring" in line 6 down through "Act;" in line 18.

On page 2, in line 3, strike "and 5–905(c)(3)".

On page 3, strike beginning with "**EXCEPT**" in line 13 down through "**FUNDS**" in line 14 and substitute "**FUNDS**".

On page 3 through 5, strike in their entirety the lines beginning with line 20 on page 3 through line 8 on page 5, inclusive.

On page 5, in line 9, strike "4." and substitute "2.".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 276 – The President (By Request – Administration) and Senators Della, Madaleno, and Rosapepe

AN ACT concerning

Smart, Green, and Growing – Annual Report – Smart Growth Goals, Measures, and Indicators and Implementation of Planning Visions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 296 – Senators Stone and Della

EMERGENCY BILL

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 362 – Senator Haines

AN ACT concerning

Agricultural Land Preservation Easements – Residential Uses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 370 – Senators Stone, Conway, Dyson, Gladden, Klausmeier, Kramer, Munson, Muse, Peters, Raskin, Robey, Rosapepe, and Simonaire

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force – ~~Extension and Membership~~ Reconstitution

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 408 – Senators Simonaire, Brochin, Colburn, Forehand, Gladden, Harrington, Lenett, Raskin, Rosapepe, and Stone

AN ACT concerning

Environment – Water Pollution Control – ~~Incentives and~~ Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 513 – Senators Forehand and Muse

AN ACT concerning

Washington Metropolitan Area Transit Commission – Appointment of District of Columbia Member

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 516 – Senators Middleton, Colburn, ~~and Glassman~~ Glassman, Conway, Dyson, Pinsky, Rosapepe, Lenett, Harrington, Greenip, and Harris

AN ACT concerning

Maryland Organic Transition Investment Pilot Program (MO–TIPP)

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 721 – ~~Senator Pinsky~~ Senators Pinsky and Harris

AN ACT concerning

Private Wastewater Treatment Act of 2009

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 807 – Senator Colburn

AN ACT concerning

Real Property – Residential Mortgages and Deeds of Trust – Recordation and Foreclosure

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #15

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

House Bill 1475 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland Veterans Behavioral Health – Expansion

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:

Senate Bill 761 – Senators Middleton, Klausmeier, Kramer, and Stoltzfus

AN ACT concerning

Department of Health and Mental Hygiene – ~~Federal Waiver – Waiver for Medicaid Coordinated Long–Term Care Program~~ Long–Term Care Supports and Services – Report

SB0761/976289/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 761
(Third Reading File Bill)

On page 2, in line 34, strike "and"; and in the same line, after "health" insert ", and disabilities in younger adults".

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 #16

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

House Bill 293 – The Speaker (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Delegates Dumais, Bronrott, Ali, Lafferty, and Waldstreicher

AN ACT concerning

Vehicle Laws – Repeated Drunk and Drugged Driving Offenses – Suspension of License

HB0293/542311/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 293
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Waldstreicher" and substitute "Waldstreicher, Anderson, Aumann, Barkley, Beidle, Bohanan, Boteler, Costa, DeBoy, Dwyer, Eckardt, Elliott, Elmore, Feldman, Frank, Frush, Haddaway, Heller, Holmes, Jameson, Jennings, Kaiser, Kramer, Krebs, Lee, Levy, McComas, Manno, Mathias, Morhaim, Murphy, Myers, Niemann, Norman, O'Donnell, Reznik, Riley, Robinson, Ross, Serafini, Shank, Shewell, Sophocleus, Sossi, Stocksdale, Stull, Walkup, Weldon, and Wood".

AMENDMENT NO. 2

On page 1, in line 4, strike "requiring" and substitute "authorizing"; in line 5, strike "driver's"; and in line 7, after the semicolon, insert "authorizing a person whose license is suspended under certain circumstances to participate in the Administration's Ignition Interlock System Program under certain circumstances; requiring the Administration to suspend for a certain period the license of a person who has been convicted of a certain drunk driving offense within a certain time after the person was convicted of a certain drugged driving offense; requiring the Administration to suspend for a certain period the license of a person who has been convicted of a certain drugged driving offense within a certain time after the person was convicted of a certain drunk driving offense; requiring a person whose license is suspended under certain circumstances to participate in the Administration's Ignition Interlock System Program under certain circumstances; altering certain provisions of the Maryland Vehicle Law concerning administrative penalties for certain subsequent

drunk driving offenses to conform to certain changes in federal law incorporated in State law; providing for certain procedures;".

AMENDMENT NO. 3

On page 1, in line 11, strike "16–205(e)(2), (3), and (4)" and substitute "16–205 (d) and (e)(2) through (12)"; and after line 13, insert:

"BY adding to

Article – Transportation

Section 16–205(e)(5) and (6)

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 4

On page 1, after line 22, insert:

"(d) **(1)** Subject to subsection (d–1) **AND SUBSECTION (E)** of this section, the Administration may suspend for not more than **[**120 days**] 1 YEAR** the license of any person who, within a **[**3–year**] 5–YEAR** period, is convicted **OF ANY VIOLATION OF § 21–902 OF THIS ARTICLE AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF ANY VIOLATION UNDER § 21–902 OF THIS ARTICLE [**under 21–902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a motor vehicle safely and who was previously convicted of a violation under:

(1) § 21–902(a) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol or while under the influence of alcohol per se;

(2) § 21–902(b) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol;

(3) § 21–902(c) of this article of driving or attempting to drive a motor vehicle while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a motor vehicle safely; or

(4) § 21–902(d) of this article of driving or attempting to drive a motor vehicle while impaired by a controlled dangerous substance**]**.

(2) IF REQUESTED BY THE PERSON, THE ADMINISTRATION MAY ISSUE A RESTRICTED LICENSE FOR THE PERIOD OF A SUSPENSION TO A PERSON WHO PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16–404.1 OF THIS TITLE.

(3) A SUSPENSION UNDER THIS SUBSECTION SHALL BE CONCURRENT WITH ANY OTHER SUSPENSION OR REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR THE VIOLATION OF § 21–902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION.".

AMENDMENT NO. 5

On page 2, strike in their entirety lines 1 through 24, inclusive, and substitute:

"(e) (2) Subject to the provisions of this subsection, the Administration shall suspend for 1 year the license of a person who is convicted of **[**a**]:**

(I) **A** violation of § 21–902(a) of this article more than once within a 5–year period**;**

(II) A VIOLATION OF § 21–902(A) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(D) OF THIS ARTICLE; OR

(III) A VIOLATION OF § 21–902(D) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE.

(3) On receiving a record of a conviction of a person for a violation **DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION [**of § 21–902(a) of this article more than once within a 5–year period**]**, the Administration shall issue to the person a notice of suspension of the person's license that:

(i) States that the person's license shall be suspended for 1 year; **[**and**]**

(ii) **[**Advises the person of the right to request a hearing under this paragraph**]** **STATES THAT THE PERIOD OF THE FIRST 45 DAYS OF THE 1–YEAR PERIOD OF SUSPENSION IS NOT SUBJECT TO MODIFICATION BY THE ADMINISTRATION;**

(III) STATES A RESTRICTED LICENSE MAY BE ISSUED FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION IF:

1. THE PERSON MAINTAINS AN IGNITION INTERLOCK SYSTEM ON A MOTOR VEHICLE OWNED OR OPERATED BY THE PERSON FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION;

2. THE LICENSE IS RESTRICTED TO PROHIBIT THE PERSON FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM;

3. THE LICENSE IS RESTRICTED TO PERMIT THE PERSON TO DRIVE ONLY TO AND FROM WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5–YEAR PERIOD; AND

4. THE LICENSE IS RESTRICTED TO PERMIT THE PERSON TO DRIVE ONLY TO AND FROM WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, A DRUG TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF:

A. A VIOLATION OF § 21–902(A) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(D) OF THIS ARTICLE; OR

B. A VIOLATION OF § 21–902(D) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE;

(IV) ADVISES THE PERSON OF THE REQUIREMENTS UNDER PARAGRAPH (7) OF THIS SUBSECTION FOR A PERSON WHO DOES NOT PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM IN ACCORDANCE WITH THIS PARAGRAPH DURING THE 1–YEAR PERIOD OF SUSPENSION;

(V) ADVISES THE PERSON OF THE RIGHT TO REQUEST A HEARING ON A SUSPENSION UNDER THIS PARAGRAPH; AND

(VI) ADVISES THE PERSON OF THE RIGHT, INSTEAD OF REQUESTING A HEARING ON A SUSPENSION UNDER THIS PARAGRAPH, TO BE SUBJECT TO A 1–YEAR PERIOD OF SUSPENSION, WITH THE PERIOD OF THE FIRST 45 DAYS OF THE SUSPENSION NOT SUBJECT TO MODIFICATION BY THE ADMINISTRATION, AND FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION TO BE ISSUED A RESTRICTED LICENSE UNDER THIS PARAGRAPH IF THE FOLLOWING CONDITIONS ARE MET:

1. THE PERSON'S DRIVER'S LICENSE IS NOT CURRENTLY SUSPENDED, REVOKED, CANCELED, OR REFUSED;

2. THE VIOLATION DID NOT ARISE OUT OF CIRCUMSTANCES THAT INVOLVED A DEATH OF, OR SERIOUS PHYSICAL INJURY TO, ANOTHER PERSON;

3. THE PERSON SURRENDERS A VALID MARYLAND DRIVER'S LICENSE OR SIGNS A STATEMENT CERTIFYING THAT THE DRIVER'S LICENSE IS NO LONGER IN THE PERSON'S POSSESSION; AND

4. THE PERSON ELECTS IN WRITING, WITHIN THE SAME TIME LIMIT FOR REQUESTING A HEARING, TO MEET THE IGNITION INTERLOCK SYSTEM REQUIREMENTS UNDER THIS PARAGRAPH FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION.

(4) After notice under paragraph (3) of this subsection, the Administration shall suspend a person's license under this subsection if:

(i) The person does not request a hearing;

(ii) After a hearing, the Administration finds that the person was convicted of**:**

1. **[**more**]** **MORE** than one violation of § 21–902(a) of this article within a 5–year period;**[**or**]**

2. A VIOLATION OF § 21–902(A) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(D) OF THIS ARTICLE; OR

3. A VIOLATION OF § 21–902(D) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE; OR

(iii) The person fails to appear for a hearing requested by the person.

(5) THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER PARAGRAPH (4) OF THIS SUBSECTION TO:

(I) IMPOSE A SUSPENSION OF 45 DAYS;

(II) ORDER THE PERSON TO MAINTAIN, FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION, AN IGNITION INTERLOCK SYSTEM ON A MOTOR VEHICLE OWNED OR OPERATED BY THE PERSON; AND

(III) IMPOSE A RESTRICTION ON THE PERSON'S LICENSE FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION THAT PROHIBITS THE PERSON FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM AND PERMITS THE PERSON TO DRIVE ONLY TO AND FROM:

1. WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5–YEAR PERIOD; OR

2. WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, A DRUG TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF:

A. A VIOLATION OF § 21–902(A) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(D) OF THIS ARTICLE; OR

B. A VIOLATION OF § 21–902(D) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE.

(6) A PERSON WHO PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR AT LEAST 3 MONTHS UNDER PARAGRAPH (5) OF THIS SUBSECTION IS EXEMPT FROM THE REQUIREMENTS OF PARAGRAPHS (7) THROUGH (11) OF THIS SUBSECTION.

[(5)**] (7)** The Administration shall, within 90 days of the expiration of the 1–year period of suspension, issue to the person a notice, unless this notice requirement was waived at a hearing described in paragraph (4) of this subsection, that:

(i) States that the person shall maintain for not less than 3 months and not more than 1 year, dating from the expiration of the 1–year period of suspension, an ignition interlock system on each motor vehicle owned by the person;

(ii) States that the Administration shall impose a restriction on the person's license that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system for a period of not less than 3 months and not more than 1 year, dating from the expiration of the 1–year period of suspension; and

(iii) Advises the person of the right to request a hearing under this paragraph.

[(6)**] (8)** After notice under paragraph **[**(5)**] (7)** of this subsection, or a waiver of notice, the Administration shall order a person to maintain for not less than 3 months and not more than 1 year, dating from the expiration of the 1–year period of suspension, an ignition interlock system on each motor vehicle owned by the person and impose a license restriction that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system if:

(i) The person does not request a hearing;

(ii) The Administration finds at a hearing that the person owns one or more motor vehicles and that no financial hardship, as described in paragraphs **[**(7) and (8)**] (9) AND (10)** of this subsection, will be created by requiring the person to maintain an ignition interlock system on each motor vehicle owned by the person; or

(iii) The person fails to appear for a hearing requested by the person.

[(7)**] (9)** If the Administration finds at a hearing that maintenance of an ignition interlock system on a motor vehicle owned by the person creates a financial hardship on the person, the family of the person, or a co–owner of the motor vehicle, the Administration:

(i) Shall impose a restriction on the license of the person for not less than 3 months and not more than 1 year, dating from the expiration of the 1–year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system; and

(ii) May not require the person to maintain an ignition interlock system on any motor vehicle to which the financial hardship applies.

[(8)**] (10)** An exemption under paragraph **[**(7)(ii)**](9)(II)** of this subsection applies only under circumstances that:

(i) Are specific to the person's motor vehicle; and

(ii) Meet criteria contained in regulations that shall be adopted by the Administration.

[(9)**] (11)** If a person requests a hearing and the Administration finds that the person does not own a motor vehicle at the expiration of the 1–year period of suspension, the Administration shall impose a restriction on the license of the person for not less than 3 months and not more than 1 year, dating from the expiration of the 1–year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system.

[(10)**] (12)** Each notice and hearing under this subsection shall meet the requirements of Title 12, Subtitle 2 of this article.

[(11)**] (13)** This subsection does not limit any provision of this article that allows or requires the Administration to:

(i) Revoke or suspend a license of a person; or

(ii) Prohibit a person from driving a motor vehicle that is not equipped with an ignition interlock system.

[(12)**] (14)** A suspension imposed under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21–902(a) **OR (D)** of this article described in 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 Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 898 – Delegates McConkey, Beidle, Benson, Cane, Costa, Dwyer, Eckardt, Elmore, Frank, George, Holmes, McComas, Norman, Ramirez, Schuh, Sossi, Stocksdale, and Stull

AN ACT concerning

Child Custody and Visitation – Relocation of Child – Consent and Court Approval

HB0898/562610/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 898
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "– Consent" in line 2 down through "Approval" in line 3; strike beginning with "authorizing" in line 4 down through "requirements" in line 10 and substitute "increasing the period of time, for purposes of a certain condition of certain custody or visitation orders, during which a notice of an intent to relocate must be provided; requiring a court to set, on an expedited basis, a hearing on a petition regarding a proposed relocation that is filed within a certain period of time of a certain notice".

AMENDMENT NO. 2

On pages 1 and 2, strike the lines beginning with line 21 on page 1 through line 33 on page 2, inclusive, and substitute:

"(a) (1) Except as provided in subsection (b) of this section, in any custody or visitation proceeding the court may include as a condition of a custody or visitation order a requirement that either party provide advance written notice of at least **[**45**]** **90** days to the court, the other party, or both, of the intent to relocate the permanent residence of the party or the child either within or outside the State.

(2) The court may prescribe the form and content of the notice requirement.

(3) If the court orders that notice be given to the other party, a mailing of the notice by certified mail, return receipt requested, to the last known address of the other party shall be deemed sufficient to comply with the notice requirement.

(4) IF EITHER PARTY FILES A PETITION REGARDING A PROPOSED RELOCATION WITHIN 20 DAYS OF THE WRITTEN NOTICE OF THE RELOCATION

REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL SET A HEARING ON THE PETITION ON AN EXPEDITED BASIS.

(b) On a showing that notice would expose the child or either party to abuse as defined in § 4–501 of this article or for any other good cause the court shall waive the notice required by this section.

(c) If either party is required to relocate in less than the **[**45–day**]** **90–DAY** period specified in the notice requirement, the court may consider as a defense to any action brought for a violation of **[**such**]** **THE** notice requirement that:

(1) relocation was necessary due to financial or other extenuating circumstances; and

(2) the required notice was given within a reasonable time after learning of the necessity to relocate.

(d) The court may consider any violation of the notice requirement as a factor in determining the merits of any subsequent proceeding involving custody or visitation.".

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:

Senate Bill 186 – Senators Pugh, Forehand, Gladden, Harrington, Lenett, Madaleno, McFadden, Muse, Peters, Raskin, Robey, and Rosapepe

AN ACT concerning

Correctional Facilities – Released Inmates – Identification Cards

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 192 – Senators Brinkley, Currie, Dyson, Haines, and Robey

AN ACT concerning

Criminal Law – ~~Theft~~ Fraudulent Conversion of Rental Property

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:

Senate Bill 262 – The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) ~~and Senator Forehand~~ and Senators Forehand, Jacobs, and Mooney

AN ACT concerning

Vehicle Laws – Repeated Drunk and Drugged Driving Offenses – Suspension of License

SB0262/922711/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 262
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "requiring" and substitute "authorizing"; in line 5, strike "driver's"; and strike beginning with "requiring" in line 8 down through "requirements" in line 14 and substitute "authorizing a person whose license is suspended under certain circumstances to participate in the Administration's Ignition Interlock System Program under certain circumstances; requiring the Administration to suspend for a certain period the license of a person who has been convicted of a certain drunk driving offense within a certain time after the person was convicted of a certain drugged driving offense; requiring the Administration to suspend for a certain period the license of a person who has been convicted of a certain drugged driving offense within a certain time after the person was convicted of a certain drunk driving offense; requiring a person whose license is suspended under certain circumstances to participate in the Administration's Ignition Interlock System Program under certain circumstances; altering certain provisions of the Maryland Vehicle Law concerning

administrative penalties for certain subsequent drunk driving offenses to conform to certain changes in federal law incorporated in State law; providing for certain procedures".

AMENDMENT NO. 2

On page 1, strike in its entirety line 18 and substitute "Section 16–205(d) and (e) (2) through (12)"; and after line 20, insert:

"BY adding to
Article – Transportation
Section 16–205(e)(5) and (6)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 8 on page 2 through line 21 on page 3, inclusive, and substitute:

"(d) **(1)** Subject to subsection (d–1) **AND SUBSECTION (E)** of this section, the Administration may suspend for not more than **[**120 days**] 1 YEAR** the license of any person who, within a **[**3–year**] 5–YEAR** period, is convicted **OF ANY VIOLATION OF § 21–902 OF THIS ARTICLE AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF ANY VIOLATION UNDER § 21–902 OF THIS ARTICLE [**under 21–902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a motor vehicle safely and who was previously convicted of a violation under:

(1) § 21–902(a) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol or while under the influence of alcohol per se;

(2) § 21–902(b) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol;

(3) § 21–902(c) of this article of driving or attempting to drive a motor vehicle while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a motor vehicle safely; or

(4) § 21–902(d) of this article of driving or attempting to drive a motor vehicle while impaired by a controlled dangerous substance**]**.

(2) IF REQUESTED BY THE PERSON, THE ADMINISTRATION MAY ISSUE A RESTRICTED LICENSE FOR THE PERIOD OF A SUSPENSION TO A PERSON WHO PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16–404.1 OF THIS TITLE.

(3) A SUSPENSION UNDER THIS SUBSECTION SHALL BE CONCURRENT WITH ANY OTHER SUSPENSION OR REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR THE VIOLATION OF § 21–902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION.

(e) (2) Subject to the provisions of this subsection, the Administration shall suspend for 1 year the license of a person who is convicted of **[**a**]:**

(I) A violation of § 21–902(a) of this article more than once within a 5–year period**;**

(II) A VIOLATION OF § 21–902(A) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(D) OF THIS ARTICLE; OR

(III) A VIOLATION OF § 21–902(D) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE.

(3) On receiving a record of a conviction of a person for a violation **DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION [**of § 21–902(a) of this article more than once within a 5–year period**]**, the Administration shall issue to the person a notice of suspension of the person's license that:

(i) States that the person's license shall be suspended for 1 year; **[**and**]**

(ii) [Advises the person of the right to request a hearing under this paragraph] **STATES THAT THE PERIOD OF THE FIRST 45 DAYS OF THE 1–YEAR PERIOD OF SUSPENSION IS NOT SUBJECT TO MODIFICATION BY THE ADMINISTRATION;**

(III) STATES A RESTRICTED LICENSE MAY BE ISSUED FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION IF:

1. THE PERSON MAINTAINS AN IGNITION INTERLOCK SYSTEM ON A MOTOR VEHICLE OWNED OR OPERATED BY THE PERSON FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION;

2. THE LICENSE IS RESTRICTED TO PROHIBIT THE PERSON FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM;

3. THE LICENSE IS RESTRICTED TO PERMIT THE PERSON TO DRIVE ONLY TO AND FROM WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5–YEAR PERIOD; AND

4. THE LICENSE IS RESTRICTED TO PERMIT THE PERSON TO DRIVE ONLY TO AND FROM WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, A DRUG TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF:

A. A VIOLATION OF § 21–902(A) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(D) OF THIS ARTICLE; OR

B. A VIOLATION OF § 21–902(D) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE;

(IV) ADVISES THE PERSON OF THE REQUIREMENTS UNDER PARAGRAPH (7) OF THIS SUBSECTION FOR A PERSON WHO DOES NOT PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM IN ACCORDANCE WITH THIS PARAGRAPH DURING THE 1–YEAR PERIOD OF SUSPENSION;

(V) ADVISES THE PERSON OF THE RIGHT TO REQUEST A HEARING ON A SUSPENSION UNDER THIS PARAGRAPH; AND

(VI) ADVISES THE PERSON OF THE RIGHT, INSTEAD OF REQUESTING A HEARING ON A SUSPENSION UNDER THIS PARAGRAPH, TO BE SUBJECT TO A 1–YEAR PERIOD OF SUSPENSION, WITH THE PERIOD OF THE FIRST 45 DAYS OF THE SUSPENSION NOT SUBJECT TO MODIFICATION BY THE ADMINISTRATION, AND FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION TO BE ISSUED A RESTRICTED LICENSE UNDER THIS PARAGRAPH IF THE FOLLOWING CONDITIONS ARE MET:

1. THE PERSON'S DRIVER'S LICENSE IS NOT CURRENTLY SUSPENDED, REVOKED, CANCELED, OR REFUSED;

2. THE VIOLATION DID NOT ARISE OUT OF CIRCUMSTANCES THAT INVOLVED A DEATH OF, OR SERIOUS PHYSICAL INJURY TO, ANOTHER PERSON;

3. THE PERSON SURRENDERS A VALID MARYLAND DRIVER'S LICENSE OR SIGNS A STATEMENT CERTIFYING THAT THE DRIVER'S LICENSE IS NO LONGER IN THE PERSON'S POSSESSION; AND

4. THE PERSON ELECTS IN WRITING, WITHIN THE SAME TIME LIMIT FOR REQUESTING A HEARING, TO MEET THE IGNITION INTERLOCK SYSTEM REQUIREMENTS UNDER THIS PARAGRAPH FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION.

(4) After notice under paragraph (3) of this subsection, the Administration shall suspend a person's license under this subsection if:

(i) The person does not request a hearing;

(ii) After a hearing, the Administration finds that the person was convicted of**:**

1. **[**more**]** **MORE** than one violation of § 21–902(a) of this article within a 5–year period; **[**or**]**

2. A VIOLATION OF § 21–902(A) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(D) OF THIS ARTICLE; OR

3. A VIOLATION OF § 21–902(D) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE; OR

(iii) The person fails to appear for a hearing requested by the person.

(5) THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER PARAGRAPH (4) OF THIS SUBSECTION TO:

(I) IMPOSE A SUSPENSION OF 45 DAYS;

(II) ORDER THE PERSON TO MAINTAIN, FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION, AN IGNITION INTERLOCK SYSTEM ON A MOTOR VEHICLE OWNED OR OPERATED BY THE PERSON; AND

(III) IMPOSE A RESTRICTION ON THE PERSON'S LICENSE FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION THAT PROHIBITS THE PERSON FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM AND PERMITS THE PERSON TO DRIVE ONLY TO AND FROM:

1. WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5–YEAR PERIOD;

2. WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, A DRUG TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF:

A. A VIOLATION OF § 21–902(A) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(D) OF THIS ARTICLE; OR

B. A VIOLATION OF § 21–902(D) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE.".

AMENDMENT NO. 4

On page 5, strike in their entirety lines 18 through 25, inclusive; and in line 16, after "§ 21–902(a)" insert "**OR (D)**".

The preceding 4 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:

Senate Bill 299 – Senator Simonaire

AN ACT concerning

Child Custody and Visitation – Relocation of Child~~ – Consent and Court Approval~~

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 421 – Senators Jacobs, Colburn, Forehand, Kelley, King, Kittleman, Mooney, Munson, Pugh, Raskin, and Stone

AN ACT concerning

Social Services Administration ~~– Children at Substantial Risk of Abuse or Neglect – Identification and Notice~~ and Department of Health and Mental Hygiene – Parents Responsible for Child Abuse or Neglect – Birth of Subsequent Child

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:

Senate Bill 425 – Senators Jacobs, Astle, Brochin, Colburn, DeGrange, Glassman, Harris, Klausmeier, Kramer, McFadden, Mooney, and Stone

AN ACT concerning

Criminal Procedure – Offender Registry – Retroactivity

SB0425/692513/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 425
(Third Reading File Bill)

On page 2, in line 12, after "**INCLUDE**" insert "**:**

(I) A PERSON CONVICTED ON OR AFTER JULY 1, 1997, OF AN OFFENSE COMMITTED BEFORE JULY 1, 1997, FOR WHICH REGISTRATION AS A SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT OFFENDER IS REQUIRED UNDER THIS SUBTITLE; AND

(II)";

and strike beginning with the first "**SEXUALLY**" in line 25 down through "**SEX**" in line 26 and substitute "**CHILD SEXUAL**".

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:

Senate Bill 447 – Senators Muse, Frosh, Haines, Mooney, Peters, Raskin, ~~and Stone~~ Stone, Brochin, Forehand, Gladden, Jacobs, and Simonaire

AN ACT concerning

Public Safety – SWAT Team Activation and Deployment – Reports

SB0447/172614/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 447
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 3, after "Assembly;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 5, in line 5, after "2009." insert "It shall remain effective for a period of 5 years and, at the end of June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 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:

Senate Bill 620 – Senators Simonaire, Greenip, Haines, Jacobs, Mooney, ~~and Stone~~ Stone, and Forehand

AN ACT concerning

~~**Crimes of Violence – Voided Revised Sentences**~~

Criminal Procedure – Violation of Crime Victim Rights – Subsequent Proceedings

SB0620/842615/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 620
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Violation" in line 3 down through "Proceedings" in line 4 and substitute "Hearing on Motion for Revision, Modification, or Reduction of Sentence or Disposition – Appearance of Victim or Victim's Representative"; and strike beginning with "providing" in line 12 down through "sentencing" in line 24 and substitute "requiring a prosecuting attorney, at a hearing on a motion for a revision, modification, or reduction of a sentence or disposition in a certain court at which a certain victim or victim's representative fails to appear, to make a certain statement that proceeding without the appearance of the victim or the victim's representative is justified; authorizing a court to postpone a certain hearing under certain circumstances; and generally relating to the appearance of victims or victims' representatives at hearings on motions for revision, modification, or reduction of sentence or disposition".

On page 2, in line 3, strike "11–503" and substitute "11–403"; and strike line 5 in its entirety and substitute "(2008 Replacement Volume)".

AMENDMENT NO. 2

On pages 5 through 7, strike in their entirety the lines beginning with line 4 on page 5 through line 4 on page 7, inclusive, and substitute:

"11–403.

(a) In this section, "sentencing or disposition hearing" means a hearing at which the imposition of a sentence, disposition in a juvenile court proceeding, or alteration of a sentence or disposition in a juvenile court proceeding is considered.

(b) In the sentencing or disposition hearing the court:

(1) if practicable, shall allow the victim or the victim's representative to address the court under oath before the imposition of sentence or other disposition:

(i) at the request of the prosecuting attorney; or

(ii) if the victim has filed a notification request form under § 11–104 of this title; and

(2) may allow the victim or the victim's representative to address the court under oath before the imposition of sentence or other disposition at the request of the victim or the victim's representative.

(c) (1) If the victim or the victim's representative is allowed to address the court, the defendant or child respondent may cross–examine the victim or the victim's representative.

(2) The cross–examination is limited to the factual statements made to the court.

(d) (1) A victim or the victim's representative has the right not to address the court at the sentencing or disposition hearing.

(2) A person may not attempt to coerce a victim or the victim's representative to address the court at the sentencing or disposition hearing.

(E) (1) IF THE VICTIM OR THE VICTIM'S REPRESENTATIVE FAILS TO APPEAR AT A HEARING ON A MOTION FOR A REVISION, MODIFICATION, OR REDUCTION OF A SENTENCE OR DISPOSITION IN CIRCUIT COURT OR JUVENILE COURT, THE PROSECUTING ATTORNEY SHALL STATE ON THE RECORD THAT PROCEEDING WITHOUT THE APPEARANCE OF THE VICTIM OR THE VICTIM'S REPRESENTATIVE IS JUSTIFIED BECAUSE:

(I) THE VICTIM OR VICTIM'S REPRESENTATIVE WAS CONTACTED BY THE PROSECUTING ATTORNEY AND WAIVED THE RIGHT TO ATTEND THE HEARING;

(II) EFFORTS WERE MADE TO CONTACT THE VICTIM OR THE VICTIM'S REPRESENTATIVE AND, TO THE BEST KNOWLEDGE AND BELIEF OF THE

PROSECUTING ATTORNEY, THE VICTIM OR VICTIM'S REPRESENTATIVE CANNOT BE LOCATED; OR

(III) THE VICTIM OR VICTIM'S REPRESENTATIVE HAS NOT FILED A NOTIFICATION REQUEST FORM UNDER § 11–104 OF THIS TITLE.

(2) IF THE COURT IS NOT SATISFIED BY THE STATEMENT THAT PROCEEDING WITHOUT THE APPEARANCE OF THE VICTIM OR THE VICTIM'S REPRESENTATIVE IS JUSTIFIED, OR, IF NO STATEMENT IS MADE, THE COURT MAY POSTPONE THE HEARING.

[(e)**] (F)** A victim or victim's representative who has been denied a right provided under this section may file an application for leave to appeal in the manner provided under § 11–103 of this title.";

and on page 7, in line 5, strike "3." and substitute "2.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 654 – Senator Stone

AN ACT concerning

Violent Crimes – Conditional Release Under Mandatory Supervision – Limitation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 714 – Senator Forehand

AN ACT concerning

Domestic Violence – ~~Interim and Temporary~~ Protective Orders – Custody of Minor Child

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 908 – Senators Muse, Conway, Exum, Gladden, Harrington, Jones, Kelley, Peters, and Zirkin

EMERGENCY BILL

AN ACT concerning

Task Force on Prisoner Reentry

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #20

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

House Bill 845 – Delegates Carter, Ali, Anderson, Barnes, Bates, Braveboy, Burns, Dumais, Gutierrez, Hixson, Ivey, Jameson, Kullen, Lee, Manno, McComas, Montgomery, Nathan–Pulliam, Pena–Melnyk, Riley, Ross, Stukes, Taylor, V. Turner, Vallario, and Waldstreicher

AN ACT concerning

Domestic Violence – Tween/Teen Dating Violence Education and Awareness

HB0845/985563/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 845
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Waldstreicher" and substitute "Waldstreicher, Bartlett, Elmore, Frick, Howard, Murphy, Rice, and Walker"; in line 2, strike "Domestic Violence" and substitute "Education"; in the same line, strike "Education and Awareness"; strike beginning with "develop" in line 3 down through "violence" in line 4 and substitute "encourage county boards of education to incorporate certain lessons on dating violence into the county boards' health education curriculum"; and strike beginning with "requiring" in line 5 down through the semicolon in line 10.

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

AMENDMENT NO. 2

On page 2, in line 7, strike "**(A)**"; strike beginning with "**DEVELOP**" in line 7 down through "**VIOLENCE**" in line 8 and substitute "**ENCOURAGE THE COUNTY BOARDS TO INCORPORATE AGE–APPROPRIATE LESSONS ON DATING VIOLENCE INTO THE COUNTY BOARDS' HEALTH EDUCATION CURRICULUM**"; and strike in their entirety lines 9 through 27, 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 1091 – Delegate Glenn

AN ACT concerning

Baltimore City and Prince George's County – Organization of Parents and Teachers – Matching Fund

HB1091/565863/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1091
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegate Glenn" and substitute "Delegates Glenn, Doory, Howard, Stukes, 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 with amendments:

House Bill 1223 – Delegate Braveboy

AN ACT concerning

Education – Public High Schools and Public High School Students – Revisions and Requirements

HB1223/895163/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1223
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Revisions and Requirements" and substitute "Data Collection System"; strike beginning with "and" in line 5 down through "GED" in line 6; and strike beginning with "requiring" in line 7 down through "changes;" in line 27.

On page 2, in line 1, strike ", 7–301(a), (c), (d), and (e), and 7–1002"; and strike in their entirety lines 4 through 13, inclusive.

AMENDMENT NO. 2

On page 4, strike beginning with the colon in line 28 down through "**DEVELOP**" in line 29 and substitute "**DEVELOP**"; and strike beginning with the semicolon in line 31 down through "**YEARS**" in line 33.

On page 5, in line 28, strike the brackets; and strike beginning with the semicolon in line 30 down through "**EDUCATION**" in line 33.

On pages 6 through 11, strike in their entirety the lines beginning with line 3 on page 6 through line 12 on page 11, inclusive.

On page 11, in line 13, 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.

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

Senate Bill 16 – Senator Conway

AN ACT concerning

Baltimore City and Prince George's County – Organization of Parents and Teachers – Matching Fund

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:

Senate Bill 119 – The President (By Request – Department of Legislative Services)

AN ACT concerning

Maryland Horse Racing Act – Sunset Extension and Program Evaluation

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:

Senate Bill 235 – Senators King, Astle, DeGrange, Garagiola, Klausmeier, Lenett, Robey, ~~and Rosapepe~~ Rosapepe, and Harrington

AN ACT concerning

Education – MDK12 Digital Library

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:

Senate Bill 552 – Senators DeGrange, Astle, Brinkley, Colburn, Conway, Currie, Dyson, Exum, Forehand, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pugh, Raskin, Robey, Simonaire, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Tax Amnesty Program

SB0552/405966/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 552
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, strike "31" and substitute "30".

On page 3, in line 17, strike "31" and substitute "30".

AMENDMENT NO. 2

On page 2, in line 11, strike "all" and substitute "one–half of the"; in lines 20 and 26, in each instance, after "tax" insert ", including one–half of any interest,"; and in line 22, after "tax" insert ", plus one–half of any interest,".

AMENDMENT NO. 3

On page 3, in line 7, after "tax" insert "plus one–half of the interest"; in line 12, after "taxes" insert "plus one–half of any interest"; in line 15, after "for" insert "one–half of the".

AMENDMENT NO. 4

On page 4, in lines 6 and 8, in each instance, after "tax" insert ", plus one–half of any interest,"; in line 14, after "taxes" insert "plus one–half of any interest"; and in line 29, after "any" insert "interest charges or".

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:

Senate Bill 621 – Senators King, Forehand, Garagiola, Harrington, Peters, Raskin, and Rosapepe

AN ACT concerning

Sales and Use and Property Tax – Exemptions – Solar Energy Equipment and Property

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:

Senate Bill 868 – Senator Brinkley

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:

Senate Bill 940 – Senator Kittleman

AN ACT concerning

Education – Commission on Civic Literacy – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1049 – Senator Muse

AN ACT concerning

~~Domestic Violence~~ Education – Tween/Teen Dating Violence ~~Education and Awareness~~

SB1049/295168/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 1049
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike the second "certain" and substitute "the county boards"'; and in line 7, strike "courses in order to educate students about dating violence".

AMENDMENT NO. 2

On page 2, strike beginning with "**COURSES**" in line 16 down through "**VIOLENCE**" in line 18.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

AMENDED IN THE SENATE

House Bill 1081 – Delegates Jones, Bohanan, Branch, Bronrott, G. Clagett, Conway, DeBoy, Gaines, Griffith, Haynes, Heller, James, Levy, and Proctor

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

Delegate Conway moved that the House not concur in the Senate amendments.

HB1081/389835/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1081
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, before "altering" insert "requiring that the construction and equipping of certain underground utilities be located on certain streets;".

AMENDMENT NO. 2

On page 3, after line 27, insert:

"BY repealing and reenacting, with amendments,
Chapter 432 of the Acts of the General Assembly of 2004
Section 1(3) Item QG00(A)";

and after line 30, insert:

"BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 66 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA01(BN)".

AMENDMENT NO. 3

On page 4, in line 4, strike "ZA01(BT)" and substitute "ZA00(T), ZA01(BT),"; in line 12, strike "ZA01(C)" and substitute "ZA00(P), ZA01(C), (H)"; in the same line, strike "ZA02(D)" and substitute "ZA02(C), (D), (AS)"; in line 19, after "ZA00(M)" insert

", (S), and (U)"; in the same line, after "ZA01(F)," insert "(K),"; in line 20, strike the first "and"; and in the same line, after "(CF)" insert ", and (CN),".

AMENDMENT NO. 4

On page 18, in line 24, strike "**VICTORY**"; in the same line, strike "Youth Center" and substitute "**MACDONALD KNOLLS CENTER**"; in line 25, strike "Victory Youth Center, Inc." and substitute "**CHI CENTERS, INC.**"; in line 26, after "construction," insert "**RECONSTRUCTION,**"; and strike beginning with "**VICTORY**" in line 28 down through "**DARNESTOWN**" in line 29 and substitute "**MACDONALD KNOLLS CENTER, LOCATED IN SILVER SPRING**".

AMENDMENT NO. 5

On page 22, strike beginning with "**VICTORY**" in line 1 down through "**CENTER**" in line 2 and substitute "**MACDONALD KNOLLS CENTER**"; in line 4, strike "Victory Youth Center, Inc." and substitute "**CHI CENTERS, INC.**"; in line 6, after "**RENOVATION,**" insert "**RECONSTRUCTION,**"; and strike beginning with "**VICTORY**" in line 8 down through "**(STATEWIDE)**" in line 10 and substitute "**MACDONALD KNOLLS CENTER, LOCATED IN SILVER SPRING (MONTGOMERY COUNTY)**".

AMENDMENT NO. 6

On page 22, after line 22, insert:

"Chapter 432 of the Acts of 2004

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

(3)

QG00	POLICE AND CORRECTIONAL TRAINING COMMISSIONS	
(A)	Public Safety Training Center. Provide funds to equip two renovated dormitory buildings and design **AND CONSTRUCT** the remaining components of the Center (Carroll County)	940,000".

AMENDMENT NO. 7

On page 23, after line 28, insert:

"Chapter 445 of the Acts of 2005, as amended by Chapter 66 of the Acts of 2007

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

(3) ZA01 LOCAL HOUSE OF DELEGATES INITIATIVES

(BN) Frederick Douglass Memorial. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the **[**Frederick Douglass Memorial Action Coalition**]** **TOWN OF EASTON** for the design and construction of a monument to the life and legacy of Frederick Douglass, to be located in Easton. Notwithstanding Section 1(5) of this Act, the matching fund may include real property, in kind contributions, or funds expended prior to the effective date of this Act and the grantee has until June 1, **[**2009,**]** **2011,** to present evidence that a matching fund will be provided (Talbot County) ..... 100,000".

AMENDMENT NO.8

On page 25, after line 9, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS

(T) Annapolis Underground Wiring. Provide a grant equal to the lesser of (i) $600,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Annapolis to assist in the construction and equipping of underground utilities **ON CORNHILL STREET, FLEET STREET, AND PINKNEY STREET** in the City of Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County) .... 600,000".

AMENDMENT NO. 9

On page 27, after line 9, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS

(P) Annapolis Underground Wiring. Provide a grant equal to the lesser of (i) $600,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Annapolis to assist in the construction and capital equipping of underground utilities **ON CORNHILL STREET, FLEET STREET, AND PINKNEY STREET** in the City of Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County) .... 600,000".

AMENDMENT NO. 10

On page 27, after line 20, insert:

"(H) Hope House. Provide a grant of $100,000 to the Board of Directors of Addiction Recovery, Inc. for the repair, renovation, and capital equipping of Hope House, an alcohol and drug addiction residential treatment facility, located in Crownsville, subject to a requirement that the grantee provide and expend a matching fund of $50,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2011, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Statewide) .... 100,000".

AMENDMENT NO. 11

On page 28, strike beginning with "**VICTORY**" in line 7 down through "**CENTER**" in line 8 and substitute "**MACDONALD KNOLLS CENTER**"; in line 10, strike "Victory Youth Center, Inc." and substitute "**CHI CENTERS, INC.**"; in line 12, after "**RENOVATION,**" insert "**RECONSTRUCTION,**"; and strike beginning with "**VICTORY**" in line 14 down through "**(STATEWIDE)**" in line 16 and substitute

"**MACDONALD KNOLLS CENTER, LOCATED IN SILVER SPRING (MONTGOMERY COUNTY)**".

AMENDMENT NO. 12

On page 28, after line 39, insert:

"(C) Hope House. Provide a grant of $100,000 to the Board of Directors of Addiction Recovery, Inc. for the repair, renovation, and capital equipping of Hope House, an alcohol and drug addiction residential treatment facility, located in Crownsville, subject to a requirement that the grantee provide and expend a matching fund of $50,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2011, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Statewide) .... 100,000".

AMENDMENT NO. 13

On page 29, after line 8, insert:

"(AS) Cecil County Breeder's Fair. Provide a grant in the amount of $50,000 to the Board of Directors of the Cecil County Breeder's Fair, Inc. for the **ACQUISITION,** repair, renovation, reconstruction, and capital equipping**, INCLUDING ACQUISITION OF AN AERATOR,** of the race track at Fair Hill, located in Fair Hill (Cecil County) ..... 50,000".

AMENDMENT NO. 14

On page 29, strike beginning with "**VICTORY**" in line 31 down through "**CENTER**" in line 32 and substitute "**MACDONALD KNOLLS CENTER**"; in line 34, strike "Victory Youth Center, Inc." and substitute "**CHI CENTERS, INC.**"; in line 36, after "**RENOVATION,**" insert "**RECONSTRUCTION,**"; and strike beginning with "**VICTORY**" in line 38 down through "**DARNESTOWN**" in line 39 and substitute "**MACDONALD KNOLLS CENTER, LOCATED IN SILVER SPRING**".

AMENDMENT NO. 15

On page 32, strike line 9 in its entirety; in line 10, before "RD00" insert "(3)"; and after line 22, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS".

On page 33, after line 7, insert:

"(S) Annapolis Underground Wiring. Provide a grant equal to the lesser of (i) $600,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Annapolis to assist in the construction and equipping of underground utilities **ON CORNHILL STREET, FLEET STREET, AND PINKNEY STREET** in the City of Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County) 600,000

(U) The Emmart–Pierpoint Safe House. Provide a grant **[**equal to the lesser**]** of **[**(i)**]** $100,000 **[**or (ii) the amount of the matching fund provided,**]** to the Board of Directors of The Friends of Cherry Hill AUMP, Inc. for the construction, renovation, and capital equipping of the Emmart–Pierpoint Safe House, located in Baltimore County. **[**Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act**]** (Baltimore County) ..... 100,000".

AMENDMENT NO. 16

On page 33, after line 17, insert:

"(K) Annapolis Summer Garden Theatre. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Annapolis Summer Garden Theatre, Inc. for the repair, renovation, restoration, and

reconstruction of the Annapolis Summer Garden Theatre including repair to the roof, located in Annapolis**[**, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust**]** (Anne Arundel County) ..... 50,000".

AMENDMENT NO. 17

On page 34, after line 20, insert:

"(CN) Oxford Community Center. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Oxford Community Center, Inc. for the design, repair, renovation, reconstruction, and capital equipping of the Oxford Community Center, located in **[**Oxford, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust.**]** **OXFORD.** Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Talbot County) ..... 50,000".

The preceding 17 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 1081**
SPONSOR: Del Jones, et al
SUBJECT: Prior Authorizations of State Debt to Fund Capital Projects – Alterations

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Conway, Chairman
Delegate Jones, and
Delegate Bohanan.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

QUORUM CALL

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

(See Roll Call No. 1162)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #30

Senate Bill 554 – Senators Lenett, Conway, Currie, Della, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, Klausmeier, Madaleno, McFadden, Miller, Muse, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Chesapeake Bay Nitrogen Reduction Act of 2009

FLOOR AMENDMENT

SB0554/463025/1

BY: Delegate Jennings

AMENDMENTS TO SENATE BILL 554
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "violation;" insert "requiring the revenues from certain penalties to be deposited into a certain special fund for a certain purpose;".

AMENDMENT NO. 2

On page 3, in line 2, after "**TECHNOLOGY**" insert "**:**

(1) IF SUFFICIENT FUNDS ARE AVAILABLE,";

in line 3, strike "**, IF SUFFICIENT FUNDS ARE AVAILABLE**" and substitute "**; OR**

(2) IF THERE ARE NOT SUFFICIENT FUNDS AVAILABLE IN THE BAY RESTORATION FUND, WITH MONEY FROM THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (D)(3) OF THIS SECTION";

and after line 11, insert:

"**(3) THE REVENUES FROM THE PENALTIES IMPOSED UNDER THIS SUBSECTION SHALL BE DISTRIBUTED TO A SPECIAL FUND, TO BE USED ONLY TO ASSIST HOMEOWNERS IN PAYING COSTS UNDER SUBSECTION (C) OF THIS SECTION.**".

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

Affirmative – 43 Negative – 87 (See Roll Call No. 1163)

FLOOR AMENDMENT

SB0554/833124/1

BY: Delegate Stifler

AMENDMENTS TO SENATE BILL 554
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "technology" insert "except under certain circumstances"; and in line 9, after "technology" insert "except under certain

circumstances; exempting certain homeowners from the requirements of this Act under certain circumstances".

AMENDMENT NO. 2

On page 2, in line 22, after "**(B)**" insert "**(1)**"; in the same line, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; in lines 23 and 28, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 33, insert:

"**(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A HOMEOWNER IF:**

(I) SUFFICIENT FUNDS ARE NOT AVAILABLE TO ASSIST THE HOMEOWNER UNDER SUBSECTION (C) OF THIS SECTION; AND

(II) THE FAMILY INCOME OF THE HOMEOWNER DOES NOT EXCEED 175% OF THE FEDERAL POVERTY LEVEL.".

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

Affirmative – 44 Negative – 88 (See Roll Call No. 1164)

Delegate Cane moved the previous question.

The motion was adopted.

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

Affirmative – 90 Negative – 46 (See Roll Call No. 1165)

The Bill was then returned to the Senate.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #19

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

Senate Bill 177 – Senators Glassman, Colburn, Edwards, Jacobs, Klausmeier, Pugh, and Robey

AN ACT concerning

Emergency Responders – Death Benefits and Funeral Expenses

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

CONCURRENCE CALENDAR #7

AMENDED IN THE SENATE

House Bill 173 – Delegates Bromwell, Cardin, Costa, DeBoy, Eckardt, Frank, Kach, Kipke, Kullen, McDonough, Montgomery, Morhaim, Niemann, Oaks, Olszewski, Pena–Melnyk, Rosenberg, Schuh, Shewell, Tarrant, V. Turner, Weir, and Weldon

AN ACT concerning

Health Occupations – Maryland Athletic Trainers Act

Delegate Hammen moved that the House concur in the Senate amendments.

HB0173/584433/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 173
(Third Reading File Bill)

On page 3, after line 14, insert:

"**(G) "EDUCATIONAL INSTITUTION" INCLUDES:**

(1) THE SCHOOLS IN THE PUBLIC ELEMENTARY AND SECONDARY EDUCATION SYSTEM OF THE STATE;

(2) A NONCOLLEGIATE EDUCATIONAL INSTITUTION GOVERNED UNDER § 2–206 OF THE EDUCATION ARTICLE; AND

(3) AN INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10–101 OF THE EDUCATION ARTICLE.";

in lines 15, 18, 20, 22, and 25, strike "**(G)**", "**(H)**", "**(I)**", "**(J)**", and "**(K)**", respectively, and substitute "**(H)**", "**(I)**", "**(J)**", "**(K)**", and "**(L)**", respectively; and in line 27, strike "**ACTIVE INDIVIDUALS AND**".

On page 4, in line 23, strike "**(L)**" and substitute "**(M)**".

On page 5, in line 5, strike "**(M)**" and substitute "**(N)**".

The preceding amendment was read and concurred in.

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1166)

AMENDED IN THE SENATE

House Bill 585 – Delegates Costa and Pena–Melnyk

AN ACT concerning

Health Insurance – Use of Physician Rating Systems by Carriers

Delegate Hammen moved that the House concur in the Senate amendments.

HB0585/397970/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 585
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 33, after "appeals;" insert "requiring the Commissioner and the Health Care Commission to issue a certain report annually for the Governor and the General Assembly on or before a certain date;"; in line 39, after "Systems"" insert "; and 19–706(ttt)"; and in line 44, strike "15–1704" and substitute "15–1705".

AMENDMENT NO. 2

On page 5, after line 27, insert:

"19–706.

(TTT) THE PROVISIONS OF TITLE 15, SUBTITLE 17 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.".

AMENDMENT NO. 3

On page 8, after line 21, insert:

"**15–1705.**

ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE COMMISSIONER AND THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON:

(1) THE NUMBER AND TYPES OF APPEALS THAT HAVE BEEN FILED BY PHYSICIANS UNDER THIS SUBTITLE AND THE OUTCOME OF THE APPEALS; AND

(2) THE NUMBER OF ENTITIES THAT HAVE BEEN APPROVED BY THE COMMISSION AS RATINGS EXAMINERS UNDER TITLE 19, SUBTITLE 1, PART IV OF THE HEALTH – GENERAL ARTICLE.".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 136 Negative – 1 (See Roll Call No. 1167)

AMENDED IN THE SENATE

House Bill 725 – Delegates Tarrant, Benson, Bromwell, Costa, Pena–Melnyk, Reznik, Riley, and V. Turner

AN ACT concerning

Group Model Health Maintenance Organizations – Drug Therapy Management

Delegate Hammen moved that the House concur in the Senate amendments.

HB0725/527678/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 725
(Third Reading File Bill)

On page 5, strike beginning with "**HEALTH**" in line 27 down through "**OCCUPATIONS**" in line 28 and substitute "**HEALTH OCCUPATIONS**".

On page 6, in line 20, strike "**(F)**" and substitute "**(H)**".

The preceding amendment was read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1168)

AMENDED IN THE SENATE

House Bill 782 – Delegates James, Bromwell, Haynes, ~~and Oaks~~ Oaks, Kullen, McDonough, Montgomery, Nathan–Pulliam, and Pendergrass

AN ACT concerning

Nursing Facilities – Accountability Measures – Pay–for–Performance Program

Delegate Hammen moved that the House concur in the Senate amendments.

HB0782/897670/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 782

(Third Reading File Bill)

On page 4, in line 29, strike "**§ 19–301.1**" and substitute "**§ 19–310.1**".

On page 5, in line 4, before "**(I)**" insert "**(1)**".

The preceding amendment was read and concurred in.

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1169)

AMENDED IN THE SENATE

House Bill 944 – Delegates Love, Barnes, Costa, Doory, Dumais, Glenn, Kipke, Olszewski, Pena–Melnyk, Robinson, and Rudolph

AN ACT concerning

Commission on the Establishment of a Maryland Women in Military Service Monument ~~– Extension of Termination Date~~

Delegate Hammen moved that the House concur in the Senate amendments.

HB0944/784939/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 944
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after the semicolon insert "authorizing the Commission to enter into a written agreement or memorandum of understanding regarding the funding, design, construction, or placement of an appropriate monument with certain government entities;".

AMENDMENT NO. 2

On page 3, after line 26, insert:

"**(G) THE COMMISSION MAY ENTER INTO A WRITTEN AGREEMENT OR MEMORANDUM OF UNDERSTANDING REGARDING THE FUNDING, DESIGN, CONSTRUCTION, OR PLACEMENT OF AN APPROPRIATE MONUMENT WITH OTHER GOVERNMENT ENTITIES, INCLUDING THE FEDERAL GOVERNMENT, A UNIT OF STATE GOVERNMENT, A COUNTY, OR A MUNICIPALITY.**";

and in line 27, strike "**(G)**" and substitute "**(H)**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1170)

AMENDED IN THE SENATE

House Bill 1069 – ~~Delegate Hammen~~ Delegates Hammen, Benson, Costa, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, and V. Turner

AN ACT concerning

Health Services Cost Review Commission – Financial Assistance and Debt Collection Policies

Delegate Hammen moved that the House concur in the Senate amendments.

HB1069/147576/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1069
(Third Reading File Bill)

On page 3, in line 16, after "**(3)**" insert "**(I)**"; and after line 18, insert:

"**(II) IN ESTABLISHING INCOME THRESHOLDS THAT ARE HIGHER THAN THOSE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A HOSPITAL, THE COMMISSION SHALL TAKE INTO ACCOUNT:**

1. THE PATIENT MIX OF THE HOSPITAL;

2. THE FINANCIAL CONDITION OF THE HOSPITAL;

3. THE LEVEL OF BAD DEBT EXPERIENCED BY THE HOSPITAL; AND

4. THE AMOUNT OF CHARITY CARE PROVIDED BY THE HOSPITAL.".

The preceding amendment was read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1171)

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 1072 – The President (By Request – Administration) and Senators Brinkley, Colburn, Conway, Currie, DeGrange, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Klausmeier, Madaleno, McFadden, Middleton, Miller, Munson, Peters, Pipkin, Pugh, Robey, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Pimlico and Laurel Park Racetracks, Bowie Race Course Training Center, and Preakness Stakes – State Purchase or Condemnation

FOR the purpose of authorizing the State to acquire by purchase or condemnation for public use with just compensation private property relating to the Pimlico Race Course, the track known as Laurel Park, the Bowie Race Course Training Center, the name, copyrights, service marks, trademarks, trade names, contract rights, business entities, stock, and horse racing events that are associated with the Preakness Stakes and its trophy, the Woodlawn Vase, and certain other private property; requiring that all proceedings for condemnation for public use of private property as authorized under this Act are to be in accordance with certain provisions of law and certain rules of procedure; authorizing the taking of certain private property immediately on payment for the property;

authorizing the Maryland Economic Development Corporation to borrow money and issue bonds for certain purposes related to the condemnation authorized by this Act; requiring the Maryland Economic Development Corporation to submit certain reports to certain committees of the General Assembly; making this Act an emergency measure; stating legislative intent; requiring the Corporation to consult with certain persons regarding the disposition of certain property under certain circumstances; and relating generally to the authority of the State to purchase or condemn certain private property relating to certain tracks, the Bowie Race Course Training Center, and the Preakness Stakes.

BY repealing and reenacting, ~~with amendments~~ without amendments,
Article – Business Regulation
Section 11–520
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – Business Regulation
Section 11–521
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–117
Annotated Code of Maryland
(2008 Volume)

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

Senate Bill 905 – Senator Muse

AN ACT concerning

Orphans' Court – Minors – Guardianship of Person

FOR the purpose of providing that an orphans' court may exercise jurisdiction over the guardianship of the person of a minor regardless of whether the minor has property, may inherit property, or is destitute under certain circumstances; providing that an orphans' court may transfer a certain matter to a circuit court under certain circumstances; providing that an orphans' court may waive certain costs; providing for the application of this Act; and generally relating to the jurisdiction of an orphans' court concerning the guardianship of the person of a minor.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts

Section 13–105
Annotated Code of Maryland
(2001 Replacement Volume and 2008 Supplement)

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

Senate Bill 933 – Senator Kelley

AN ACT concerning

Family Law – State Citizens Review Board for Children and Local Boards of Review – Duties

FOR the purpose of altering the ~~cases required to be reviewed by~~ duties of the State Citizens Review Board for Children and local boards of review for children in out–of–home care; requiring the State Board to tabulate and analyze certain results and submit ~~them~~ certain results and findings to the Department of Human Resources; altering the requirements ~~for certain community forums~~ related to public outreach; altering ~~the frequency of~~ requirements related to certain case reviews by local boards; requiring that certain case reviews be based on certain priorities and a certain agreement; altering the findings and recommendations required to be included in certain reports; ~~repealing a requirement that a local board explain a certain finding;~~ repealing a provision authorizing certain case reviews to include certain questions; and generally relating to the State Citizens Review Board for Children and local boards of review.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–539.1 and 5–545
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 974 – Senators Raskin and Rosapepe

AN ACT concerning

Local Government Tort Claims Act – Notice of Claim

FOR the purpose of clarifying certain provisions of law governing the notice of a claim required to be given to a defendant local government under the Local Government Tort Claims Act; repealing redundant language; making stylistic

changes; and generally relating to notice of a claim under the Local Government Tort Claims Act.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–304
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 989 – Senator Stone

AN ACT concerning

Criminal Procedure – Concurrent Court Jurisdiction – Second or Subsequent Offense of Failure to Register with Sex Offender Registry

FOR the purpose of providing that the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case in which a person is charged with a second or subsequent offense of knowingly failing to register, knowingly failing to provide a certain notice, or knowingly providing false information of a material fact as required under provisions relating to registration of sexual offenders; and generally relating to criminal court jurisdiction.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–704(a), 11–705(d), (e), and (f), and 11–721
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–301 and 4–302(a) and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Joint Resolution 10 – Senator Stone

A Senate Joint Resolution concerning

State Spending of Federal Economic Recovery Funds

FOR the purpose of urging the State of Maryland to spend any economic recovery plan funds granted by the federal government to the State on products made in the United States or services performed in the United States.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 1172)

ADJOURNMENT

At 1:27 P.M. on motion of Delegate Barve the House adjourned until 4:00 P.M., on Legislative Day April 7, 2009, Calendar Day, Saturday, April 11, 2009.

Annapolis, Maryland
Legislative Day: April 7, 2009
Calendar Day: Saturday, April 11, 2009

The House met at 4:17 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Joseline A. Pena–Melnyk of Anne Arundel and Prince George's counties.

QUORUM CALL

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

(See Roll Call No. 1173)

The Journal of April 6, 2009 was read and approved.

EXCUSES:
Del. Myers – son's death
Del. Proctor – foot injury
Del. Serafini – personal – Del. Myers' son's death
Del. Stull – wife's illness
Del. F. Turner – illness

SPECIAL ORDERS

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

House Bill 100 – The Speaker (By Request – Administration)

Budget Bill

(Fiscal Year 2010)

STATUS OF BILL: CONFERENCE COMMITTEE REPORT NOT ADOPTED.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 100 – THE BUDGET BILL AND HOUSE BILL 101 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit Q of Appendix II)

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE BILL 100 – THE BUDGET BILL

(See Exhibit R of Appendix II)

Delegate Cane moved the previous question.

The motion was adopted.

Conference Committee Report read and adopted.

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

Affirmative – 106 Negative – 30 (See Roll Call No. 1174)

The Bill was then sent to the Senate.

CONFERENCE COMMITTEE REPORT

House Bill 101 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2009

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 100 – THE BUDGET BILL AND HOUSE BILL 101 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit Q of Appendix II)

BILL NO.: **HB 101** SPONSOR: **The Speaker**

SUBJECT: **Budget Reconciliation and Financing Act of 2009**

THIRD READING CALENDAR HOUSE NO. **36** SENATE NO. **2**

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

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

(1) That the Budget and Taxation Committee Amendments (HB0101/709134/1) be rejected.

(2) That Senator McFadden's Amendment (HB0101/793927/1) be rejected.

(3) That Senator Harris' Amendment (HB0101/963921/1) be rejected.

(4) That Senator Brinkley's Amendment (HB0101/663425/1) be rejected.

(5) That the attached Conference Committee Amendments (HB0101/233323/1) be adopted.

HB0101/233323/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 101
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 18, after "manner;" insert "altering the distribution of the income tax revenue from corporations for a certain fiscal year;"; in line 25, before "repealing" insert "altering certain provisions relating to the funding of a certain highway;"; in line 28, after "lottery" insert "for certain fiscal years"; and in line 30, after "circumstances;" insert "providing certain modifications to federal adjusted gross income of an individual or federal taxable income of a corporation for Maryland income tax purposes relating to certain income from the discharge of indebtedness;".

On page 3, in line 13, after "years;" insert "altering the distribution of certain highway user revenues;"; strike beginning with "reducing" in line 14 down through "Fund;" in line 17; in line 19, strike the second "the"; in line 20, strike "providing for a payment of" and substitute "requiring the Governor to appropriate"; in line 21, after "and" insert "providing for"; and in line 23, after "years;" insert "stating the findings of the General Assembly that a certain fund cannot operate as originally contemplated and authorizing the transfer of certain amounts from the fund to be used for a certain purpose; restricting the use of certain funds to certain purposes; requiring the Department of Budget and Management to take certain actions in the development of a new statewide personnel management system; requiring that certain costs be allocated and charged back to State agencies for certain fiscal years in a certain manner; requiring the Governor to include a certain charge back in the State budget for a certain fiscal year; authorizing a county to request a waiver from certain maintenance of education spending requirements for a certain fiscal year under certain circumstances; providing for the calculation of certain maintenance of education spending requirements under certain circumstances; stating certain intent of the General Assembly that certain legislation be enacted under certain

circumstances; requiring the Maryland Higher Education Commission to incorporate into a certain plan and implement certain recommendations to a certain extent; specifying the distribution of certain corporate income tax revenues; reducing certain funds to be disbursed to the Prince George's County Board of Education, subject to a certain contingency; authorizing certain departments and a certain federal agency to share certain information and records for certain purposes;".

AMENDMENT NO. 2

On page 4, in line 1, after "Section" insert "5–202(a)(13) and (e)(3), 5–205(c)(3),"; in the same line, after "8–415(d)(3)," insert "15–106.6(b)(9),"; in lines 1 and 2, strike "16–305(c)(1)(i), 16–512(a)(1), 17–104(a)" and substitute "16–305(c)(1), 16–512(a), 17–104(a) and (d)"; and after line 4, insert:

"BY adding to
Article – Education
Section 5–202(d)(7)(v)
Annotated Code of Maryland
(2008 Replacement Volume)".

On page 5, in line 23, after "2–608," insert "2–613.1,"; after line 25, insert:

"BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–310
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)";

and in line 38, after "4–321(e)" insert "and 8–403".

On page 6, in line 20, after "(g)" insert "and (j)".

AMENDMENT NO. 3

On page 8, in line 8, strike "**(1)**"; in the same line, strike "**FISCAL YEARS 2010 AND 2011**" and substitute "**FISCAL YEAR 2011 AND EACH FISCAL YEAR THEREAFTER**"; in line 10, strike the brackets; in the same line, strike "**$4,900,000**"; and strike in their entirety lines 11 and 17, inclusive.

AMENDMENT NO. 4

On page 14, in lines 24 and 34, strike "**23.4%**" and "**26%**", respectively, and substitute "**23.6%**" and "**25%**", respectively; and in lines 27, 32, and 37, in each instance, strike "previous" and substitute "**SAME**".

On page 15, in line 2, strike "**28%**" and substitute "**27%**"; in line 6, strike "previous" and substitute "**SAME**"; in line 14, strike "**30%**" and substitute "**29%**"; in line 19, strike "**PREVIOUS**" and substitute "**SAME**"; and after line 19, insert:

"(ii) For purposes of this subsection, the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State for **[**the previous**]** **A** fiscal year shall **[**:

1. Include**]** **INCLUDE** noncapital appropriations from the Higher Education Investment Fund **[**; and

2. Reflect any amendments or reductions to the appropriation for the previous fiscal year**]**.".

AMENDMENT NO. 5

On page 16, in lines 2, 7, 12, 17, and 29, strike "**64.6%**", "**65%**", "**67%**", "**69%**", and "**71%**", respectively, and substitute "**65.1%**", "**65.5%**", "**66%**", "**67%**", and "**68.5%**", respectively; in lines 5, 10, 15, and 21, in each instance, strike "previous" and substitute "**SAME**"; in line 34, strike "**PREVIOUS**" and substitute "**SAME**"; and after line 34, insert:

"(2) For purposes of this subsection, the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State for **[**the previous**]** **A** fiscal year shall **[**:

(i) Include**]** **INCLUDE** noncapital appropriations from the Higher Education Investment Fund **[**; and

(ii) Reflect any amendments or reductions to the appropriation for the previous fiscal year**]**.".

AMENDMENT NO. 6

On pages 16 and 17, strike beginning with the colon in line 38 on page 16 down through "The" in line 1 on page 17 and substitute "**THE**".

On page 17, in line 4, strike the semicolon; in the same line, strike "**TIMES**" and substitute "**BY:**"; in line 5, strike "(2)"; in the same line, strike "(i)" and substitute "**(1)**"; after line 15, insert:

"**(2) IN FISCAL YEAR 2010, AN AMOUNT NOT LESS THAN 12.85% OF THE STATE'S GENERAL FUND PER FULL–TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4–YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE FOR THE SAME FISCAL YEAR;**";

in lines 17, 22, 26, 30, and 34, strike "**(II)**", "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively, and substitute "**(3)**", "**(4)**", "**(5)**", "**(6)**", and "**(7)**", respectively; in line 17, strike "**EACH OF FISCAL YEARS 2010 AND**" and substitute "**FISCAL YEAR**"; in lines 18, 23, 27, 31, and 35, strike "**11.2%**", "**12.7%**", "**13.7%**", "**14.7%**", and "**16%**", respectively, and substitute "**13%**", "**13.5%**", "**14%**", "**14.5%**", and "**15.5%**", respectively; and in lines 21, 25, 29, and 33, in each instance, strike "**PRECEDING**" and substitute "**SAME**".

On page 18, in line 2, strike "**PRECEDING**" and substitute "**SAME**"; and after line 2, insert:

"(d) For purposes of this section, the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State for **[**the previous**]** **A** fiscal year shall **[**:

(1) Include**]** **INCLUDE** noncapital appropriations from the Higher Education Investment Fund **[**; and

(2) Reflect any amendments or reductions to the appropriation for the previous fiscal year**]**.".

AMENDMENT NO. 7

On page 19, in lines 26 and 28, in each instance, strike "**$13.50**" and substitute "**$14.00**".

AMENDMENT NO. 8

On page 40, in line 2, strike "**$98,000,000**" and substitute "**$55,000,000**"; and in line 4, strike "**$113,913,000**" and substitute "**$156,913,000**".

AMENDMENT NO. 9

On page 44, in line 3, after "(1)" insert "**(I)**"; in the same line, strike "During a calendar year, a" and substitute "**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A**"; in line 4, strike the brackets; in the same line, strike "**5.0%**"; in line 5, strike "made during that year"; and after line 5, insert:

"**(II) FOR FISCAL YEARS 2010 THROUGH 2012 ONLY, A LICENSED AGENT SHALL RECEIVE REGULAR COMMISSIONS OF 5.0% OF THE LICENSED AGENT'S GROSS RECEIPTS FROM TICKET SALES.**".

AMENDMENT NO. 10

On page 48, in line 8, strike "$30,000,000" and substitute "$29,000,000".

AMENDMENT NO. 11

On page 49, in line 9, strike "$1,656,101" and substitute "$1,605,035".

AMENDMENT NO. 12

On page 50, in line 1, strike "$15,000,000" and substitute "$10,000,000".

AMENDMENT NO. 13

On page 51, in line 19, after "counties" insert "and municipalities".

On page 52, after line 3, insert:

"(c) For purposes of determining a municipality's net share of highway user revenues under § 8–405 of the Transportation Article:

(1) 31.63% of the reduction specified under subsection (b) of this section shall be deducted from the gross share of highway user revenues allocated to the county within which the municipality is located;

(2) 68.37% of the reduction specified under subsection (b) of this section shall be deducted from the net share of highway user revenues allocated to the county within which the municipality is located; and

(3) the municipality's net share of highway user revenues shall be determined based on the gross share of highway user revenues allocated to the county within which the municipality is located, calculated after the deduction under item (1) of this subjection but before the deduction under item (2) of this subsection.".

AMENDMENT NO. 14

On page 56, in line 25, after "notwithstanding" insert "§§ 8–403 through 8–405 of the Transportation Article or"; in line 26, after "law" insert ", for fiscal year 2010 only"; and strike in their entirety lines 27 through 29, inclusive, and substitute:

"(a) $60,000,000 of the amounts otherwise required to be distributed to Baltimore City and the counties under § 8–403 of the Transportation Article shall be distributed instead to the General Fund; and

(b) The amount to be distributed to Baltimore City under § 8–403(a) of the Transportation Article and each county's net share of highway user revenues shall be reduced by the following amounts:".

On page 57, after line 9, insert:

"(c) Each municipality's net share of highway user revenues under § 8–405 of the Transportation Article shall be determined based on the gross share of highway user revenues allocated under § 8–404 of the Transportation Article to the county within which the municipality is located, calculated before making the reductions specified under this section.";

and strike in their entirety lines 10 through 18, inclusive.

AMENDMENT NO. 15

On page 52, in line 14, after "affect" insert ":

(1)";

in line 15, strike the second "or" and substitute ";

(2)";

and in line 17, after "Maryland" insert "; or

(3) financial incentives awarded in accordance with § 21–118.1 of the State Personnel and Pensions Article".

AMENDMENT NO. 16

On page 57, before line 19, insert:

"SECTION 31. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) On or before June 30, 2009, the Governor may transfer to the General Fund $70,000,000 of the unencumbered balance of the funds for State land acquisition under Program Open Space in the special fund established under § 13–209 of the Tax – Property Article.

(b) A transfer of funds from the special fund to the General Fund under this section may not be taken into account for purposes of determining any allocation or appropriation required under § 13–209(f) or (g) of the Tax – Property Article.";

in lines 19 and 34, strike "30." and "31.", respectively, and substitute "32." and "33.", respectively; in line 21, after "2009," insert "in addition to amounts transferred under Section 31 of this Act,"; and in line 37, strike "$46,955,634" and substitute "$30,971,139".

On page 58, in lines 3 and 10, in each instance, strike "$46,955,634" and substitute "$30,971,139"; strike line 4 in its entirety; and strike line 6 in its entirety.

AMENDMENT NO. 17

On page 8, after line 34, insert:

"5–202.

(a) (13) "Target per pupil foundation amount" means:

(i) In fiscal years 2008, 2009, and 2010, $6,694; **[**and**]**

(ii) **[**In**]** **EXCEPT AS PROVIDED IN ITEM (III) OF THIS PARAGRAPH, IN** subsequent fiscal years:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second **[**previous**]** **PRIOR** fiscal year; or

C. 5%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second **[**previous**]** **PRIOR** fiscal year, the target per pupil foundation amount for the prior fiscal year**; AND**

(III) IN FISCAL YEAR 2012:

1. THE TARGET PER PUPIL FOUNDATION AMOUNT FOR THE PRIOR FISCAL YEAR INCREASED BY THE SAME PERCENTAGE AS THE LESSER OF:

A. THE INCREASE IN THE IMPLICIT PRICE DEFLATOR FOR STATE AND LOCAL GOVERNMENT EXPENDITURES FOR THE SECOND PRIOR FISCAL YEAR;

B. THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON–BALTIMORE METROPOLITAN AREA, OR ANY SUCCESSOR INDEX, FOR THE SECOND PRIOR FISCAL YEAR; OR

C. 1%; OR

2. IF THERE IS NO INCREASE IN THE IMPLICIT PRICE DEFLATOR FOR STATE AND LOCAL GOVERNMENT EXPENDITURES FOR THE SECOND PRIOR FISCAL YEAR OR IN THE CONSUMER PRICE INDEX FOR ALL

URBAN CONSUMERS FOR THE WASHINGTON–BALTIMORE METROPOLITAN AREA, OR ANY SUCCESSOR INDEX, FOR THE SECOND PRIOR FISCAL YEAR, THE TARGET PER PUPIL FOUNDATION AMOUNT FOR THE PRIOR FISCAL YEAR.

(d) (7) **(V) IF THE STATE BOARD OF EDUCATION GRANTS A COUNTY A TEMPORARY WAIVER OR PARTIAL WAIVER FROM THE PROVISIONS OF THIS SUBSECTION FOR ANY FISCAL YEAR, THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE COUNTY TO BE ELIGIBLE TO RECEIVE THE STATE SHARE OF THE FOUNDATION PROGRAM FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE PRIOR FISCAL YEAR OR THE SECOND PRIOR FISCAL YEAR, WHICHEVER IS GREATER.**

(e) (3) For fiscal year 2011**,** and each fiscal year thereafter, a county board shall receive a supplemental grant equal to the amount the county board received under paragraph (2) of this subsection in **THE PRIOR** fiscal year **[**2010**]**.

5–205.

(c) (3) **(I) [**The**] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE** increase in the amount of a base grant for student transportation that is based on the increase in the private transportation category of the Consumer Price Index may not be less than 3 percent nor more than 8 percent of the amount of the grant for the previous year.

(II) FOR FISCAL YEAR 2012, THE INCREASE IN THE AMOUNT OF A BASE GRANT FOR STUDENT TRANSPORTATION THAT IS BASED ON THE INCREASE IN THE PRIVATE TRANSPORTATION CATEGORY OF THE CONSUMER PRICE INDEX MAY NOT BE MORE THAN 1 PERCENT OF THE AMOUNT OF THE GRANT FOR THE PREVIOUS YEAR.".

On page 54, in line 31, strike "$13,454,740" and substitute "$13,545,740 and the minimum General Fund appropriation that the Governor is required to include in the annual budget bill for fiscal year 2012 for the Maryland State Arts Council shall be as determined under § 7–325 of the State Finance and Procurement Article".

On page 58, after line 12, insert:

"SECTION 34. AND BE IT FURTHER ENACTED, That notwithstanding any provision of law that requires the Governor to include a certain level of funding in the annual budget bill for a specific program or item, and notwithstanding any other provision of law, for fiscal years 2011 and 2012 only:

(a) Except as provided in subsection (b) of this section and except as otherwise provided under this Act, the Governor is not required to include an appropriation in the budget for any program or item in an amount that exceeds the fiscal year 2010 appropriation for that item or program as approved in the State budget for fiscal year 2010 as enacted by the General Assembly.

(b) Subsection (a) of this section does not apply to:

(1) funding required for State aid to public elementary and secondary education as provided under Title 5, Subtitle 2 or § 4–121, § 4–122, § 6–306, § 8–310.3, § 8–317, or § 8–415 of the Education Article;

(2) the State's employer contribution to the State Retirement and Pension System required under § 21–308 of the State Personnel and Pensions Article; or

(3) any appropriation required to the Revenue Stabilization Account of the State Reserve Fund under § 7–311 of the State Finance and Procurement Article.

SECTION 35. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2011 only, the Governor is not required to include in the budget bill any appropriation to the Revenue Stabilization Account of the State Reserve Fund otherwise required under § 7–311 of the State Finance and Procurement Article to the extent that the Governor determines that the appropriation would result in the loss of funds otherwise made available to the State under the American Recovery and Reinvestment Act of 2009 (P.L. 111–5).".

AMENDMENT NO. 18

On page 49, in line 34, after "Article;" insert "and".

On page 50, strike beginning with the semicolon in line 2 down through "Article" in line 4.

AMENDMENT NO. 19

On page 55, in line 1, strike "The State shall make a payment of" and substitute "In addition to the appropriation required under the State Foundation Program, the Governor shall appropriate"; in line 2, strike "2010" and substitute "2009"; in lines 7, 28, and 40, in each instance, strike "an intercept" and substitute "a reduction of the appropriation"; in line 26, after "(c)" insert "(1)"; and after line 37, insert:

"(2) For fiscal year 2011, the supplemental grant to a county board required under § 5–202(e) of the Education Article shall equal the supplemental grant received by the county board in fiscal year 2010, as reduced by the amount specified under paragraph (1) of this subsection.".

AMENDMENT NO. 20

On page 37, in line 5, strike "**$3,000,000**" and substitute "**$4,500,000**"; in line 6, strike "2011" and substitute "**2013**"; and in line 8, strike "2010" and substitute "**2012**".

AMENDMENT NO. 21

On page 48, in line 27, strike "$10,000,000" and substitute "$6,000,000".

On page 49, in line 32, strike "$10,000,000" and substitute "$6,000,000".

AMENDMENT NO. 22

On page 44, in line 26, strike "and"; and after line 26, insert:

"**(4) AN AMOUNT IS ADDED TO OR SUBTRACTED FROM FEDERAL ADJUSTED GROSS INCOME TO REFLECT THE RECOGNITION OF INCOME FROM DISCHARGE OF INDEBTEDNESS AND THE ALLOWANCE OF ANY DEDUCTION WITH RESPECT TO ORIGINAL ISSUE DISCOUNT WITHOUT REGARD TO § 108(I) OF THE INTERNAL REVENUE CODE; AND**";

in line 27, strike "(4)" and substitute "**(5)**"; and before line 32, insert:

"10–310.

In addition to the modifications under §§ 10–305 through 10–309 of this subtitle, to determine Maryland modified income the federal taxable income of a corporation shall be adjusted as provided for an individual under § 10–210.1 of this title.".

On page 58, in line 28, after "which" insert "§ 108(i),".

AMENDMENT NO. 23

On page 57, after line 18, insert:

"SECTION 30. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

8–403.

(a) (1) Subject to the limitation under paragraph (2) of this subsection and subject to §§ 3–307 and 3–308 of this article, during each fiscal year, of the total highway user revenues, an amount shall be distributed to Baltimore City equal to the sum of:

(i) The greater of $157,500,000 or 11.5% of the total highway user revenues for the fiscal year; and

(ii) 11.5% of the amount by which:

1. **[**30%**]** **28.5%** of the total highway user revenues for the fiscal year minus the greater of $157,500,000 or 11.5% of total highway user revenues for the fiscal year; exceeds

2. **[**30%**]** **28.5%** of the total highway user revenues for the fiscal year that began July 1, 1997 minus the greater of $157,500,000 or 11.5% of the total highway user revenues for the fiscal year that began July 1, 1997.

[(2) If the amount distributed to Baltimore City under paragraph (1) of this subsection for any fiscal year is less than 12.25% of the total highway user revenues for the fiscal year, the amount distributed to Baltimore City for any subsequent fiscal year that begins before July 1, 2007 may not exceed 12.25% of the total highway user revenues for the fiscal year for which the distribution is made.**]**

[(3)**]** **(2)** The amount distributed under this subsection shall be distributed in monthly installments.

(b) Subject to §§ 3–307 and 3–308 of this article, during each fiscal year, **[**30%**]** **28.5%** of the total highway user revenues, less the amount distributed to Baltimore City under subsection (a) of this section, shall be distributed to the counties and municipalities of this State at the times specified in § 8–407 of this subtitle.".

On page 58, after line 25, insert:

"SECTION 46. AND BE IT FURTHER ENACTED, That Section 30 of this Act shall take effect July 1, 2011, and shall be applicable to all fiscal years beginning on or after July 1, 2011.".

AMENDMENT NO. 24

On page 14, after line 3, insert:

"15–106.6.

(b) (9) Money in the Fund may be expended only:

(i) To supplement General Fund appropriations to public senior higher education institutions **AND RESEARCH INSTITUTES OF THE UNIVERSITY SYSTEM OF MARYLAND**;

(ii) For **[**public senior higher education**]** capital projects **FOR PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS AND RESEARCH INSTITUTES OF THE UNIVERSITY SYSTEM OF MARYLAND**;

(iii) For workforce development initiatives administered by the Commission; and

(iv) For initiatives to address higher education needs related to the United States Department of Defense Base Realignment and Closure process.".

On page 35, after line 22, insert:

"2–613.1.

After making the distribution required under § 2–613 of this subtitle:

(1) of the remaining income tax revenue from corporations, the Comptroller shall distribute:

(i) for fiscal year 2008 only:

1. $16,000,000 to the Higher Education Investment Fund established under § 15–106.6 of the Education Article; and

2. the amount by which 15.15% of the remaining income tax revenue from corporations exceeds $16,000,000 to the General Fund; and

(ii) for **[**fiscal year**]** **EACH OF FISCAL YEARS** 2009 **AND 2010** only:

1. 6% to the Higher Education Investment Fund established under § 15–106.6 of the Education Article; and

2. 9.15% to the General Fund; and

(2) for fiscal year **[**2010**]** **2011** and subsequent fiscal years, the Comptroller shall distribute 15.15% of the remaining income tax revenue from corporations to the General Fund of the State.".

AMENDMENT NO. 25

On page 58, before line 13, insert:

"SECTION 36. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that if the General Assembly determines it to be affordable and fiscally prudent to do so, legislation shall be enacted to:

(1) make permanent the distribution of corporate income tax revenues required under § 2–613.1 of the Tax – General Article to the Higher Education Investment Fund established in §15–106.6 of the Education Article; and

(2) adopt the recommendations of the Commission to Develop the Maryland Model for Funding Higher Education published in the December 2008 Final Report, which include establishing a funding model for higher education comprised of

high State support of higher education institutions, moderate tuition levels for Maryland residents, high State need–based financial aid, and accountability that assesses the State's and institutions' progress in reaching the funding model's goals at least annually.

(b) Until legislation is enacted to adopt the recommendations of the Commission to Develop the Maryland Model for Funding Higher Education, the Maryland Higher Education Commission shall incorporate the recommendations of the Commission in the updated State Plan for Higher Education required under § 11–105(b) of the Education Article and implement those recommendations that do not require legislation, in collaboration with institutions of higher education, the P–20 Council, and other stakeholders, to the greatest extent possible as provided in the State budget.

SECTION 37. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Section 12 of Chapter 3 of the Acts of the General Assembly of the 2007 Special Session, for fiscal year 2010 and subsequent fiscal years, the distribution of the income tax revenue from corporations under §§ 2–613.1 through 2–615 of the Tax – General Article shall be made based on receipts from income tax revenue from corporations and without regard to the taxable years for which revenues are received.

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

(a) The General Assembly finds that the Fair Campaign Financing Fund established under § 15–103 of the Election Law Article cannot operate as originally contemplated.

(b) Subject to subsection (c) of this section, up to $2,000,000 of the balance in the Fund may be transferred to the Maryland Information Technology Development Project Fund (program F50A01.01) for the purpose of funding the purchase of a new Optical Scan Voting System.

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

(d) Any funds transferred from the Fair Campaign Financing Fund to the Major Information Technology Development Project Fund as authorized under this section that are not used to purchase a new Optical Scan Voting System may not be

retained by the Major Information Technology Development Project Fund and may only be transferred to the Maryland Election Modernization Fund established under § 2–107 of the Election Law Article.

SECTION 39. AND BE IT FURTHER ENACTED, That:

(a) The General Assembly finds that the existing technology supporting State administration of its human resources management system is outmoded and inadequate for efficient administration of the State workforce.

(b) In the development of a new statewide human resources management system to address this deficiency, the Department of Budget and Management shall, in coordination with the Department of Information Technology, take all steps necessary to scope and define its requirements so as to qualify for funding as a Major Information Technology Development project supported through the Major Information Technology Project Development Fund established under § 3A–309 of the State Finance and Procurement Article.

(c) To support this project, for fiscal years 2011, 2012, and 2013 only, the Department of Budget and Management shall establish a statewide subobject for the purpose of charging back to each fund account of the State agencies the cost of developing, acquiring, and implementing the needed information technology.

(d) Costs shall be allocated to each agency based on that proportion of total positions authorized in each agency on June 30 of the second year preceding the year for which the budget is prepared compared to the total number of positions authorized for Executive agencies. Funds shall be credited to the Major Information Technology Project Development Fund solely for support of the project created under subsection (b) of this section.

(e) For fiscal year 2011, the Governor shall include in the State budget through the mechanism established in this section a charge back of not less than $5,000,000.

SECTION 40. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2010 only, on or before May 1, 2009, a county may request from the State Board of Education a temporary or partial waiver from the provisions of § 5–202(d) of the Education Article. For a waiver requested by a county after April 1, 2009, the State Board of Education shall inform a county on or before

June 1, 2009, whether the waiver for fiscal year 2010 is approved or denied in whole or in part. This section shall be construed to apply retroactively and shall apply to temporary or partial waivers requested on or before May 1, 2009. If a county requested a waiver from the provisions of § 5–202(d) of the Education Article on or before April 1, 2009, the county may make a request under this section to modify the earlier request or may withdraw the earlier request and make a new request under this section.

SECTION 41. AND BE IT FURTHER PROVIDED, That, notwithstanding any other provision of law:

(a) Subject to subsection (b) of this section, $36,000,000 of State Foundation Program funds (Budget Code R00A02.01) to be disbursed to the Prince George's County Board of Education in fiscal year 2010 shall be reduced, contingent upon the Board proceeding with the purchase or lease of a new administration building under or in connection with a lease entered into in June of 2008.

(b) Subsection (a) of this section is contingent on the failure of House Bill 960 prohibiting the expenditure of any funds by the Prince George's County Board of Education for the purpose of leasing, acquiring, or purchasing property under or in connection with a lease entered into in June of 2008 for consolidation of administrative offices of the Board, and if House Bill 960 becomes effective prohibiting the expenditure of any funds by the Prince George's County Board of Education for the purpose of leasing, acquiring, or purchasing property under or in connection with a lease entered into in June of 2008 for consolidation of administrative offices of the Board, subsection (a) of this section shall be null and void without the necessity of further action by the General Assembly.

SECTION 42. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Department of Juvenile Services, the Department of Human Resources, and the United States Department of Health and Human Services may share information and records as necessary to properly administer the federal Title IV–B and Title IV–E programs.".

AMENDMENT NO. 26

On page 45, in line 29, strike "as follows" and substitute "**TO THE FOLLOWING ACCOUNTS**"; strike beginning with "transferred" in line 30 down through "Resources" in line 31 and substitute "**CREDITED TO AN ENERGY ASSISTANCE ACCOUNT**"; and in line 33, after "23%" insert "**SHALL BE CREDITED TO A RATE RELIEF ACCOUNT**".

On page 46, in line 3, before "for" insert "**SHALL BE CREDITED TO A LOW AND MODERATE INCOME EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT AND TO A GENERAL EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT**"; in line 5, after "to" insert "**THE LOW AND MODERATE INCOME EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT FOR**"; in line 9, before "for" insert "**SHALL BE CREDITED TO A RENEWABLE AND CLEAN ENERGY PROGRAMS ACCOUNT**"; in line 14, before "for" insert "**SHALL BE CREDITED TO AN ADMINISTRATIVE EXPENSE ACCOUNT**"; in line 18, after "**SECTION**" insert "**FROM THE ALLOWANCES SOLD BETWEEN MARCH 1, 2009, AND JUNE 30, 2011,**"; in line 19, strike "**IN FISCAL YEARS 2010 AND 2011**"; strike beginning with "**TRANSFERRED**" in line 20 down through "**RESOURCES**" in line 21 and substitute "**CREDITED TO AN ENERGY ASSISTANCE ACCOUNT**"; in line 23, after "**BE**" insert "**CREDITED TO A RATE RELIEF ACCOUNT TO BE**"; in line 25, after "**BE**" insert "**CREDITED TO A LOW AND MODERATE INCOME EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT AND TO A GENERAL EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT TO BE**"; in line 27, after "**BE**" insert "**CREDITED TO A RENEWABLE AND CLEAN ENERGY PROGRAMS ACCOUNT TO BE**"; in line 29, after "**BE**" insert "**CREDITED TO AN ADMINISTRATIVE EXPENSE ACCOUNT TO BE**"; and after line 30, insert:

"(j) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be paid into **AN ADMINISTRATIVE EXPENSE ACCOUNT WITHIN** the Fund.

(3) Any repayment of principal and interest on loans made from the Fund shall be paid into the Fund.

(4) Balances in the Fund shall be held for the benefit of the Program, shall be expended solely for the purposes of the Program, and may not be used for the general obligations of government.".

AMENDMENT NO. 27

On page 58, in lines 13, 19, 23, 26, and 31, strike "32.", "33.", "34.", "35.", and "36.", respectively, and substitute "43.", "44.", "45.", "47.", and "48.", respectively.

On page 59, in lines 1, 4, and 9, strike "37.", "38.", and "39.", respectively, and substitute "49.", "50.", and "51.", respectively; and in line 10, strike "33 and 34" and substitute "44 through 46".

Senate Members:		House Members:	
Chair,	**Ulysses Currie**	Chair,	**Norman H. Conway**
	Edward J. Kasemeyer		**John L. Bohanan, Jr.**
	James E. DeGrange, Sr.		**Tawanna P. Gaines**
	Richard S. Madaleno, Jr.		**Sheila E. Hixson**
	Donald F. Munson		**Steven R. Schuh**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: (X) Chief Clerk
( ) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 107 Negative – 29 (See Roll Call No. 1175)

The Bill was then sent to the Senate.

CONFERENCE COMMITTEE REPORT

House Bill 102 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2009, the Hillandale Center Loan of 2001, the Baltimore City – New Shiloh Multipurpose Center Loan of 2001, and the Maryland Consolidated Capital Bond Loans of 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE BILL 102 – THE CAPITAL BUDGET

(See Exhibit S of Appendix II)

Conference Committee Report read and adopted.

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

Affirmative – 123 Negative – 13 (See Roll Call No. 1176)

The Bill was then sent to the Senate.

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 448	Del. Griffith
HB 453	Del. Haynes
HB 461	Del. Rosenberg
HB 473	Del. Griffith
HB 583	Del. Kramer
HB 756	Del. Nathan–Pulliam
HB 879	Frederick County Del.
HB 955	Del. V. Clagett
HB 978	Del. Niemann
HB 1134	Montgomery/PG Co. Del.
HB 1326	Frederick County Del.
HB 1546	Del. Niemann

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 201	Del. Frush
HB 376	Del. Schuler
HB 477	Frederick County Del.
HB 482	Del. Rosenberg
HB 569	Del. Carter
HB 626	Del. Anderson
HB 634	Del. Levi

HB 796	Del. Walker
HB 872	Del. Schuh
HB 921	Del. Barnes
HB 1058	Del. Walkup
HB 1305	Del. King
HB 1321	Del. Conway
HB 1373	Del. Conway
HB 1378	Del. Barnes
HB 1416	Ch., Envir. Mat. Com.
HB 1417	Ch., Envir. Mat. Com.
HB 1418	Ch., Envir. Mat. Com.
HB 1570	Del. Weir

Read and ordered journalized.

THE COMMITTEE ON WAYS AND MEANS REPORT #21

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

House Bill 108 – Delegate Feldman

AN ACT concerning

Tax Amnesty Program

HB0108/905467/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 108
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Feldman" and substitute "Delegates Feldman, Bartlett, Boteler, Cardin, Elmore, Doory, Frick, George, Gilchrist, Hixson, Howard, Ivey, Kaiser, Murphy, Myers, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker"; in line 3, after "penalties" insert "and interest"; in line 6, after "amnesty;" insert "authorizing the Comptroller to enter into certain agreements to provide a certain waiver under certain circumstances with respect to certain taxes that a taxpayer agrees to pay in accordance with certain terms and a certain schedule;"; strike beginning with "providing" in line 7 down through

"program;" in line 8; in line 8, strike "an" and substitute "a tax"; and in line 12, strike "31" and substitute "30".

AMENDMENT NO. 2

On page 2, in line 1, strike "The" and substitute "(1) Except as otherwise provided in this section, the"; in line 2, strike "attributable to taxes paid during the amnesty period," and substitute "and one–half of the interest"; in lines 4, 6, 7, 8, 9, 10, 11, 12, and 14, strike "(1)", "(i)", "(ii)", "(iii)", "(iv)", "(v)", "(2)", "(i)", and "(ii)", respectively, and substitute "(i)", "1.", "2.", "3.", "4.", "5.", "(ii)", "1.", and "2.", respectively; in line 12, after "tax" insert ", including one–half of any interest,"; in line 20, after "tax" insert ", plus one–half of any interest,"; in lines 13 and 21, in each instance, strike ", including all interest"; in lines 14 and 22, in each instance, strike "all" and substitute "one–half of any"; in line 13, strike "or"; in line 15, strike "return." and substitute "return; or

3. With respect to delinquent tax due under a return filed during the amnesty period or under a previously filed return, enters into an agreement with the Comptroller under paragraph (2) of this subsection to pay the tax, including one–half of any interest, in accordance with the terms and schedule established in the agreement.

(2) (i) The Comptroller may at the Comptroller's discretion enter into an agreement with a taxpayer to provide a waiver under this section with respect to taxes that are not paid in full during the amnesty period but that the taxpayer agrees to pay in accordance with the terms and schedule established under the agreement.

(ii) Except as otherwise provided in this paragraph, the required terms and schedule for payment under an agreement under this paragraph are entirely at the discretion of the Comptroller.

(iii) An agreement under this paragraph shall provide for payment in full of the delinquent tax plus one–half of the interest due on or before December 31, 2010.

(iv) With respect to taxes that are subject to an agreement under this paragraph:

1. The waiver of civil penalties and interest provided under this section is void if the taxpayer fails to pay the full amount of taxes plus one–half of any interest strictly in accordance with the terms and schedule established in the agreement; and

2. The waiver provided under this section for one–half of the interest imposed with respect to delinquent taxes does not apply to interest accruing for periods after October 30, 2009, on amounts remaining unpaid after that date.

(3) (i) In this paragraph, "corporate group" means an affiliated group or controlled group of corporations under § 1504 or § 1563 of the Internal Revenue Code.

(ii) The amnesty program under this section does not apply to:

1. Any taxpayer that as of September 1, 2009, has more than 500 employees in the United States or is a member of a corporate group that has more than 500 employees in the United States;

2. Any taxpayer that was granted amnesty under the 2001 Maryland Tax Amnesty Program established under Chapter 275 of the Acts of the General Assembly of 2001, with respect to the taxes for which the taxpayer received amnesty under the 2001 Maryland Tax Amnesty Program; or

3. Any taxpayer eligible for the July 1, 2004, through November 1, 2004, Settlement Period, as provided in Chapter 557 of the Acts of 2004, which was applicable to the Maryland corporation income tax assessed by the Comptroller based on issues that were ruled on by the Maryland Court of Appeals in the decisions in the Comptroller of the Treasury v. SYL, Inc., and the Comptroller of the Treasury v. Crown Cork & Seal Company (Delaware), Inc., 375 Md. 78 (2003), whether or not the taxpayer participated in the Settlement Period.";

in line 18, after "period" insert "or in accordance with an agreement entered into under subsection (a)(2) of this section"; strike beginning with "Act," in line 18 down through "either:" in line 19 and substitute "Act:

(i) During the amnesty period:";

in lines 20 and 22, strike "(i)" and "(ii)", respectively, and substitute "1." and "2.", respectively; and in line 23, strike "return." and substitute "return; or

(ii) With respect to delinquent tax due under a return filed during the amnesty period or under a previously filed return:

1. Enters into an agreement with the Comptroller under subsection (a)(2) of this section; and

2. Pays the full amount of taxes plus one–half of any interest strictly in accordance with the terms and schedule established in the agreement.".

AMENDMENT NO. 3

On page 3, in line 5, strike "This" and substitute "Except as expressly provided in this section, this"; strike in their entirety lines 12 through 25, inclusive; and in line 26, strike "5." 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 Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1215 – Delegates Hixson, Hucker, Kaiser, Mizeur, Montgomery, Niemann, Rice, and Ross

AN ACT concerning

Inheritance Tax – Exemption – Domestic Partners

HB1215/865964/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1215
(First Reading File Bill)

On page 2, in line 2, strike "**OF THE SAME SEX**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1215/283321/1

BY: Delegate Bates

AMENDMENTS TO HOUSE BILL 1215, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the Committee on Ways and Means Amendment (HB1215/865964/1) in its entirety.

On page 1 of the bill, in line 2, strike "Domestic Partners" and substitute "Joint Primary Residences"; in lines 4 and 5, strike "a domestic partner of a decedent" and substitute "certain individuals"; in line 5, strike "defining certain terms;"; in line 7, strike "certain property" and substitute "an interest in a joint primary residence"; and in line 8, strike "a domestic partner of a decedent" and substitute "an individual with whom the decedent at the time of death jointly owned a primary residence".

AMENDMENT NO. 2

On pages 1 and 2 of the bill, strike beginning with "**(1)**" in line 18 on page 1 down through "**(2)**" in line 5 on page 2.

On page 2 of the bill, strike beginning with "**IF**" in line 5 down through the second "**THE**" in line 7 and substitute "**THE**"; in lines 9 and 11, strike "**(I)**" and "**(II)**", respectively, and substitute "**(1)**" and "**(2)**", respectively; in line 10, strike "**THE DOMESTIC PARTNER**" and substitute "**ANOTHER INDIVIDUAL**"; and in line 12, strike "**DOMESTIC PARTNER**" and substitute "**INDIVIDUAL WHO HELD THE PRIMARY RESIDENCE IN JOINT TENANCY WITH THE DECEDENT**".

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

Affirmative – 35 Negative – 99 (See Roll Call No. 1177)

FLOOR AMENDMENT

HB1215/493028/1

BY: Delegate Krebs

AMENDMENTS TO HOUSE BILL 1215
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute:

"Maryland Inheritance and Estate Taxes";

in line 5, after "circumstances;" insert "repealing a certain limit on the unified credit used for determining the Maryland estate tax; repealing a requirement that the Maryland estate tax be determined without regard to a certain deduction allowed under the federal estate tax;"; strike beginning with "an" in line 6 down through "decedent" in line 8 and substitute "Maryland inheritance and estate taxes"; and after line 13, insert:

"BY repealing and reenacting, with amendments,
Article – Tax – General
Section 7–309
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, after line 12, insert:

"7–309.

(a) Notwithstanding an Act of Congress that repeals or reduces the federal credit under § 2011 of the Internal Revenue Code, the provisions of this subtitle in effect before the passage of the Act of Congress shall apply with respect to a decedent who dies after the effective date of the Act of Congress so as to continue the Maryland estate tax in force without reduction in the same manner as if the federal credit had not been repealed or reduced.

(b) (1) Except as provided in paragraphs (2) through (7) of this subsection, after the effective date of an Act of Congress described in subsection (a) of this section, the Maryland estate tax shall be determined using:

(i) the federal credit allowable by § 2011 of the Internal Revenue Code as in effect before the reduction or repeal of the federal credit pursuant to the Act of Congress; and

(ii) other provisions of federal estate tax law**, INCLUDING THE APPLICABLE UNIFIED CREDIT ALLOWED AGAINST THE FEDERAL ESTATE TAX,** as in effect on the date of the decedent's death.

(2) Except as provided in paragraphs (3) through (7) of this subsection, if the federal estate tax is not in effect on the date of the decedent's death, the Maryland estate tax shall be determined using:

(i) the federal credit allowable by § 2011 of the Internal Revenue Code as in effect before the reduction or repeal of the federal credit pursuant to the Act of Congress; and

(ii) other provisions of federal estate tax law**, INCLUDING THE APPLICABLE UNIFIED CREDIT ALLOWED AGAINST THE FEDERAL ESTATE TAX,** as in effect on the date immediately preceding the effective date of the repeal of the federal estate tax.

(3) **[**(i) Notwithstanding any increase in the unified credit allowed against the federal estate tax for decedents dying after 2003, the unified credit used for determining the Maryland estate tax may not exceed the applicable credit amount corresponding to an applicable exclusion amount of $1,000,000 within the meaning of § 2010(c) of the Internal Revenue Code.

(ii) The Maryland estate tax shall be determined without regard to any deduction for State death taxes allowed under § 2058 of the Internal Revenue Code.

(iii)**]** Unless the federal credit allowable by § 2011 of the Internal Revenue Code is in effect on the date of the decedent's death, the federal credit used to determine the Maryland estate tax may not exceed 16% of the amount by which the decedent's taxable estate, as defined in § 2051 of the Internal Revenue Code, exceeds

[$1,000,000**]** **THE APPLICABLE EXCLUSION AMOUNT CORRESPONDING TO THE APPLICABLE UNIFIED CREDIT UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION**.

(4) (i) With regard to an election to value property as provided in § 2032 of the Internal Revenue Code, if a federal estate tax return is not required to be filed:

1. an irrevocable election made on a timely filed Maryland estate tax return shall be deemed to be an election as required by § 2032(d) of the Internal Revenue Code;

2. the provisions of § 2032(c) of the Internal Revenue Code do not apply; and

3. an election may not be made under item 1 of this subparagraph unless that election will decrease:

A. the value of the gross estate; and

B. the Maryland estate tax due with regard to the transfer of a decedent's Maryland estate.

(ii) An election to value property as provided in § 2032 of the Internal Revenue Code for Maryland estate tax purposes must be the same as the election made for federal estate tax purposes.

(5) (i) With regard to an election to treat property as marital deduction qualified terminable interest property in calculating the Maryland estate tax, an irrevocable election made on a timely filed Maryland estate tax return shall be deemed to be an election as required by § 2056(b)(7)(B)(i), (iii), and (v) of the Internal Revenue Code.

(ii) An election under this paragraph made on a timely filed Maryland estate tax return shall be recognized for purposes of calculating the Maryland estate tax even if an inconsistent election is made for the same decedent for federal estate tax purposes.

(6) (i) For purposes of calculating Maryland estate tax, a decedent shall be deemed to have had a qualifying income interest for life under § 2044(a) of the Internal Revenue Code with regard to any property for which a marital deduction qualified terminable interest property election was made for the decedent's predeceased spouse on a timely filed Maryland estate tax return under paragraph (5) of this subsection.

(ii) For the purpose of apportioning Maryland estate tax under § 7–308 of this subtitle, any property as to which a decedent is deemed to have had a qualifying income interest for life under subparagraph (i) of this paragraph shall be deemed to be included in both the estate and the taxable estate of the decedent.

(7) For purposes of calculating Maryland estate tax, amounts allowable under § 2053 or § 2054 of the Internal Revenue Code as a deduction in computing the taxable estate of a decedent may not be allowed as a deduction or as an offset against the sales price of property in determining gain or loss if the amount has been allowed as a deduction in computing the federal taxable income of the estate or of any other person.".

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

Affirmative – 36 Negative – 96 (See Roll Call No. 1178)

FLOOR AMENDMENT

HB1215/183422/2

BY: Delegate Shank

AMENDMENTS TO HOUSE BILL 1215, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the Committee on Ways and Means Amendment (HB1215/865964/1) in its entirety.

On page 1 of the bill, in line 2, strike "Exemption – Domestic Partners" and substitute "Repeal"; strike beginning with "providing" in line 3 down through "decedent" in line 8 and substitute "repealing the inheritance tax; altering the calculation of the Maryland estate tax; altering certain provisions regarding funding of

the registers of wills offices; requiring the Department of Budget and Management, the Comptroller of the Treasury, and the Chief Judge of the Court of Appeals, in cooperation with representatives of the registers of wills, to conduct a certain study and report to the General Assembly on or before a certain date; requiring the Office of the Attorney General, in consultation with the registers of wills, to identify certain provisions of law and submit a certain report to the General Assembly; providing for the application of this Act; and generally relating to the repeal of the inheritance tax".

AMENDMENT NO. 2

On page 1 of the bill, strike in their entirety lines 9 through 13, inclusive, and substitute:

"BY repealing
Article – Estates and Trusts
Section 2–205(d) and (e), 2–206(n), 2–207, 5–505, and 7–307
Annotated Code of Maryland
(2001 Replacement Volume and 2008 Supplement)

BY repealing
Article – Tax – General
Section 1–101(j); 2–701 and 2–702 and the subtitle "Subtitle 7. Inheritance Tax Revenue Distribution"; 7–201 through 7–225, 7–231(a) through (d), 7–232 through 7–234, and the subtitle "Subtitle 2. Inheritance Tax"; 13–511, 13–701(c), 13–805(b), 13–845 and the part "Part VII. Sale of Estate Property"; and 13–906
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – Estates and Trusts
Section 2–205(d)
Annotated Code of Maryland
(2001 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 7–304(b)(1), 13–101(c)(2), 13–302(c), 13–510(a), 13–601, 13–603, 13–806, 13–901(d), and 13–1104(d)
Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments, and transferring
Article – Tax – General
Section 7–228 and 7–231(e)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)
to be
Article – Estates and Trusts
Section 2–213
Annotated Code of Maryland
(2001 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 3

On page 1 of the bill, in line 15, after "That" insert "Section(s) 2–205(d) and (e), 2–206(n), 2–207, 5–505, and 7–307 of Article – Estates and Trusts of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 1–101(j); 2–701 and 2–702 and the subtitle "Subtitle 7. Inheritance Tax Revenue Distribution"; 7–201 through 7–225, 7–231(a) through (d), 7–232 through 7–234, and the subtitle "Subtitle 2. Inheritance Tax"; 13–511, 13–701(c), 13–805(b), 13–845 and the part "Part VII. Sale of Estate Property"; and 13–906 of Article – Tax – General of the Annotated Code of Maryland be repealed.

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

AMENDMENT NO. 4

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 16 on page 1 through line 12 on page 2, inclusive, and substitute:

"Article – Estates and Trusts

2–205.

(D) (1) THE SALARIES OF THE REGISTERS OF WILLS AND THE COSTS AND EXPENSES OF THE OFFICES OF THE REGISTERS OF WILLS SHALL BE FUNDED THROUGH THE STATE BUDGET.

(2) THE REGISTERS OF WILLS SHALL DEPOSIT THE FEES COLLECTED UNDER § 2–206 OF THIS SUBTITLE TO THE GENERAL FUND OF THE STATE.

(3) FOR EACH FISCAL YEAR, EACH REGISTER OF WILLS SHALL SUBMIT A BUDGET FOR THE REVIEW AND APPROVAL OF THE GENERAL ASSEMBLY.

(4) EACH BUDGET SUBMITTED UNDER THIS SUBSECTION SHALL BE SUBMITTED TO THE COMPTROLLER IN A UNIFORM FORMAT AS PRESCRIBED BY THE SECRETARY OF BUDGET AND MANAGEMENT.

(5) EXPENDITURES FOR THE REGISTERS OF WILLS OFFICES MAY ONLY BE MADE IN ACCORDANCE WITH:

(I) AN APPROPRIATION IN THE ANNUAL STATE BUDGET APPROVED BY THE GENERAL ASSEMBLY; OR

(II) THE BUDGET AMENDMENT PROCEDURE UNDER § 7–209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

Article – Tax – General

7–304.

(b) (1) Except as otherwise provided in this subsection, the Maryland estate tax is the amount**[**, if any, by which**]** **OF** the federal credit **[**exceeds the total of death taxes other than the Maryland estate tax that:

(i) are imposed by a state on property included in the Maryland estate;

(ii) are allowable in computing the federal credit; and

(iii) except as provided in § 13–906 of this article, have actually been paid out of the Maryland estate and received by the appropriate unit of this State**]**.

13–101.

(c) (2) "Tax collector" includes:

(i) the Comptroller; **AND**

(ii) the Department, with respect to:

1. the financial institution franchise tax; and

2. the public service company franchise tax**[**; and

(iii) the registers of wills, with respect to the inheritance tax**]**.

13–302.

(c) If a person fails to comply with a subpoena or fails to testify on any matter on which the person lawfully may be interrogated, on petition of a tax collector, a circuit court **[**or, if the subpoena is issued under authority of an orphans' court, the orphans' court**]** may pass an order directing compliance with the subpoena or compelling testimony.

13–510.

(a) Except as provided in subsection (b) of this section and subject to § 13–514 of this subtitle, within 30 days after the date on which a notice is mailed, a person or governmental unit that is aggrieved by the action in the notice may appeal to the Tax Court from:

(1) a final assessment of tax, interest, or penalty under this article;

(2) a final determination on an application for revision or claim for refund under § 13–508 of this subtitle;

[(3) an inheritance tax determination by a register or by an orphans' court other than a circuit court sitting as an orphans' court;**]**

[(4)**] (3)** a denial of an alternative payment schedule for **[**inheritance tax or**]** Maryland estate tax;

[(5)**] (4)** a final determination on a claim for return of seized property under § 13–839 or § 13–840 of this title; or

[(6)**] (5)** a disallowance of a claim for refund under § 13–904 of this title.

13–601.

(a) Except as otherwise provided in this section, if a person or governmental unit fails to pay a tax imposed under this article on or before the date on which the tax is due, the tax collector shall assess interest on the unpaid tax from the due date to the date on which the tax is paid.

(b) Except as provided in **[**subsections (c)(2) and (d)**] SUBSECTION (C)** of this section, the date on which the tax is due is determined without regard to any extension of time to file a return.

[(c) Interest on unpaid inheritance tax begins:

(1) 30 days after the date on which the tax is determined;

(2) on the original due date, if there is no formal administration of the estate and the tax is not paid within 30 days after the date on which the tax bill is mailed; or

(3) 30 days after the original due date, if an alternative payment schedule for inheritance tax is allowed.**]**

[(d)**] (C)** Interest on unpaid Maryland estate tax begins 9 months after the date of the death of a decedent and applies to all Maryland estate tax that is not paid by that date, including a payment made in accordance with an alternative payment schedule.

[(e)**] (D)** Interest on unpaid Maryland generation–skipping transfer tax begins on the date the Maryland generation–skipping transfer tax return is due and

applies to tax that is not paid by that date, including an increase in Maryland generation–skipping transfer tax due to a change in federal generation–skipping transfer tax made after a payment of Maryland generation–skipping transfer tax.

[(f)**] (E)** An overpayment of sales and use tax stops the accrual of interest on a sales and use tax deficiency to the extent of the overpayment as of the date the overpayment is made.

13–603.

(a) Except as otherwise provided in this section, if a claim for refund under § 13–901(a)(1) or (2) or **[**(d)(1)(i) or (2)**] (D)** of this title is approved, the tax collector shall pay interest on the refund from the 45th day after the claim is filed in the manner required in Subtitle 9 of this title to the date on which the refund is paid.

(b) A tax collector may not pay interest on a refund if the claim for refund is:

(1) made under any provision other than § 13–901(a)(1) or (2) or **[**(d)(1)(i) or (2)**] (D)** of this title;

(2) based on:

(i) an error or mistake of the claimant not attributable to the State or a unit of the State government;

(ii) withholding excess income tax; **OR**

(iii) an overpayment of estimated financial institution franchise tax or estimated income tax; or

[(iv) an overpayment of Maryland estate tax based on an inheritance tax payment made after payment of Maryland estate tax; or**]**

(3) made for Maryland estate tax or Maryland generation–skipping transfer tax more than 1 year after the event on which the claim is based.

13–806.

[(a)**]** Unless another date is specified by law **[**and except for a lien under subsection (b) of this section**]**, a lien arises on the date of notice that the tax is due and continues to the date on which the lien is:

(1) satisfied; or

(2) released by the tax collector because the lien is:

(i) unenforceable by reason of lapse of time; or

(ii) uncollectible.

[(b) (1) Except as otherwise provided in this subsection, a lien for unpaid inheritance tax:

(i) arises on the date of distribution; and

(ii) continues for 4 years.

(2) If the property is subject to a special valuation under § 7–211 of this article, a lien:

(i) arises on the date on which the interest in the property vests in possession; and

(ii) continues for 4 years.

(3) If the unpaid inheritance tax is attributable to the disqualification of property that was qualified for special valuation or exemption under § 7–211 of this article, the lien:

(i) arises on the date on which the decedent died; and

(ii) continues for 20 years.**]**

13–901.

(d) A claim for refund of Maryland estate tax or Maryland generation–skipping transfer tax may be filed by a claimant required to pay the tax if:

(1) the Maryland estate tax is decreased as a result of**[**:

(i)**]** a decrease in the federal estate tax on the estate; or

[(ii) an inheritance tax payment made after a Maryland estate tax payment; or**]**

(2) the Maryland generation–skipping transfer tax is decreased as a result of a decrease in the federal generation–skipping transfer tax on the generation–skipping transfer.

13–1104.

(d) A claim for refund of Maryland estate tax**[**, inheritance tax,**]** or Maryland generation–skipping transfer tax may not be filed after 3 years from the date of the event that caused the refund.

SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 7–228 and 7–231(e) of Article – Tax – General of the Annotated Code of Maryland be repealed and reenacted, with amendments, and transferred to be Section(s) 2–213 of Article – Estates and Trusts of the Annotated Code of Maryland, to read as follows:

Article – Estates and Trusts

[7–231.**] 2–213.**

[(e)**] (A)** For an estate of a nonresident decedent, the register shall cooperate with the domiciliary taxing authorities and give them any information requested about the estate.

[7–228.**]**

[(a)**] (B)** For an estate of a nonresident decedent, if the death taxes and interest and penalties on the death taxes due to a domiciliary state or a political subdivision of a domiciliary state are not paid or secured, the unit responsible for collecting the death taxes in the domiciliary state or subdivision may petition and

receive from the court in this State that granted letters of administration for the estate an order for:

(1) **[**an**]** **AN** accounting of the property in this State; and

(2) **[**payment**]** **PAYMENT** of the death taxes and interest and penalties on the death taxes.

[(b)**]** **(C)** The personal representative of an estate of a nonresident decedent is not entitled to approval for a final accounting or discharge until the personal representative files with the court that granted letters of administration for the estate:

(1) **[**proof**]** **PROOF** that all death taxes and the interest and penalties on the death taxes have been paid to or secured for the domiciliary taxing authorities; or

(2) **[**the**]** **THE** consent of the domiciliary taxing authorities to the final accounting or discharge.

[(c)**]** **(D)** This section **[**and § 7–231(e) of this subtitle**]** shall be construed liberally to ensure that the domiciliary state of a nonresident decedent receives the death taxes and the interest and penalty on the death taxes due to that state from the estate of the decedent.

SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 1, 2009, the Department of Budget and Management, the Comptroller of the Treasury, and the Chief Judge of the Court of Appeals, in cooperation with representatives of the registers of wills, jointly shall conduct a study and report to the budget committees of the General Assembly, in accordance with § 2–1246 of the State Government Article, on the appropriate long–range mechanisms for funding and budgetary control and oversight of the registers of wills offices in light of the repeal of the inheritance tax as provided under this Act. The report shall include recommendations as to whether the budgets of the registers of wills offices should be included in the budget for the Executive Branch or the Judicial Branch of government and the appropriate level of budgetary oversight and shall include drafts of any legislative changes necessary to implement the recommendations.

SECTION 6. AND BE IT FURTHER ENACTED, That, on or before December 1, 2009, the Office of the Attorney General, in consultation with the registers of wills,

shall identify any provisions of the Estates and Trust Article or other provisions of the Annotated Code of Maryland that are rendered inaccurate or obsolete as a result of this Act and, in accordance with § 2–1246 of the State Government Article, shall submit a report to the General Assembly on its findings with recommendations for any amendments to the Annotated Code of Maryland.".

AMENDMENT NO. 5

On page 2 of the bill, in line 13, strike "2." and substitute "7."; in line 14, after "and" insert ", except as otherwise provided in this section,"; and in the same line, after "2009." insert "Those statutes in effect on June 30, 2009, shall govern the administration, on and after July 1, 2009, of estates of persons who died before July 1, 2009, and shall govern the imposition, rate, administration, collection, enforcement, and distribution, on and after July 1, 2009, of the inheritance tax on property passing from persons who died before July 1, 2009. The repeal of §§ 2–206(n) and 2–207 of the Estates and Trusts Article under this Act and the changes to § 2–205 of the Estates and Trusts Article under this Act shall be applicable to fiscal years beginning on or after July 1, 2010. On and after July 1, 2010, the registers of wills shall deposit any inheritance tax revenue collected to the General Fund of the State.".

The preceding 5 amendments were read and rejected by a roll call vote as follows:

Affirmative – 37 Negative – 95 (See Roll Call No. 1179)

FLOOR AMENDMENT

HB1215/823228/1

BY: Delegate Conaway

AMENDMENTS TO HOUSE BILL 1215, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the Committee on Ways and Means Amendment (HB1215/865964/1) in its entirety.

On page 1 of the bill, in lines 4 and 8, in each instance, after "partner" insert ", as defined,"; in line 5, strike "certain terms" and substitute "a certain term".

AMENDMENT NO. 2

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 18 on page 1 through line 4 on page 2, inclusive, and substitute:

"**(L) (1) IN THIS SUBSECTION, "DOMESTIC PARTNER" MEANS AN INDIVIDUAL OF THE OPPOSITE SEX WITH WHOM ANOTHER INDIVIDUAL HAS A CHILD IN COMMON.**".

On page 2 of the bill, strike beginning with "**IF**" in line 5 down through the second "**THE**" in line 7 and substitute "**THE**".

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

Affirmative – 17 Negative – 110 (See Roll Call No. 1180)

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 689 – Senator Rosapepe

~~Education – Study Group on Expanding Enrollment Options for High School Students~~
High Schools and High School Students – Options for Accelerated Graduation

SB0689/135765/2

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 689
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after "information;" insert "requiring the Department to submit a certain report to the Governor and the General Assembly on or before a certain date;"; and in line 24, after "circumstances;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 6, after line 9, insert:

"(3) On or before March 1, 2010, the Department shall report on its progress toward identifying examinations and implementing a credit–by–examination process for the State–approved high school courses English 12 and Algebra II to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.";

in line 10, strike "(3)" and substitute "(4)"; and in line 32, after "2009." insert "It shall remain effective for a period of 3 years and, at the end of June 30, 2012, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and 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:

Senate Bill 785 – Senators Robey and Madaleno

AN ACT concerning

Inheritance Tax – Exemption – Domestic Partners

SB0785/815666/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 785
(Third Reading File Bill)

On page 2, in line 4, strike "**OF THE SAME SEX**".

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 HEALTH AND GOVERNMENT OPERATIONS
REPORT #16

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 481 – ~~Senator Pipkin~~ Senators Pipkin, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

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:

Senate Bill 952 – Senator Middleton

AN ACT concerning

Maryland Medical Assistance Program – Substance Abuse Services

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:

Senate Bill 1063 – ~~Senator Pugh~~ Senators Pugh, Glassman, and Middleton

~~EMERGENCY BILL~~

AN ACT concerning

Joint ~~Emergency Medical Services~~ Oversight Committee on Emergency Medical Services

SB1063/896487/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 1063
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Joint" insert "Emergency Medical Services – Emergency Medical Services Board and"; in line 4, after "of" insert "altering the membership of the State Emergency Medical Services Board by increasing the number of members who are from the public at large and by adding one member who is a Director of Operations who is a helicopter pilot employed by the Department of State Police within the Aviation Command;"; in line 10, after "of" insert "certain provisions of"; in the same line, after "to" insert "emergency medical services, the State Emergency Medical Services Board, and"; and after line 12, insert:

"BY repealing and reenacting, with amendments,
Article – Education
Section 13–505
Annotated Code of Maryland
(2008 Replacement Volume)".

AMENDMENT NO. 2

On page 1, after line 19, insert:

"Article – Education

13–505.

(a) (1) The EMS Board consists of **[**11**]** **13** members appointed by the Governor.

(2) Of the **[**11**]** **13** members:

(i) One shall be the Secretary of Health and Mental Hygiene or the Secretary's designee;

(ii) One shall be a representative of the University of Maryland, Baltimore, nominated by the Board of Regents;

(iii) One shall be the chairperson of the Advisory Council;

(iv) One shall be a physician knowledgeable in the delivery of emergency medical services;

(v) One shall be a physician experienced in the clinical care of trauma patients;

(vi) One shall be a nurse experienced in the clinical care of emergency patients;

(vii) One shall be a career firefighter, emergency medical technician, or rescue squad person knowledgeable in the delivery of emergency medical services;

(viii) One shall be a volunteer firefighter, emergency medical technician, or rescue squad person knowledgeable in the delivery of emergency medical services;

(ix) One shall be a hospital administrator knowledgeable in the management and delivery of emergency medical services; **[**and**]**

(X) ONE SHALL BE A DIRECTOR OF OPERATIONS WHO IS A HELICOPTER PILOT EMPLOYED BY THE DEPARTMENT OF STATE POLICE WITHIN THE AVIATION COMMAND; AND

[(x)**] (XI)** **[**Two**] THREE** shall be from the public at large, one of whom shall reside in a county with a population of less than 175,000.

(b) (1) Each appointed member shall have demonstrated interest or experience in the delivery of emergency medical services.

(2) In appointing members to the EMS Board, the Governor shall take into consideration the five emergency medical service regions of the State to assure a geographic balance in the Board's membership.

(3) In appointing members to the EMS Board, the Governor shall take into consideration persons:

(i) Recommended by the Advisory Council; or

(ii) Recommended by any statewide organization or association which is interested and involved in the delivery of emergency medical services.

(4) Except as authorized under this section, the Governor may not appoint to the EMS Board any other person who is:

(i) A member of the Board of Regents;

(ii) A member of the Board of Directors of the Medical System Corporation; or

(iii) An officer or full–time employee of the Medical System Corporation or the University.

(c) (1) The term of an appointed member is 4 years.

(2) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) Annually, from among the members of the EMS Board:

(1) The Governor shall appoint a chairperson; and

(2) The chairperson shall appoint a vice chairperson.

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

AMENDMENT NO. 3

On page 2, in lines 6 and 7, in each instance, strike "**EIGHT**" and substitute "**12**"; and strike in their entirety lines 8 through 20, inclusive, and substitute:

"**(I) SIX SHALL BE MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE; AND**

(II) SIX SHALL BE MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE.".

AMENDMENT NO. 4

On page 5, in line 19, strike "2." and substitute "3."; in line 23, strike "It" and substitute "Section 2 of this Act"; and in line 26, after the comma insert "Section 2 of".

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 #24

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

House Bill 1291 – Delegates Bobo, Carr, Frush, Healey, and Hucker

AN ACT concerning

Natural Resources – No Net Loss of Forest Policy – Forest Conservation Act

HB1291/990716/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1291
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "reducing" in line 3 down through "applies;" in line 4; strike beginning with "repealing" in line 6 down through "right–of–way;" in line 8; and strike beginning with "requiring" in line 21 down through "Assembly" in line 24 and substitute "requiring the Department of Natural Resources to cooperate with certain groups to develop a certain definition and policy; requiring the Department to submit a certain report on or before a certain date".

On page 2, in line 4, strike "(f), and (g), 5–1604(a),"; and in line 10, after "Section" insert "5–1603(f) and (g), 5–1604(a),".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 17 through 21, inclusive, and substitute:

"**(A) THE DEPARTMENT SHALL COOPERATE WITH FORESTRY RELATED STAKEHOLDER GROUPS TO:**

(1) DETERMINE THE MEANING OF NO NET LOSS OF FOREST FOR THE PURPOSES OF ANY STATE POLICY; AND

(2) DEVELOP PROPOSALS FOR THE CREATION OF A POLICY OF NO NET LOSS OF FOREST IN THE STATE.

(B) ON OR BEFORE DECEMBER 1, 2011, THE DEPARTMENT, IN CONSULTATION WITH THE FORESTRY–RELATED STAKEHOLDER GROUPS, SHALL REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON PROPOSALS FOR THE DEVELOPMENT OF STATUTORY, BUDGETARY, AND REGULATORY POLICIES TO ACHIEVE NO NET LOSS OF FOREST IN THE STATE.";

in line 26, strike the brackets; and in the same line, strike "**20,000**".

On page 3, in lines 8 and 16, in each instance, strike the bracket; in lines 23, 26, 30, and 32, in each instance, strike the brackets; and in the same lines, strike "**(6)**", "**(7)**", "**(8)**", and "**(9)**", respectively.

On page 4, in lines 21 and 27, in each instance, strike the bracket; and in line 37, strike the brackets.

On page 5, in line 1, strike "**20,000**"; in the same line, strike "**OR GREATER**"; in line 22, after "(c)" insert "**(1)**"; in line 25, after "authority" insert a comma; in lines 25 and 26, in each instance, strike the bracket; strike beginning with "**THE**" in line 26 down through "**SUBTITLE**" in line 27; in lines 28 and 31, strike "(1)" and "(2)", respectively, and substitute "**(I)**" and "**(II)**", respectively; in line 30, after "habitats;" insert "**AND**"; in line 32, strike "site;" and substitute "**SITE.**

(2) THE FOLLOWING TREES, SHRUBS, PLANTS, AND SPECIFIC AREAS SHALL BE CONSIDERED PRIORITY FOR RETENTION AND PROTECTION, AND THEY SHALL BE LEFT IN AN UNDISTURBED CONDITION UNLESS THE APPLICANT HAS DEMONSTRATED, TO THE SATISFACTION OF THE STATE OR LOCAL AUTHORITY, THAT THE APPLICANT QUALIFIES FOR A VARIANCE UNDER § 5–1611 OF THIS SUBTITLE:";

and in lines 33 and 35, strike "(3)" and "(4)", respectively, and substitute "**(I)**" and "**(II)**", respectively.

On page 6, in lines 1, 2, and 3, strike "(5)", "(i)", and "(ii)", respectively, and substitute "**(III)**", "**1.**", and "**2.**", respectively.

On page 9, strike beginning with "AND" in line 19 down through "4." in line 31.

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:

Senate Bill 164 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Natural Resources – Recreational Fishing Licenses – Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 169 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Antiquated Fish and Fisheries Laws – 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 with amendments:

Senate Bill 209 – ~~Senator Stone~~ Senators Stone, Garagiola, Glassman, Klausmeier, and Middleton

AN ACT concerning

State Highway Administration – Snow Removal – Use of Farm Trucks

SB0209/910019/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 209
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "of" insert "prohibiting a person from making a certain claim for a refund of motor fuel tax for motor fuel used to operate a farm truck under certain provisions of this Act;"; in line 6, after "truck;" insert "prohibiting the owner of a farm truck from allowing the farm truck to be used to assist in snow removal outside of the county in which the farm truck is registered;"; and after line 11, insert:

"BY repealing and reenacting, with amendments,
Article – Tax – General
Section 13–901(f)(1)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – Tax – General
Section 13–901(f)(3)
Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 13–1030
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)".

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

"Article – Tax – General

13–901.

(f) (1) **[**A**]** **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A** claim for refund of motor fuel tax may be filed by a claimant who pays the tax on:

(i) aviation fuel, as defined in § 9–101 of this article, that is:

1. dispensed to aircraft by an aircraft manufacturing company located in the State; or

2. used:

A. by a person who engages in agricultural activities; and

B. in an aircraft that is used for agricultural purposes at least 70% of the time that the aircraft is used; or

(ii) motor fuel, as defined in § 9–101 of this article, that:

1. is used to operate:

A. a bus that is used only in the operation of a transportation system of a political subdivision of the State to transport the public on

regular schedules between fixed termini, as defined in Title 11 of the Transportation Article;

B. farm equipment that is used for an agricultural purpose and is not registered to operate on a public highway;

C. fire or rescue apparatus or vehicles by a volunteer fire company or nonprofit volunteer rescue company incorporated in the State;

D. an internal combustion engine that is installed permanently at a fixed location; or

E. a vehicle that is owned and used by a Maryland chapter of the American Red Cross or a bona fide unit of a national veterans' organization;

2. is bought by:

A. the United States or a unit of the United States government;

B. the Department of General Services for use by State agencies; or

C. a person who is required to pay a tax on the same fuel to another state;

3. except for any operation of a motor vehicle on a public highway in the State, is used for a commercial purpose, including:

A. the operation of a vessel used only for commercial purposes;

B. commercial cleaning; or

C. commercial dyeing;

4. is used in any of the following vehicles that have pumping or other equipment mechanically or hydraulically driven by the engine that propels the vehicle:

A. a concrete mixing motor vehicle or concrete pump truck;

B. a motor fuel delivery vehicle;

C. a solid waste compacting vehicle;

D. a well–drilling vehicle; or

E. farm equipment registered as a vehicle for highway use that is designed or adapted solely and used exclusively for bulk farm spreading of agriculture liming materials, chemicals, or fertilizer;

5. is used by a system of transportation based in the State, in a vehicle that is used to provide transportation to elderly or low income individuals, or individuals with disabilities, if the system is operated by a nonprofit organization for purposes relating to the charge for which the nonprofit organization was established and the nonprofit organization:

A. is exempt for federal income tax purposes under § 501(c) of the Internal Revenue Code;

B. is funded to provide transportation to elderly or low income individuals, or individuals with disabilities;

C. receives part of its operating funding from the Maryland Department of Transportation or the Maryland Department of Health and Mental Hygiene;

D. has stated in its charter or bylaws that operating transportation services for elderly or low income individuals, or individuals with disabilities, is one of the purposes for which it was established; and

E. is actively operating a system of transportation for elderly or low income individuals, or individuals with disabilities; or

6. is lost as a result of fire, collision, or other casualty, except for loss in ordinary transportation and storage.

(3) A PERSON MAY NOT MAKE A CLAIM FOR A REFUND OF MOTOR FUEL TAX UNDER PARAGRAPH (1)(II)1B OF THIS SUBSECTION FOR MOTOR FUEL USED TO OPERATE A FARM TRUCK UNDER THE PROVISIONS OF § 8–602(C) OF THE TRANSPORTATION ARTICLE.

13–1030.

(a) A person who makes or assists another person to make a false claim for refund of motor fuel tax is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding $1,000 or imprisonment in the county jail not exceeding 6 months or both.

(b) A person who fraudulently obtains or assists another person to fraudulently obtain a refund of motor fuel tax is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding $1,000 or imprisonment in the county jail not exceeding 6 months or both.".

AMENDMENT NO. 3

On page 3, in line 4, after "**(4)**" insert "**THE OWNER OF A FARM TRUCK MAY NOT ALLOW THE FARM TRUCK TO BE USED UNDER THIS SUBSECTION TO ASSIST IN SNOW REMOVAL OUTSIDE OF THE COUNTY IN WHICH THE FARM TRUCK IS REGISTERED.**

(5)";

and in lines 6 and 16, strike "**(5)**" and "**(6)**", respectively, and substitute "**(6)**" and "**(7)**", respectively.

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:

Senate Bill 217 – Senator Simonaire

AN ACT concerning

Natural Resources – Tree Services – Advertising

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 549 – Senator Dyson

AN ACT concerning

Sustainable Forestry Act of 2009

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:

Senate Bill 625 – Senators Frosh, Conway, Dyson, Harrington, Lenett, Muse, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Maryland Building Performance Standards – Energy Conservation and Efficiency

SB0625/590611/2

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 625
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 13 down through "buildings;" in line 14; and on page 1, in line 17, strike "by a certain date" and

substitute "; requiring certain modifications of the Standards to be implemented and enforced by a local jurisdiction no later than a certain period of time after the modifications are adopted; defining a certain term".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 22 through 27, inclusive.

On page 4, in line 1, strike the brackets; and in the same line, strike "**(D)**".

On page 4, in line 17, strike "**120 DAYS**" and substitute "**6 MONTHS**".

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:

Senate Bill 666 – Senators Pinsky, Conway, Frosh, Harrington, Lenett, Madaleno, Raskin, ~~and Rosapepe~~ Rosapepe, and Harris

AN ACT concerning

Natural Resources – No Net Loss of Forest Policy – Forest Conservation Act

SB0666/170411/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 666
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 7, strike "declaring the intent of the General Assembly;"; and in line 18, strike "5–1603(c)(3)" and substitute "5–1603(c)(3),".

On page 3, in lines 12 and 22, in each instance, strike "**FORESTS**" and substitute "**FOREST**".

On page 4, in lines 27 and 30, in each instance, strike the brackets; and in the same lines, strike "**(6)**" and "**(7)**", respectively.

On page 5, in lines 1 and 3, in each instance, strike the brackets; and in the same lines, strike "**(8)**" and "**(9)**", respectively.

AMENDMENT NO. 2

On page 6, strike beginning with "**TREES**" in line 26 down through "**CONSIDERED**" in line 30 and substitute "**THE FOLLOWING TREES, SHRUBS, PLANTS, AND SPECIFIC AREAS SHALL BE CONSIDERED**"; strike beginning with the semicolon in line 31 down through "**LEFT**" in line 32 and substitute "**, AND THEY SHALL BE LEFT**"; in line 34, after "**AUTHORITY**" insert a comma; and in line 35, after "**ALTERED**" insert "**:**

(I) TREES, SHRUBS, AND PLANTS LOCATED IN SENSITIVE AREAS INCLUDING 100–YEAR FLOODPLAINS, INTERMITTENT AND PERENNIAL STREAMS AND THEIR BUFFERS, COASTAL BAYS AND THEIR BUFFERS, STEEP SLOPES, AND CRITICAL HABITATS; AND

(II) CONTIGUOUS FOREST THAT CONNECTS THE LARGEST UNDEVELOPED OR MOST VEGETATED TRACTS OF LAND WITHIN AND ADJACENT TO THE SITE".

AMENDMENT NO. 3

On page 7, in line 4, after "authority" insert a comma; strike beginning with "Contiguous" in line 10 down through "**(II)**" in line 12; in line 15, strike "**(III)**" and substitute "**(II)**"; and in line 18, strike "**(IV)**" and substitute "**(III)**".

AMENDMENT NO. 4

On page 11, strike beginning with "AND" in line 1 down through "3." in line 4.

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:

Senate Bill 668 – Senators Raskin, Forehand, and Stone

AN ACT concerning

Vehicle Laws – Manufacturers, Distributors, and Factory Branches – Prohibited Acts

SB0668/650311/2

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 668
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "certain factors under certain circumstances" and substitute "accurate information"; strike beginning with "prohibiting" in line 7 down through "circumstances" in line 9 and substitute "authorizing a dealer that claims that application of a performance standard or program is unfair or unreasonable to request a certain hearing under certain circumstances; establishing that a manufacturer, distributor, or factory branch has a certain burden of proof"; and in line 11, after "dealers" insert "of the same line make".

On page 2, in line 3, strike "or a proposed change in the executive management of a dealer's business" and substitute "; requiring a manufacturer, distributor, or factory branch to pay certain expenses when exercising a certain right of first refusal under certain circumstances"; strike beginning with "establishing" in line 17 down through "circumstances;" in line 18; in line 24, after "branch" insert ", or a manufacturer of motor homes,"; and in lines 24 and 25, strike "a dealer" and substitute "certain dealers".

AMENDMENT NO. 2

On page 3, in line 6, after "**DEALERS**" insert "**OF THE SAME LINE MAKE**".

AMENDMENT NO. 3

On page 4, strike beginning with "**, INCLUDING:**" in line 8 down through "**AREA**" in line 15; strike beginning with "**A**" in line 16 down through "**CONSUMER**" in line 20 and substitute "**A DEALER THAT CLAIMS THAT THE APPLICATION OF A PERFORMANCE STANDARD, SALES OBJECTIVE, OR PROGRAM FOR MEASURING**

DEALERSHIP PERFORMANCE IS UNFAIR OR UNREASONABLE DUE TO THE DEMOGRAPHIC CHARACTERISTICS OF THE POPULATION IN THE DEALER'S ASSIGNED MARKET AREA, INCLUDING CAR AND TRUCK PREFERENCES OF CONSUMERS, OR DUE TO THE GEOGRAPHIC CHARACTERISTICS THAT AFFECT CAR AND TRUCK SHOPPING PATTERNS IN THE DEALER'S ASSIGNED MARKETING AREA, MAY FILE A CLAIM IN A COURT OF COMPETENT JURISDICTION TO DETERMINE WHETHER THE APPLICATION OF THE PERFORMANCE STANDARD OR PROGRAM IS UNFAIR OR UNREASONABLE UNDER THIS PARAGRAPH"; and after line 20, insert:

"**(III) A MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH HAS THE BURDEN OF PROVING THAT THE PERFORMANCE STANDARD, SALES OBJECTIVE, OR PROGRAM FOR MEASURING DEALERSHIP PERFORMANCE IS FAIR AND REASONABLE UNDER THIS PARAGRAPH.**".

AMENDMENT NO. 4

On page 5, in line 21, after the second "**DEALERS**" insert "**OF THE SAME LINE MAKE**"; and strike beginning with "**A**" in line 22 down through "**(III)**" in line 27.

AMENDMENT NO. 5

On page 6, in line 18, strike "**DEALERS;**" and substitute "**DEALERS OF THE SAME LINE MAKE; AND**"; and strike beginning with "**THE**" in line 19 down through "**SOLD**" in line 25 and substitute "**ANY REBATE, CASH INCENTIVE, OR PROMOTION THAT IS BASED ON THE SALE OF AN INDIVIDUAL VEHICLE IS NOT INCREASED FOR MEETING A PERFORMANCE STANDARD UNLESS THE STANDARD IS REASONABLE CONSIDERING ALL EXISTING CIRCUMSTANCES**".

AMENDMENT NO. 6

On page 8, strike beginning with the colon in line 23 down through "**A**" in line 24 and substitute "**A**"; and strike beginning with the semicolon in line 26 down through "**BUSINESS**" in line 28 and substitute "**TO A PERSON WHO MEETS THE MANUFACTURER'S REASONABLE QUALIFICATIONS FOR OWNERSHIP AND IS:**

(I) A MEMBER OF THE DEALER'S IMMEDIATE FAMILY;

(II) A QUALIFIED MANAGER WITH AT LEAST 2 YEARS MANAGEMENT EXPERIENCE AT THE DEALER'S BUSINESS;

(III) AN EXISTING DEALER IN GOOD STANDING; OR

(IV) A BUSINESS ENTITY CONTROLLED BY A PERSON DESCRIBED IN ITEM (I), (II), OR (III) OF THIS PARAGRAPH.

(3) IF A MANUFACTURER EXERCISES A RIGHT OF FIRST REFUSAL IN THE EVENT OF A SALE OR TRANSFER OR PROPOSED SALE OR TRANSFER OF THE DEALER'S BUSINESS OR AN EQUITY INTEREST IN THE DEALER'S BUSINESS, THE MANUFACTURER SHALL PAY THE REASONABLE EXPENSES, INCLUDING CUSTOMARY ATTORNEY'S FEES, INCURRED BY THE PROSPECTIVE PURCHASER IN NEGOTIATING AND IMPLEMENTING THE CONTRACT FOR THE PROPOSED SALE OR TRANSFER, PROVIDED THAT THE DEALER HAS GIVEN THE MANUFACTURER AT LEAST 45 DAYS' NOTICE OF AN INTENT TO SELL OR TRANSFER".

AMENDMENT NO. 7

On page 9, strike beginning with the colon in line 3 down through "**A**" in line 4 and substitute "**A**"; strike beginning with the semicolon in line 6 down through "**BUSINESS**" in line 8 and substitute "**TO A PERSON WHO MEETS THE DISTRIBUTOR'S REASONABLE QUALIFICATIONS FOR OWNERSHIP AND IS:**

(I) A MEMBER OF THE DEALER'S IMMEDIATE FAMILY;

(II) A QUALIFIED MANAGER WITH AT LEAST 2 YEARS MANAGEMENT EXPERIENCE AT THE DEALER'S BUSINESS;

(III) AN EXISTING DEALER IN GOOD STANDING; OR

(IV) A BUSINESS ENTITY CONTROLLED BY A PERSON DESCRIBED IN ITEM (I), (II), OR (III) OF THIS PARAGRAPH.

(3) IF A DISTRIBUTOR EXERCISES A RIGHT OF FIRST REFUSAL IN THE EVENT OF A SALE OR TRANSFER OR PROPOSED SALE OR TRANSFER OF THE DEALER'S BUSINESS OR AN EQUITY INTEREST IN THE DEALER'S BUSINESS, THE DISTRIBUTOR SHALL PAY THE REASONABLE EXPENSES, INCLUDING CUSTOMARY ATTORNEY'S FEES, INCURRED BY THE PROSPECTIVE PURCHASER IN

NEGOTIATING AND IMPLEMENTING THE CONTRACT FOR THE PROPOSED SALE OR TRANSFER, PROVIDED THAT THE DEALER HAS GIVEN THE DISTRIBUTOR AT LEAST 45 DAYS' NOTICE OF AN INTENT TO SELL OR TRANSFER";

strike beginning with the colon in line 16 down through "**A**" in line 17 and substitute "**A**"; and strike beginning with "**; OR**" in line 19 down through "**BUSINESS**" in line 21 and substitute "**TO A PERSON WHO MEETS THE FACTORY BRANCH'S REASONABLE QUALIFICATIONS FOR OWNERSHIP AND IS:**

(I) A MEMBER OF THE DEALER'S IMMEDIATE FAMILY;

(II) A QUALIFIED MANAGER WITH AT LEAST 2 YEARS MANAGEMENT EXPERIENCE AT THE DEALER'S BUSINESS;

(III) AN EXISTING DEALER IN GOOD STANDING; OR

(IV) A BUSINESS ENTITY CONTROLLED BY A PERSON DESCRIBED IN ITEM (I), (II), OR (III) OF THIS PARAGRAPH.

(3) IF A FACTORY BRANCH EXERCISES A RIGHT OF FIRST REFUSAL IN THE EVENT OF A SALE OR TRANSFER OR PROPOSED SALE OR TRANSFER OF THE DEALER'S BUSINESS OR AN EQUITY INTEREST IN THE DEALER'S BUSINESS, THE FACTORY BRANCH SHALL PAY THE REASONABLE EXPENSES, INCLUDING CUSTOMARY ATTORNEY'S FEES, INCURRED BY THE PROSPECTIVE PURCHASER IN NEGOTIATING AND IMPLEMENTING THE CONTRACT FOR THE PROPOSED SALE OR TRANSFER, PROVIDED THAT THE DEALER HAS GIVEN THE FACTORY BRANCH AT LEAST 45 DAYS' NOTICE OF AN INTENT TO SELL OR TRANSFER".

AMENDMENT NO. 8

On page 11, in line 13, strike "**2**" and substitute "**6**"; in line 21, strike "**(1)**"; in line 28, strike "**HAD SPECIFIC KNOWLEDGE**" and substitute "**KNEW OR SHOULD HAVE KNOWN**"; and strike in their entirety lines 30 through 32, inclusive.

AMENDMENT NO. 9

On page 12, in line 14, before "**IF**" insert "**(A)**"; in lines 19 and 20, strike "**REQUESTED OR SUGGESTED**" and substitute "**REQUIRED**"; in line 20, after

"**BRANCH**" insert "**WITHIN THE PREVIOUS 2 YEARS**"; in line 24, after "**NEW**" insert "**, UNDAMAGED**"; in line 25, strike "**OF THE CURRENT OR 1–YEAR PRIOR MODEL YEAR**" and substitute "**PURCHASED WITHIN 18 MONTHS OF THE DATE OF THE TERMINATION, SUSPENSION, REFUSAL TO RENEW, CLOSURE, OR REFUSAL TO SUPPLY,**"; in line 28, after the second "**DEALER**" insert "**ACQUISITION**"; and strike beginning with "**, AS**" in line 28 down through "**REPURCHASE,**" in line 30.

On page 13, after line 16, insert:

"**(B) (1) IF A MANUFACTURER OF MOTOR HOMES TERMINATES OR CANCELS A MOTOR HOME DEALER, THE MANUFACTURER SHALL REIMBURSE THE DEALER, LESS ANY ALLOWANCES, DISCOUNTS, OR REBATES PAID TO THE DEALER BY THE MANUFACTURER, FOR AT LEAST:**

(I) THE TOTAL NET INVENTORY INVOICE COSTS;

(II) ANY CHARGES BY THE MANUFACTURER FOR DISTRIBUTION DELIVERY; AND

(III) ANY INVENTORY RELATED TAXES PAID BY THE DEALER.

(2) THIS SUBSECTION ONLY APPLIES TO MOTOR HOMES IN INVENTORY THAT:

(I) ARE NEW AND UNTITLED;

(II) WERE ACQUIRED FROM THE MANUFACTURER WITHIN 18 MONTHS BEFORE THE EFFECTIVE DATE OF THE NOTICE OF TERMINATION OR CANCELLATION;

(III) HAVE NOT BEEN USED, OTHER THAN FOR DEMONSTRATION PURPOSES; AND

(IV) HAVE NOT BEEN ALTERED OR DAMAGED.".

AMENDMENT NO. 10

On page 13, in line 24, strike "October" and substitute "June".

The preceding 10 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:

Senate Bill 958 – Senator Rosapepe

EMERGENCY BILL

AN ACT concerning

Construction Permits – Expiration Dates

SB0958/340018/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 958
(Third Reading File Bill)

On page 6, in line 19, after "That" insert ", except as otherwise provided in this Act,"; and in lines 28 and 29, strike ", except as otherwise provided in this Act,".

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:

Senate Bill 1065 – ~~Senator Frosh~~ Senators Frosh, Harrington, and Lenett

AN ACT concerning

Standing – Miscellaneous Environmental Protection Proceedings and Judicial Review

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #25

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

Senate Bill 1072 – The President (By Request – Administration) and Senators Brinkley, Colburn, Conway, Currie, DeGrange, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Klausmeier, Madaleno, McFadden, Middleton, Miller, Munson, Peters, Pipkin, Pugh, Robey, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Pimlico and Laurel Park Racetracks, Bowie Race Course Training Center, and Preakness Stakes – State Purchase or Condemnation

Favorable report adopted.

FLOOR AMENDMENT

SB1072/263120/1

BY: Delegate Schuler

AMENDMENTS TO SENATE BILL 1072
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 20, after "circumstances;" insert "allowing patrons who attend the Preakness Stakes to take their own food and certain beverages to consume at the race track;".

AMENDMENT NO. 2

On page 4, in line 13, strike "**(B) AND (C)**" and substitute "**(B), (C), AND (D)**".

On page 5 of the bill, after line 28, insert:

"**(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, PATRONS WHO ATTEND THE PREAKNESS STAKES MAY TAKE THEIR OWN FOOD, BEER, WINE, OR NONALCOHOLIC BEVERAGE TO CONSUME AT THE RACE TRACK.**

(2) THE BEER, WINE, OR NONALCOHOLIC BEVERAGE MAY NOT BE STORED IN A GLASS BOTTLE.".

The preceding 2 amendments were read and rejected.

FLOOR AMENDMENT

SB1072/733528/1

BY: Delegate Norman

AMENDMENTS TO SENATE BILL 1072
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "State Purchase or Condemnation" and substitute "Purchase by Business Entities – Income Tax Credit Incentive".

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

"FOR the purpose of providing that a business entity that purchases Pimlico Race Course, the racetrack known as Laurel Park, the Preakness Stakes, or certain other property may claim, for a certain period of time, a credit against the State income tax for a certain percentage of the total cost of the acquisition of the property; providing that a business that purchase the Pimlico Race Course, the racetrack known as Laurel Park, or the Preakness Stakes shall comply with certain conditions; providing for the recapture of the tax credit by the State under certain circumstances; providing for the applicability of this Act; stating legislative intent; making this Act an emergency measure; and generally relating to the purchase of Pimlico Race Course, the racetrack known as Laurel Park, the Preakness Stakes, and certain other property by business entities.".

On page 2, strike in their entirety lines 3 through 7, inclusive; and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On page 2, in line 29, strike "valid public purposes" and substitute "important objectives"; and after line 35, insert:

"WHEREAS, The General Assembly further finds and declares that, given the reports in the media that there are several potential purchasers for the Pimlico and Laurel Park racetracks and the rights to the Preakness Stakes, it is important to provide incentives that will be advantageous to those purchasers, as well as additional purchasers to encourage them to come forward with bids or proposals to help meet the stated objectives of the General Assembly; and

WHEREAS, The General Assembly further finds and declares that, while it is committed to retaining the annual running of the Preakness Stakes at the Pimlico Race Course and maintaining the viability of the Pimlico and Laurel Park tracks, it is desirable to use the precepts of our free market system to meet those commitments in lieu of resorting to the State's powers to take private property through eminent domain procedures; now, therefore,".

On page 3, strike in their entirety lines 3 through 20, inclusive.

AMENDMENT NO. 3

On pages 3 through 6, strike in their entirety the lines beginning with line 24 on page 3 through line 25 on page 6, inclusive, and substitute:

"**11–521.**

(A) (1) IN THIS SECTION, "QUALIFIED ACQUISITION" MEANS THE ACQUISITION OF PIMLICO RACE COURSE, THE LAUREL PARK RACETRACK, THE PREAKNESS STAKES, THE WOODLAWN VASE, THE BOWIE RACE COURSE TRAINING CENTER, THE PROPERTY OF THE MARYLAND JOCKEY CLUB, THE PROPERTY OF THE LAUREL RACING ASSOC., OR THE PROPERTY OF THE LAUREL RACING ASSOCIATION LIMITED PARTNERSHIP.

(2) SUBJECT TO SUBSECTIONS (B), (C), AND (D) OF THIS SECTION, A BUSINESS ENTITY THAT MAKES A QUALIFIED ACQUISITION MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX FOR 15% OF THE TOTAL COST OF THE QUALIFIED ACQUISTION.

(3) THE CREDIT THAT MAY BE CLAIMED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE TAKEN OVER A 20–YEAR PERIOD, WITH ONE–TWENTIETH OF THE CREDIT AMOUNT ALLOWED EACH TAXABLE YEAR BEGINNING WITH THE FIRST YEAR OF THE 20–YEAR PERIOD.

(4) IF THE TAX CREDIT ALLOWED UNDER THIS SECTION IN ANY TAXABLE YEAR EXCEEDS THE TOTAL INCOME TAX OTHERWISE PAYABLE BY THE BUSINESS ENTITY THAT MADE A QUALIFIED ACQUISITION FOR THAT TAXABLE YEAR, THE BUSINESS ENTITY MAY CLAIM A REFUND IN THE AMOUNT OF THE EXCESS.

(B) (1) ANY BUSINESS ENTITY THAT MAKES A QUALIFIED ACQUISITION INVOLVING THE PIMLICO RACE COURSE SHALL:

(I) CONTINUE TO OPERATE THE RACETRACK WITH THE NUMBER OF RACING DAYS AWARDED FOR ANY CALENDAR YEAR BY THE COMMISSION; AND

(II) CONDUCT THE ANNUAL PREAKNESS STAKES AT THAT TRACK.

(2) ANY BUSINESS ENTITY THAT MAKES A QUALIFIED ACQUISITION INVOLVING THE RACETRACK KNOWN AS LAUREL PARK SHALL CONTINUE TO OPERATE THE RACETRACK WITH THE NUMBER OF RACING DAYS AWARDED FOR ANY CALENDAR YEAR BY THE COMMISSION.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF AT ANY TIME DURING THE TAXABLE YEAR IN WHICH THE BUSINESS ENTITY MADE THE QUALIFIED ACQUISITION OR AT ANY TIME DURING THE 20–YEAR PERIOD IN WHICH THE TAX CREDIT AUTHORIZED BY THIS SECTION MAY BE CLAIMED, THE BUSINESS ENTITY NO LONGER MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, 100% OF THE TAX CREDIT AUTHORIZED BY THIS SECTION SHALL BE RECAPTURED BY THE STATE.

(2) THE BUSINESS ENTITY THAT CLAIMED THE TAX CREDIT UNDER THIS SECTION SHALL PAY THE AMOUNT TO BE RECAPTURED AS TAXES

PAYABLE TO THE STATE FOR THE FIRST TAXABLE YEAR IN WHICH THE BUSINESS ENTITY NO LONGER MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(D) THIS SECTION APPLIES TO ANY BUSINESS ENTITY THAT MAKES A QUALIFIED ACQUISITION ON OR BEFORE DECEMBER 31, 2009.".

On page 6, in line 26, strike "4." and substitute "2.".

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

Affirmative – 33 Negative – 96 (See Roll Call No. 1181)

FLOOR AMENDMENT

SB1072/413522/1

BY: Delegate O'Donnell

AMENDMENTS TO SENATE BILL 1072
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "measure;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 5, in line 32, after "enacted." insert "It shall remain effective for 2 years and, at the end of 2 years, 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.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #27

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

House Bill 899 – Delegates Kelly, Beitzel, Myers, and Schuler

AN ACT concerning

Workers' Compensation – Death Benefits for Partially Dependent Individuals – Payment

HB0899/973891/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 899
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 4 down through "self–supporting;" in line 8; strike beginning with "authorizing" in line 10 down through "payments;" in line 12 and substitute "requiring the Workers' Compensation Commission to conduct a certain study; requiring the Commission to establish a certain workgroup comprised of certain stakeholders; requiring the Commission to report its findings and recommendations by a certain date to certain committees;"; in line 17, after "9–681(e)" insert "and (j)"; and in line 22, strike "9–681(j) and".

AMENDMENT NO. 2

On page 2, in line 13, strike the brackets; and strike beginning with "**; AND**" in line 15 down through "**INDIVIDUAL**" in line 17.

On page 3, in line 8, strike "**$45,000**" and substitute "**$75,000**"; in line 15, strike "$60,000" and substitute "**$75,000**"; strike in their entirety lines 16 through 30, inclusive; in line 31, strike the brackets; and in the same line, strike "**(F)**".

AMENDMENT NO. 3

On page 4, after line 10, insert:

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

(a) (1) The Workers' Compensation Commission shall conduct a study on the death benefit provisions in §§ 9–678 through 9–686 of the Labor and Employment Article.

(2) The study shall determine legislative changes that would:

(i) provide fair and equitable benefits to wholly dependent individuals and partially dependent individuals; and

(ii) provide for coordination among all of the death benefit provisions.

(b) In conducting its study, the Commission shall establish a workgroup that is comprised of representatives of the various stakeholders, including representatives of:

(1) the Commission;

(2) labor;

(3) defense counsel;

(4) counsel for claimants;

(5) employers, including a representative of small business;

(6) workers' compensation insurance companies, including a representative of the Injured Workers' Insurance Fund;

(7) local governments; and

(8) any other person that the Commission considers appropriate.

(c) On or before December 1, 2009, the Commission shall report, in accordance with § 2–1246 of the State Government Article, its findings and recommendations, including draft legislation to the Senate Finance Committee and the House Economic Matters Committee.";

in lines 11 and 14, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively; and in line 15, strike "October 1, 2009" and substitute "July 1, 2009".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 32 – Senators DeGrange and Astle

EMERGENCY BILL

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

SB0032/493091/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 32
(Third Reading File Bill)

AMENDMENT NO. 1

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

On pages 1 and 2, strike beginning with "providing" in line 6 on page 1 down through "processors" in line 2 on page 2, and substitute "providing that this Act applies to certain automotive dismantlers and scrap metal processors; providing for the applicability of the record keeping requirements; providing for the form and content of the records; requiring that certain records be kept electronically; providing for the submission of certain records to certain law enforcement units under certain circumstances; authorizing certain law enforcement units to issue certain waivers under certain circumstances; requiring junk dealers and scrap metal processors who are residents of the State to keep the required records for a certain period of time; providing that the records shall be open to inspection by certain law enforcement personnel during certain hours; prohibiting junk dealers and scrap metal processors from purchasing junk or scrap metal unless the person seeking to sell the junk or scrap metal provides certain documentation; authorizing State or local law enforcement personnel to request information from certain records under certain circumstances; authorizing a State or local law enforcement agency to issue a certain hold notice under certain circumstances; authorizing certain law enforcement personnel to enforce this Act; establishing certain penalties; altering a certain definition; and generally relating to junk dealers and scrap metal processors";

in line 10, strike "and (f)"; and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On pages 2 through 11, strike in their entirety the lines beginning with line 21 on page 2 through line 23 on page 11, inclusive, and substitute:

"12–102.

(a) This title does not apply to a transaction that involves:

(1) merchandise acquired from an established manufacturer or dealer who holds a license under this title, other than a pawnbroker, if the dealer who acquires the merchandise keeps an invoice or other customary proof of origin for the merchandise;

(2) a metal acquired for use in dentistry by a dentist licensed to practice dentistry under Title 4 of the Health Occupations Article; **[**or**]**

(3) coins or numismatic items**; OR**

(4) THE PURCHASE OF JUNK OR SCRAP METAL THAT IS SUBJECT TO THE RECORD AND REPORTING REQUIREMENTS UNDER § 17–1011 OF THIS ARTICLE.

17–1001.

(a) In this subtitle the following words have the meanings indicated.

(e) "Junk" or "scrap metal" includes:

(1) **NONFERROUS** articles made wholly or **[**partly**]** **SUBSTANTIALLY** of:

(i) aluminum;

(ii) babbitt metal;

(iii) brass;

(iv) bronze;

(v) light copper;

(vi) heavy copper;

(vii) lead;

(viii) low carbon chrome;

(ix) low carbon manganese;

(x) molybdenum;

(xi) monel metal;

(xii) pewter;

(xiii) nickel;

(XIV) STAINLESS STEEL;

[(xiv)**]** **(XV)** tin;

[(xv)**]** **(XVI)** vanadium; **[**or**]**

[(xvi)**]** **(XVII)** zinc;

(XVIII) PLATINUM;

(XIX) GOLD;

(XX) RHODIUM; OR

(XXI) OTHER NONFERROUS METALS;

(2) **[**stoves**]** **STREET SIGNS**;

(3) **[**plumbing fixtures and supplies**]** **GUARD RAILS**;

(4) **[**electrical fixtures and wiring;

(5) gas fixtures and appliances;

(6) pipes;

(7) locks;

(8) used railroad equipment;

(9) used farm machinery; and**]** **HARD DRAWN COPPER ELECTRICAL CONDUCTORS, CABLES, OR WIRE;**

(5) ALUMINUM CONDUCTORS, CABLES, OR WIRES GREATER THAN THREE–QUARTERS OF 1 INCH IN DIAMETER, STRANDED OR SOLID;

(6) METAL BEER KEGS;

(7) MANHOLE COVERS;

(8) TREE GRATES;

(9) METAL LIGHT POLES;

(10) CATALYTIC CONVERTERS;

(11) CEMETERY URNS;

(12) GRAVE MARKERS; AND

[(10)**]** **(13)** any other similar used material **OWNER BY A PUBLIC UTILITY**.

17–1010.

[(a)**]** A nonresident junk dealer or nonresident scrap metal processor may not keep a fixed place of business in the State.

[(b) (1) Before transporting junk or scrap metal from the State, each nonresident junk dealer, nonresident scrap metal processor, or agent of a nonresident junk dealer or nonresident scrap metal processor shall register with the sheriff of the county where the junk or scrap metal was bought a complete description of the junk or scrap metal to be transported.

(2) The description shall include:

(i) the date of purchase;

(ii) the name and junk dealer or scrap metal processor license number, if any, of the buyer;

(iii) the name and junk dealer or scrap metal processor license number, if any, of the seller;

(iv) the license tag number of the vehicle used; and

(v) the name of any consignee.**]**

17–1011.

[(a) Each junk dealer or scrap metal processor who is a resident of the State shall keep a written record in English that:

(1) for each purchase of junk or scrap metal:

(i) is made at the time of the purchase; and

(ii) includes:

1. a description of the junk or scrap metal purchased;

2. the name and address of the seller;

3. the license tag number of any vehicle used; and

4. the date and time of the purchase; and

(2) for each sale of junk or scrap metal, shows the name and address of the buyer.

(b) The records shall be open to inspection by State or local law enforcement personnel for the jurisdiction where the place of business of the junk dealer or scrap metal processor is located.**]**

(A) (1) THIS SECTION APPLIES TO ALL JUNK DEALERS AND SCRAP METAL PROCESSORS DOING BUSINESS IN THE STATE.

(2) THIS SECTION APPLIES TO AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP METAL PROCESSOR LICENSED UNDER TITLE 15, SUBTITLE 5 OF THE TRANSPORTATION ARTICLE.

(B) (1) FOR EACH PURCHASE OF JUNK OR SCRAP METAL IN THE STATE, A JUNK DEALER OR SCRAP METAL PROCESSOR SHALL KEEP AN ACCURATE RECORD IN ENGLISH THAT INCLUDES:

(I) THE DATE AND TIME OF PURCHASE;

(II) A DESCRIPTION OF THE JUNK OR SCRAP METAL ACCORDING TO INDUSTRY CUSTOMS, INCLUDING ITS WEIGHT IF PAYMENT IS BASED ON WEIGHT;

(III) THE AMOUNT PAID OR OTHER CONSIDERATION FOR THE JUNK OR SCRAP METAL;

(IV) THE LICENSE TAG NUMBER, MAKE, AND MODEL OF ANY VEHICLE USED;

(V) THE NAME AND ADDRESS OF THE INDIVIDUAL FROM WHOM THE JUNK OR SCRAP METAL IS ACQUIRED;

(VI) THE SIGNATURE OF:

1. THE INDIVIDUAL FROM WHOM THE JUNK OR SCRAP METAL IS ACQUIRED; AND

2. THE JUNK DEALER, SCRAP METAL PROCESSOR, OR EMPLOYEE WHO ACCEPTED THE JUNK OR SCRAP METAL; AND

(VII) FOR EACH INDIVIDUAL FROM WHOM THE JUNK DEALER OR SCRAP METAL PROCESSOR ACQUIRES JUNK OR SCRAP METAL:

1. THE DATE OF BIRTH AND DRIVER'S LICENSE NUMBER OF THE INDIVIDUAL; OR

2. IDENTIFICATION INFORMATION ABOUT THE INDIVIDUAL FROM A VALID STATE–ISSUED PHOTO ID THAT PROVIDES A PHYSICAL DESCRIPTION OF THE INDIVIDUAL.

(2) THE RECORD KEEPING REQUIREMENTS OF THIS SUBSECTION:

(I) APPLY TO ALUMINUM BLEACHERS;

(II) APPLY TO KEGS MADE OF ALUMINUM OR ANY OTHER METAL; AND

(III) DO NOT APPLY TO BEVERAGE CANS OR FOOD CANS.

(3) THE RECORDS REQUIRED UNDER THIS SUBSECTION SHALL BE KEPT IN ELECTRONIC FORM.

(4) (I) A JUNK DEALER AND SCRAP METAL PROCESSOR SHALL SUBMIT A COPY OF EACH RECORD REQUIRED UNDER THIS SUBSECTION TO THE PRIMARY LAW ENFORCEMENT UNIT IN ACCORDANCE WITH SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH.

(II) A JUNK DEALER AND SCRAP METAL PROCESSOR SHALL SUBMIT A RECORD BY TRANSMITTING A COPY OF THE RECORDS

ELECTRONICALLY, IN A FORMAT ACCEPTABLE TO THE RECEIVING PRIMARY LAW ENFORCEMENT UNIT, BY THE END OF EACH BUSINESS DAY.

(III) EACH COPY OF A RECORD SUBMITTED TO THE PRIMARY LAW ENFORCEMENT UNIT SHALL INCLUDE:

1. THE DATE AND TIME OF PURCHASE;

2. A DESCRIPTION OF THE JUNK OR SCRAP METAL, INCLUDING ITS WEIGHT IF PAYMENT IS BASED ON WEIGHT; AND

3. WHETHER THE AMOUNT PAID OR OTHER CONSIDERATION FOR THE JUNK OR SCRAP METAL EXCEEDS $500.

(IV) A COPY OF A RECORD SUBMITTED UNDER THIS PARAGRAPH:

1. SHALL BE KEPT CONFIDENTIAL;

2. IS NOT A PUBLIC RECORD; AND

3. IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE.

(V) A LAW ENFORCEMENT UNIT MAY DESTROY THE COPY OF A RECORD SUBMITTED UNDER THIS SECTION AFTER 1 YEAR FROM THE DATE THE LAW ENFORCEMENT UNIT RECEIVES THE COPY.

(5) (I) THE PRIMARY LAW ENFORCEMENT UNIT MAY WAIVE THE HOLDING OF ELECTRONIC RECORDS UNDER PARAGRAPH (3) OF THIS SUBSECTION OR THE TRANSMISSION OF ELECTRONIC RECORDS UNDER PARAGRAPH (4)(II) OF THIS SUBSECTION BY A JUNK DEALER OR SCRAP METAL PROCESSOR.

(II) ANY WAIVERS GRANTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE LIMITED TO AUTHORIZING A JUNK DEALER OR

SCRAP METAL PROCESSOR TO HOLD WRITTEN RECORDS OR TO TRANSMIT RECORDS BY FACSIMILE OR BY MAIL.

(C) (1) THIS SUBSECTION APPLIES TO JUNK DEALERS AND SCRAP METAL PROCESSORS WHO ARE RESIDENTS OF THE STATE.

(2) EACH JUNK DEALER OR SCRAP METAL PROCESSOR SHALL KEEP THE RECORDS REQUIRED BY SUBSECTION (B) OF THIS SECTION FOR 1 YEAR AFTER THE DATE OF THE TRANSACTION.

(3) THE RECORDS KEPT IN ACCORDANCE WITH THIS SUBSECTION SHALL BE OPEN TO INSPECTION, DURING NORMAL BUSINESS HOURS, BY STATE OR LOCAL LAW ENFORCEMENT PERSONNEL FOR THE JURISDICTION WHERE THE PLACE OF BUSINESS OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS LOCATED.

[(c) A State junk licensee may not barter, buy, exchange, or accept from a person any junk or scrap metal unless the State junk licensee keeps records and makes entries in them in accordance with Part II of this subtitle. **]**

(D) (1) STATE OR LOCAL LAW ENFORCEMENT PERSONNEL CONDUCTING AN INVESTIGATION IN THE AREA WHERE THE BUSINESS OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS LOCATED MAY REQUEST INFORMATION FROM THE RECORDS REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION.

(2) (I) IF A STATE OR LOCAL LAW ENFORCEMENT AGENCY PROVIDES REASONABLE CAUSE TO BELIEVE THAT ITEMS OF SCRAP METAL IN POSSESSION OF A JUNK DEALER OR SCRAP METAL PROCESSOR ARE STOLEN, THEN THE LAW ENFORCEMENT AGENCY MAY ISSUE A WRITTEN HOLD NOTICE.

(II) THE WRITTEN HOLD NOTICE SHALL:

1. IDENTIFY THE ITEMS OF REGULATED SCRAP METAL ALLEGED TO BE STOLEN AND SUBJECT TO HOLD; AND

2. INFORM THE JUNK DEALER OR SCRAP METAL PROCESSOR OF THE HOLD IMPOSED ON THE ITEMS OF REGULATED SCRAP METAL.

(III) FOR 5 DAYS AFTER THE DATE OF RECEIVING A HOLD NOTICE, A JUNK DEALER OR SCRAP METAL PROCESSOR MAY NOT PROCESS OR REMOVE FROM THE JUNK DEALER'S OR SCRAP METAL PROCESSOR'S PLACE OF BUSINESS ANY ITEMS OF REGULATED SCRAP METAL IDENTIFIED IN THE HOLD NOTICE, UNLESS THE ITEM IS RELEASED EARLIER BY THE LAW ENFORCEMENT AGENCY OR BY COURT ORDER.

(E) LOCAL LAW ENFORCEMENT PERSONNEL OF THE COUNTY WHERE THE PLACE OF BUSINESS OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS LOCATED OR WHERE THE JUNK OR SCRAP METAL WAS PURCHASED MAY ENFORCE THIS SECTION.

(F) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) A FINE NOT EXCEEDING $500 FOR A FIRST OFFENSE; AND

(2) A FINE NOT EXCEEDING $5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH FOR A SUBSEQUENT OFFENSE.".

AMENDMENT NO. 3

On page 11, strike beginning with "SECTION" in line 24 down through "enacted" in line 32 and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 470 – Senators Kittleman, Kasemeyer, Pipkin, ~~and Robey~~ Robey, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Klausmeier, and Pugh

AN ACT concerning

Unemployment Insurance – Recreational Sports Officials – Coverage

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 518 – ~~Senator Miller~~ Senators Miller and Dyson

AN ACT concerning

Calvert County – Alcoholic Beverages

Favorable report adopted.

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

The motion was adopted.

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

Senate Bill 762 – ~~Senator Middleton~~ Senators Middleton and Klausmeier

AN ACT concerning

Department of Labor, Licensing, and Regulation – Workforce Development and Adult Learning – Administration

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 792 – Senator Klausmeier

AN ACT concerning

Property and Casualty Insurance – Portable Electronics Insurance – Regulation

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 863 – Senator Edwards

AN ACT concerning

Workers' Compensation – Death Benefits for Partially Dependent Individuals – Payment

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 1059 – Chair, Finance Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Cigarette Business Licenses – Cigarette Manufacturers – Definitions and Scope of License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #22

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

Senate Bill 330 – Senator Colburn

AN ACT concerning

Dorchester County – Board of Education – Benefits

SB0330/985969/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 330
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "certain benefits to" and substitute "that"; in line 4, after "Education" insert "may be provided certain benefits"; in line 5, strike "established under this Act"; and in line 6, after "purposes;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in lines 3 and 4, strike "**IS ENTITLED TO**" and substitute "**MAY BE PROVIDED**"; in line 4, strike "**TO**"; after line 11, 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 member of the Dorchester County Board of Education elected before November 2010.";

and in line 12, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #21

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

Senate Bill 905 – Senator Muse

AN ACT concerning

Orphans' Court – Minors – Guardianship of Person

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

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

Senate Bill 933 – Senator Kelley

AN ACT concerning

Family Law – State Citizens Review Board for Children and Local Boards of Review – Duties

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

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

Senate Bill 974 – Senators Raskin and Rosapepe

AN ACT concerning

Local Government Tort Claims Act – Notice of Claim

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

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

Senate Bill 989 – Senator Stone

AN ACT concerning

Criminal Procedure – Concurrent Court Jurisdiction – Second or Subsequent Offense of Failure to Register with Sex Offender Registry

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

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 1081**
SPONSOR: Del Jones, et al
SUBJECT: Prior Authorizations of State Debt to Fund Capital Projects – Alterations

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Conway, Chair
Delegate Jones
Delegate Bohanan

The Senate appoints:
Senator Currie, Chairman
Senator DeGrange
Senator Munson.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

AMENDED IN THE SENATE

House Bill 314 – Delegate Rudolph and the Speaker (By Request – Administration)

AN ACT concerning

Maryland Environmental Service – Energy Generation Projects

Delegate Davis moved that the House not concur in the Senate amendments.

HB0314/257072/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 314
(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 8, strike "**OR OTHER ENERGY**".

On page 6, in line 11, strike "**AND OTHER**".

AMENDMENT NO. 2

On page 23, in line 10, after "**YEAR**." insert "**EACH REPORT SHALL DESCRIBE ANY COMPLAINT THE SERVICE RECEIVES THAT INDICATES AN ENERGY ACTIVITY UNDERTAKEN BY THE SERVICE COMPETES WITH PRIVATE INVESTMENT IN A SIMILAR ENERGY ACTIVITY.**".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0314**
SPONSOR: Del Rudolph and the Spkr (Admin)
SUBJECT: Maryland Environmental Service – Energy Generation Projects

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Rudolph, Chairman
Delegate Haddaway, and
Delegate Malone.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 539** SPONSOR: **Delegate Branch**

SUBJECT: **Public Safety – Electronic Control Devices – Requirements**

THIRD READING CALENDAR HOUSE NO. **37** SENATE NO. **5**

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

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

(1) That the Judicial Proceedings Committee Amendments (HB0539/238375/1) be rejected.

(2) That the attached Conference Committee Amendments (HB0539/633423/1) be adopted.

HB0539/633423/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 539
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "sold" insert "and activated"; in line 9, after "Act;" insert "requiring the Police Training Commission to require that certain curriculum and minimum courses of study include certain training for certain officers; requiring the Correctional Training Commission to require that certain curriculum include certain training for certain officers; requiring the Governor's Office of Crime Control and Prevention to submit a certain report to certain committees on or before a certain date;";

after line 21, insert:

"BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–207
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 8–208(a)

Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, after line 14, insert:

"**(2) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 14–101 OF THIS ARTICLE.**";

in line 15, strike "**(2)**" and substitute "**(3)**"; strike in their entirety lines 21 and 22; in line 25, after "**YEARS;**" insert "**AND**"; and strike beginning with "**; AND**" in line 28 down through "**MANUFACTURER**" in line 30.

AMENDMENT NO. 3

On page 3, in line 4, after "**SOLD**" insert "**AND ACTIVATED**"; in line 14, after "**THE**" insert "**MANUFACTURER OR**"; in line 15, strike "**REGARDING THE PURCHASER**" and substitute "**OF THE ORIGINAL OWNER TO ENSURE COMPLIANCE WITH SUBSECTION (B)(2) OF THIS SECTION**"; and after line 31, insert:

"Article – Public Safety

3–207.

Subject to the authority of the Secretary, the Commission has the following powers and duties:

(1) to establish standards for the approval and continuation of approval of schools that conduct police entrance–level and in–service training courses required by the Commission, including State, regional, county, and municipal training schools;

(2) to approve and issue certificates of approval to police training schools;

(3) to inspect police training schools;

(4) to revoke, for cause, the approval or certificate of approval issued to a police training school;

(5) to establish the following for police training schools:

(i) curriculum;

(ii) minimum courses of study;

(iii) attendance requirements;

(iv) eligibility requirements;

(v) equipment and facilities;

(vi) standards of operation; and

(vii) minimum qualifications for instructors;

(6) to require, for entrance–level police training and at least every 3 years for in–service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of the criminal laws concerning rape and sexual offenses, including:

(i) the sexual abuse of children;

(ii) related evidentiary procedures; and

(iii) the contact with and treatment of victims of these crimes;

(7) to certify and issue appropriate certificates to qualified instructors for police training schools authorized by the Commission to offer police training programs;

(8) to verify that police officers have satisfactorily completed training programs and issue diplomas to those police officers;

(9) to conduct and operate police training schools authorized by the Commission to offer police training programs;

(10) to make a continuous study of entrance–level and in–service training methods and procedures;

(11) to consult with and accept the cooperation of any recognized federal, State, or municipal law enforcement agency or educational institution;

(12) to consult and cooperate with universities, colleges, and institutions in the State to develop specialized courses of study for police officers in police science and police administration;

(13) to consult and cooperate with other agencies and units of the State concerned with police training;

(14) to develop, with the cooperation of the Office of the Chief Medical Examiner and the Federal Bureau of Investigation, a uniform missing person report form to be available for use by each law enforcement agency of the State on or before October 1, 2008; **[**and**]**

(15) TO REQUIRE, FOR ENTRANCE–LEVEL POLICE TRAINING AND ANNUALLY FOR IN–SERVICE LEVEL POLICE TRAINING CONDUCTED BY THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE, FOR POLICE OFFICERS WHO ARE ISSUED AN ELECTRONIC CONTROL DEVICE BY A LAW ENFORCEMENT AGENCY, SPECIAL TRAINING IN THE PROPER USE OF ELECTRONIC CONTROL DEVICES, AS DEFINED IN § 4–109 OF THE CRIMINAL LAW ARTICLE, CONSISTENT WITH ESTABLISHED LAW ENFORCEMENT STANDARDS AND FEDERAL AND STATE CONSTITUTIONAL PROVISIONS; AND

[(15)**] (16)** to perform any other act that is necessary or appropriate to carry out the powers and duties of the Commission under this subtitle.

Article – Correctional Services

8–208.

(a) Subject to the authority of the Secretary, the Commission has the following powers and duties:

(1) to prescribe standards for the approval and continuation of approval of schools that conduct correctional, parole, or probation entrance level and in–service training courses required by the Commission, including State, regional, county, and municipal training schools;

(2) to approve and issue certificates of approval to correctional training schools;

(3) to inspect correctional training schools;

(4) to revoke, for cause, any approval or certificate of approval issued to a correctional training school;

(5) to prescribe the following for correctional training schools:

(i) curriculum**, INCLUDING ENTRANCE–LEVEL AND ANNUAL TRAINING IN THE PROPER USE OF ELECTRONIC CONTROL DEVICES, AS DEFINED IN § 4–109 OF THE CRIMINAL LAW ARTICLE, FOR CORRECTIONAL OFFICERS WHO ARE ISSUED AN ELECTRONIC CONTROL DEVICE BY A CORRECTIONAL UNIT, CONSISTENT WITH ESTABLISHED LAW ENFORCEMENT STANDARDS AND FEDERAL AND STATE CONSTITUTIONAL PROVISIONS**;

(ii) courses of study;

(iii) attendance requirements;

(iv) eligibility requirements;

(v) equipment and facilities;

(vi) standards of operation; and

(vii) minimum qualifications for instructors;

(6) to certify and issue appropriate certificates to qualified instructors for approved correctional training schools;

(7) to certify and issue appropriate certificates to correctional officers who have satisfactorily completed training programs;

(8) to conduct and operate approved correctional training schools;

(9) to adopt regulations necessary to carry out this subtitle, including regulations that establish and enforce standards for prior substance abuse by individuals applying for certification as a correctional officer;

(10) to make a continuous study of correctional training methods and procedures for all correctional training schools;

(11) to consult with and accept the cooperation of any recognized federal, State, or municipal correctional agency or educational institution;

(12) to consult and cooperate with universities, colleges, and institutions to develop all general and specialized courses of study for correctional officers;

(13) to consult and cooperate with other units of the State concerned with correctional training;

(14) subject to subsection (b) of this section, to develop and implement specific program design and appropriate course curriculum and training for Department of Juvenile Services employees; and

(15) to perform any other act that is necessary or appropriate to carry out this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2011, the Governor's Office of Crime Control and Prevention shall report to the Senate Judicial Proceedings Committee and the House Judiciary Committee, in accordance with § 2–1246 of the State Government Article, on the compliance by electronic control device manufacturers with the relevant requirements and provisions of this Act.".

AMENDMENT NO. 4

On page 7, in lines 17 and 21, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively.

Senate Members: House Members:

Chair, **C. Anthony Muse**	Chair, **Samuel I. Rosenberg**
Jennie M. Forehand	**Ben Barnes**
Bryan W. Simonaire	**Tony McConkey**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	(X) Chief Clerk ( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 123 Negative – 13 (See Roll Call No. 1182)

The Bill was then sent to the Senate.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #A01

Delegate Harrison, Chairman of the Committee on Rules and Executive Nominations reported favorably:

GOVERNOR MARTIN O'MALLEY – 2008 RECESS APPOINTMENTS
REQUIRING CONFIRMATION BY THE MARYLAND HOUSE OF DELEGATES

(See Exhibit B of Appendix II)

The favorable report of the Committee was adopted by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 1183)

The preceding appointments were confirmed by the House.

INTRODUCTION OF BILLS

Delegate Conaway moved to suspend the rules to have a House Bill introduced.

The motion was rejected by roll call vote as follows:

Affirmative – 92 Negative – 19 (See Roll Call No. 1184)

The House Bill was not introduced.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 1185)

ADJOURNMENT

At 6:32 P.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day April 8, 2009, Calendar Day Monday, April 13, 2009.

Annapolis, Maryland
Legislative Day: April 8, 2009
Calendar Day: Monday, April 13, 2009

The House met at 11:22 A.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 135 Members present.

(See Roll Call No. 1186)

The Journal of April 7, 2009 was read and approved.

EXCUSES:
Del. Myers – son's death
Del. Proctor – foot injury
Del. Serafini – personal – Del. Myers' son's death
Del. F. Turner – illness

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 303** SPONSOR: **The Speaker**

SUBJECT: **Vehicle Laws – Teen Driver Safety**

THIRD READING CALENDAR HOUSE NO. **26** SENATE NO. **12**

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

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

(1) That the Judicial Proceedings Committee Amendments (HB0303/318377/1) be rejected.

(2) That the Judicial Proceedings Committee Amendments (HB0303/908271/1) be rejected.

(3) That the attached Conference Committee Amendments (HB0303/963326/1) be adopted.

HB0303/963326/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 303
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with "modifying" in line 2 down through "circumstances;" in line 4; and in line 12, strike "16–213, and 21–1123" and substitute "and 16–213".

AMENDMENT NO. 2

On page 12, in line 3, after "**FOR**" insert "**UP TO**".

AMENDMENT NO. 3

On pages 13 and 14, strike in their entirety the lines beginning with line 3 on page 13 through line 7 on page 14, inclusive.

Senate Members:	House Members:
Chair, **Brian E. Frosh**	Chair, **James E. Malone, Jr.**
Larry E. Haines	**Barbara Frush**
C. Anthony Muse	**Paul S. Stull**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	(X) Chief Clerk ( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 129 Negative – 2 (See Roll Call No. 1187)

The Bill was then sent to the Senate.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0299**
SPONSOR: The Spkr (Admin) (Drunk Drvg TF), et al
SUBJECT: Criminal Law – Alcoholic Beverages – Underage Individuals – Prohibitions and Penalties

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Dumais, Chair
Delegate Waldstreicher
Delegate Jennings

The Senate appoints:
Senator Stone, Chairman
Senator Haines
Senator Forehand.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

AMENDED IN THE SENATE

House Bill 1030 – Delegates Shank, Frank, Kelly, Kramer, Myers, Sossi, and Valderrama

AN ACT concerning

Criminal Procedure – Offender Registry – Retroactivity

Delegate Vallario moved that the House not concur in the Senate amendments.

HB1030/658271/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1030
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "convicted" insert "on or after a certain date"; in line 6, strike "on or"; and strike beginning with "date" in line 6 down through "date;" in line 8 and substitute "date; requiring the Department of Public Safety and Correctional Services to contact and notify certain individuals of the registration requirements under this Act;".

AMENDMENT NO. 2

On page 2, in line 4, after "a" insert "registrant convicted of an offense committed before July 1, 1997, and who is under the custody or supervision of a supervising authority on October 1, 2001."; strike in their entirety lines 6 through 12, inclusive; in lines 14 and 15, strike "**:**

(1)";

in line 15, after "1995" insert ", and who is under the custody or supervision of a supervising authority on October 1, 2001."; and strike in their entirety lines 16 through 20, inclusive, and substitute:

"**(C) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THIS SUBTITLE SHALL BE APPLIED RETROACTIVELY TO INCLUDE A PERSON CONVICTED ON OR AFTER OCTOBER 1, 1995, OF AN OFFENSE COMMITTED BEFORE OCTOBER 1, 1995, FOR WHICH REGISTRATION AS A SEXUALLY VIOLENT PREDATOR, SEXUALLY VIOLENT OFFENDER, OR A CHILD SEX OFFENDER IS REQUIRED UNDER THIS SUBTITLE.**

(2) THE DEPARTMENT SHALL CONTACT AND NOTIFY EACH PERSON WHO IS NOT UNDER THE CUSTODY OR SUPERVISION OF A SUPERVISING

AUTHORITY ON OCTOBER 1, 2009, FOR WHOM REGISTRATION IS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION."

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 1030**
SPONSOR: Del Shank, et al
SUBJECT: Criminal Procedure – Offender Registry – Retroactivity

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Waldstreicher, Chairman
Delegate Levi, and
Delegate Frank.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

THE COMMITTEE ON APPROPRIATIONS REPORT #18

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

Senate Bill 264 – The President (By Request – Administration) and Senators Kelley, Exum, Klausmeier, Conway, Gladden, Jones, King, Madaleno, Pinsky, Raskin, Robey, ~~and Rosapepe~~ Rosapepe, and Lenett

AN ACT concerning

State Employees – Collective Bargaining – Negotiations –
"The Fair Share Act"

SB0264/344565/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 264
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "who are members of certain religions" and substitute "whose religious beliefs are opposed to joining or financially supporting a certain labor organization"; in line 9, strike "may" and substitute "shall"; in line 10, after "organization" insert "and to furnish certain proof of payment"; and strike beginning with "requiring" in line 10 down through "organizations;" in line 11.

AMENDMENT NO. 2

On page 2, in line 4, strike "**(2)**" and substitute "**(3)**"; and strike in their entirety lines 7 through 31, inclusive, and substitute:

"**(2) AN EMPLOYEE WHOSE RELIGIOUS BELIEFS ARE OPPOSED TO JOINING OR FINANCIALLY SUPPORTING ANY COLLECTIVE BARGAINING ORGANIZATION IS:**

(I) NOT REQUIRED TO PAY A SERVICE FEE; AND

(II) REQUIRED TO PAY AN AMOUNT OF MONEY AS DETERMINED IN COLLECTIVE BARGAINING NEGOTIATIONS, NOT TO EXCEED ANY SERVICE FEE NEGOTIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION, TO ANY CHARITABLE ORGANIZATION EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE AND TO FURNISH TO THE DEPARTMENT AND THE EXCLUSIVE REPRESENTATIVE WRITTEN PROOF OF SUCH PAYMENT.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0264/853426/2

BY: Delegate Eckardt

AMENDMENTS TO SENATE BILL 264
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, before "and" insert "providing that nonmembers may not be required to pay service fees to an employee organization until the nonmembers have received a certain cost of living adjustment or other salary increase;".

AMENDMENT NO. 2

On page 3, after line 8, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding § 3–502(b)(1) and (2) of the State Personnel and Pensions Article, as enacted by Section 1 of this Act, a State employee who is not a member of an employee organization may not be required to pay a service fee to the employee organization, or an amount equal to the service fee to a charitable organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, until such time as the employee has received a cost of living adjustment or other salary increase that is at least equal to the amount of the service fee.";

and in line 9, strike "2." and substitute "3.".

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

Affirmative – 36 Negative – 100 (See Roll Call No. 1188)

FLOOR AMENDMENT

SB0264/453825/2

BY: Delegate Haddaway

AMENDMENTS TO SENATE BILL 264, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 6, after "nonmembers" insert ", subject to certain conditions".

AMENDMENT NO. 2

On page 2 of the bill, in line 4, strike "**EXCEPT**" and substitute "**SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AND EXCEPT**"; before line 32, insert:

"**(3) AN EMPLOYEE ORGANIZATION MAY NOT NEGOTIATE WITH AN EMPLOYER FOR THE RIGHT TO RECEIVE SERVICE FEES FROM NONMEMBERS UNLESS:**

(I) THE EMPLOYEE ORGANIZATION CONDUCTS A SEPARATE VOTE OF EMPLOYEES IN THE BARGAINING UNIT ON THE SOLE ISSUE OF WHETHER SERVICE FEES MAY BE THE SUBJECT OF NEGOTIATION BY THE EMPLOYEE ORGANIZATION; AND

(II) THE EMPLOYEE ORGANIZATION PRESENTS EVIDENCE SATISFACTORY TO THE BOARD THAT NEGOTIATION ON THE ISSUE HAS BEEN APPROVED BY A MAJORITY OF THE VOTES CAST BY EMPLOYEES IN THE BARGAINING UNIT.";

and in line 32, strike "**(3)**" and substitute "**(4)**".

In the Appropriations Committee Amendments (SB0264/344565/1), in line 1 of Amendment No. 2, strike "**(3)**" and substitute "**(4)**".

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

Affirmative – 37 Negative – 99 (See Roll Call No. 1189)

FLOOR AMENDMENT

SB0264/683820/2

BY: Delegate Krebs

AMENDMENTS TO SENATE BILL 264, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 11, before "and" insert "providing that a service fee charged to a nonmember by an employee organization may not exceed a certain amount; establishing certain conditions that must be met before a service fee may be charged to a nonmember; requiring the Secretary of Budget and Management to adopt certain regulations;".

AMENDMENT NO. 2

On page 2 of the bill, in line 4, strike "**EXCEPT**" and substitute "**SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AND EXCEPT**"; before line 32, insert:

"**(3) (I) A SERVICE FEE CHARGED TO A NONMEMBER BY AN EMPLOYEE ORGANIZATION MAY NOT EXCEED AN AMOUNT EQUAL TO THE DIRECT COSTS INCURRED BY THE EMPLOYEE ORGANIZATION IN CONNECTION WITH ITS COLLECTIVE BARGAINING ACTIVITIES ON BEHALF OF ALL EMPLOYEES IN THE BARGAINING UNIT DURING THE PERIOD COVERED BY THE SERVICE FEE, DIVIDED BY THE TOTAL NUMBER OF EMPLOYEES IN THE BARGAINING UNIT DURING THAT PERIOD.**

(II) AN EMPLOYEE ORGANIZATION MAY NOT CHARGE A SERVICE FEE TO A NONMEMBER UNLESS:

1. THE EMPLOYEE ORGANIZATION SUBMITS TO THE DEPARTMENT THE AMOUNT OF THE PROPOSED SERVICE FEE; AND

2. THE DEPARTMENT APPROVES THE AMOUNT OF THE SERVICE FEE AS BEING IN COMPLIANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(III) THE SECRETARY SHALL ADOPT REGULATIONS THAT ESTABLISH A PROCEDURE FOR THE SUBMISSION AND APPROVAL OF SERVICE FEES UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.";

and in line 32, strike "**(3)**" and substitute "**(4)**".

In the Appropriations Committee Amendments (SB0264/344565/1), in line 1 of Amendment No. 2, strike "**(3)**" and substitute "**(4)**".

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

Affirmative – 38 Negative – 98 (See Roll Call No. 1190)

FLOOR AMENDMENT

SB0264/523627/3

BY: Delegate Shank

AMENDMENTS TO SENATE BILL 264
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "circumstances;" insert "providing that an employee organization may negotiate to receive service fees from nonmembers as a condition of employment, but that the service fees may not exceed a certain amount; requiring certain employee organizations to establish certain procedures under certain circumstances that address certain rights of certain members; requiring certain individuals to ratify certain agreements in order to make the agreements effective;".

AMENDMENT NO. 2

On page 2, in line 4, strike "**EXCEPT**" and substitute "**SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION AND EXCEPT**"; and after line 36, insert:

"**(4) (I) AN EMPLOYEE ORGANIZATION MAY NEGOTIATE TO RECEIVE SERVICE FEES FROM NONMEMBERS AS A CONDITION OF EMPLOYMENT, BUT THE AMOUNT OF THE SERVICE FEES MAY NOT EXCEED THE NONMEMBER'S PRO RATA SHARE OF THOSE EXPENDITURES THAT ARE GERMANE TO THE EMPLOYEE ORGANIZATION'S COLLECTIVE BARGAINING ACTIVITIES UNDER THIS TITLE.**

(II) AS A CONDITION OF RECEIVING ANY SERVICE FEES NEGOTIATED UNDER THIS SUBSECTION, THE EXCLUSIVE REPRESENTATIVE SHALL ESTABLISH PROCEDURES THAT PROVIDE THE FOLLOWING RIGHTS TO NONMEMBERS:

1. WRITTEN NOTICE OF THE SERVICE FEE THAT WILL BE PAYABLE, INCLUDING:

A. THE AMOUNT OF THE FEE EXPRESSED IN MONETARY TERMS OR AS A PERCENTAGE OF THE SERVICE FEES PAYABLE BY MEMBERS;

B. THE BASIS ON WHICH THE EXCLUSIVE REPRESENTATIVE HAS DETERMINED THE FEE, INCLUDING AN ACCOUNTING OF THE EXPENDITURES OF THE EMPLOYEE ORGANIZATION TO BE USED IN AID OF CAUSES NOT DIRECTLY GERMANE TO THE ORGANIZATION'S OBLIGATIONS AS EXCLUSIVE REPRESENTATIVE, AND IN AID OF ACTIVITIES OR CAUSES OF A POLITICAL OR IDEOLOGICAL NATURE ONLY INCIDENTALLY RELATED TO TERMS AND CONDITIONS OF EMPLOYMENT; AND

C. THE PROCEDURES TO BE FOLLOWED IF A NONMEMBER CHOOSES TO CHALLENGE THE DETERMINATION OF THE FEE AS AIDING CAUSES OF A POLITICAL OR IDEOLOGICAL NATURE ONLY INCIDENTALLY RELATED TO THE DUTY OF THE EXCLUSIVE REPRESENTATIVE TO BARGAIN OVER TERMS AND CONDITIONS OF EMPLOYMENT, OR FOR BONA FIDE RELIGIOUS REASONS;

2. AN OPPORTUNITY TO CHALLENGE THE DETERMINATION OF THE FEE AND RECEIVE A PROMPT DECISION FROM AN IMPARTIAL ARBITRATOR;

3. ARBITRATION CONDUCTED IN ACCORDANCE WITH THE MARYLAND UNIFORM ARBITRATION ACT UNDER TITLE 3, SUBTITLE 2 OF THE COURTS ARTICLE;

4. THE ESCROWING OF ANY REASONABLE PORTION OF THE SERVICE FEE PAID BY A CHALLENGING EMPLOYEE IN ANY DISPUTE PENDING THE ARBITRATOR'S DECISION; AND

5. THE CONTINUATION OF THE EMPLOYEE'S RIGHT TO CHOOSE ANY PERSON TO ASSIST OR REPRESENT THE EMPLOYEE AT ANY TIME DURING A GRIEVANCE PROCESS, DISCIPLINARY ACTION, OR ANY OTHER PROCEEDING PROVIDED FOR IN A COLLECTIVE BARGAINING AGREEMENT COVERING THAT EMPLOYEE WHILE EXCLUDING THE EXCLUSIVE REPRESENTATIVE FROM THE PROCESS AND NOTIFYING THE EMPLOYER OF THAT CHOICE.

(5) ANY SERVICE FEE AGREEMENT NEGOTIATED UNDER THIS SUBSECTION IS NOT EFFECTIVE UNTIL IT IS RATIFIED BY THE GOVERNOR AND A MAJORITY OF THE MEMBERS OF THE BARGAINING UNIT.".

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

Affirmative – 35 Negative – 99 (See Roll Call No. 1191)

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #6

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

Senate Bill 1027 – Senator Dyson

AN ACT concerning

Real Property – Conservation Easements – Disclosure

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #17

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

Senate Bill 219 – Senators Frosh, Dyson, Forehand, Jacobs, Madaleno, Mooney, Raskin, Robey, and Stone

AN ACT concerning

Vehicle Laws – Violations by Drivers Under the Age of 18 Years – Driver's License Suspensions

SB0219/202715/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 219
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "a" in line 4 down through "circumstances;" in line 10 and substitute "the clerk of the juvenile court to report to the Motor Vehicle Administration an adjudication of a child as delinquent or a finding that the child has committed a delinquent act without an adjudication of the child as delinquent for a violation relating to leaving the scene of an accident or fleeing or eluding a police officer;"; and strike beginning with "providing" in line 18 down through "suspension;" in line 19.

On page 2, in line 3, strike "Administration receives satisfactory evidence of the commission" and substitute "individual is convicted"; strike beginning with "establishing" in line 4 down through "violation;" in line 7; in line 10, strike the first comma and substitute "and"; in the same line, strike ", and 3–8A–19(e)(2)"; and in line 15, strike "3–8A–19(e)(1) and".

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 5 on page 3 through line 17 on page 4, inclusive.

AMENDMENT NO. 3

On page 6, in line 21, strike the second opening bracket; in line 22, strike "**] BE CONSECUTIVE TO**"; in line 26, strike the bracket; in line 29, strike the bracket; and strike beginning with "**THE**" in line 30 down through "**(6)**" in line 33.

On page 9, strike beginning with "**THE**" in line 5 down through "**(3)**" in line 8; and strike beginning with "**THE**" in line 26 down through "**(3)**" in line 29.

On page 10, strike in their entirety lines 1 through 6, inclusive.

AMENDMENT NO. 4

On page 9, strike beginning with "**ADMINISTRATION**" in line 20 down through "**COMMITTED**" in line 21 and substitute "**INDIVIDUAL IS CONVICTED OF**".

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 JUDICIARY REPORT #18

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

Senate Bill 497 – Senator Frosh

AN ACT concerning

Circuit Court Judgeships – Workforce Planning – Counties of Greatest Identified Need

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #19

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

Senate Bill 261 – The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Senators Forehand ~~and Dyson~~, Dyson, Jacobs, and Mooney

AN ACT concerning

Criminal Law – Alcoholic Beverages – Underage Individuals – Prohibitions and Penalties

SB0261/452719/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 261
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 6 down through "offense;" in line 8.

AMENDMENT NO. 2

On page 2, in line 30, strike "**(B)(1)**" and substitute "**(B)**"; and in line 31, strike "**AND SUBJECT TO SUBSECTION (B)(2) OF THIS SECTION,**".

On page 3, in line 7, strike "**(1)**"; in line 9, strike "**(I)**"; in the same line, strike "**1.**" and substitute "**(1) (I)**"; in lines 12, 17, and 20, strike "**2.**", "**3.**", and "**(II)**", respectively, and substitute "**(II)**", "**(III)**", and "**(2)**", respectively; and strike in their entirety lines 22 through 25, inclusive.

On page 10, in line 4, after "**(1)**" insert "**IMPRISONMENT NOT EXCEEDING 30 DAYS OR**"; in the same line, after "**$2,500**" insert "**OR BOTH**"; in line 5, after "**(2)**" insert "**IMPRISONMENT NOT EXCEEDING 60 DAYS OR**"; and in the same line, after "**$5,000**" insert "**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.

THE COMMITTEE ON WAYS AND MEANS REPORT #23

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

House Bill 222 – Allegany County Delegation

AN ACT concerning

Allegany County – Video Lottery Construction – Local Impact Grants – Rocky Gap Construction Costs

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:

Senate Bill 343 – Senator Edwards

AN ACT concerning

Allegany County – Video Lottery Construction – Local Impact Grants – Rocky Gap Construction Costs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #20

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations reported favorably:

House Joint Resolution 1 – Delegates Rosenberg and Hixson

A House Joint Resolution concerning

The Jim McKay Maryland Million

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations reported favorably:

Senate Joint Resolution 2 – ~~Senator Middleton~~ Senators Middleton, Astle, Garagiola, Glassman, Kelley, and Pugh

A Senate Joint Resolution concerning

The Jim McKay Maryland Million

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

AMENDED IN THE SENATE

House Bill 72 – Delegates F. Turner~~, Ali,~~ and Waldstreicher and Delegates Barkley, Bartlett, Beidle, Bobo, Branch, Cardin, V. Clagett, Conway, DeBoy, Doory, Eckardt, Frick, Frush, Gilchrist, Gutierrez, Haddaway, Harrison, Heller, Hixson, Holmes, Howard, Hubbard, King, Kirk, Kramer, Krebs, Krysiak, Lee, Levy, Mathias, McDonough, McHale, Miller, Minnick, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Olszewski, Pena–Melnyk, Pendergrass, Proctor, Reznik, Rice, Ross, Shewell, Sossi, Stocksdale, Stukes, Tarrant, Taylor, V. Turner, Vallario, Vaughn, Walker, ~~and Weir~~ Weir, Cane, Carr, Glenn, Healey, Hucker, Niemann, Norman, and Stein

AN ACT concerning

~~Motor Vehicles – Use of Text Messaging Device While Driving – Prohibition~~
The Delegate John Arnick Electronic Communications Traffic Safety Act

Delegate McIntosh moved that the House not concur in the Senate amendments.

HB0072/618471/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 72
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "write" in line 4 down through "or send" in line 5 and substitute "write, send, or read"; in line 6, strike "certain terms" and substitute "a certain term"; and in lines 6 and 7, strike "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 8, strike "**(1)**"; strike beginning with "**SECTION**" in line 8 down through "**TEXT**" in line 12 and substitute "**SECTION, "TEXT**"; and strike in their entirety lines 16 through 22, inclusive, and substitute:

"**(B) A PERSON MAY NOT USE A TEXT MESSAGING DEVICE TO WRITE, SEND, OR READ A TEXT MESSAGE WHILE OPERATING A MOTOR VEHICLE IN MOTION OR IN THE TRAVEL PORTION OF THE ROADWAY.**".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0072**
SPONSOR: Del F. Turner, et al
SUBJECT: The Delegate John Arnick Electronic Communications Traffic Safety Act

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Malone, Chairman
Delegate Frush, and
Delegate Stull.

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: **HB 0387**
SPONSOR: Del Ivey, et al
SUBJECT: Vehicle Laws – Lawful Status in the United States – Material Compliance with Federal Requirements

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Dumais, Chair
Delegate Rosenberg

Delegate Anderson

The Senate appoints:
Senator Frosh, Chairman
Senator Brochin
Senator Haines.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

AMENDED IN THE SENATE

House Bill 561 – Delegates Kramer, Kelly, McComas, Shank, ~~and Smigiel~~ Smigiel, Waldstreicher, and Vallario

AN ACT concerning

~~Crimes of Violence – Voided Revised Sentences~~
Criminal Procedure – Sentencing or Disposition Hearing – Appearance of Victim or Victim's Representative

Delegate Vallario moved that the House not concur in the Senate amendments.

HB0561/648972/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 561
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Sentencing" in line 3 down through "Representative" in line 4 and substitute "Violation of Crime Victim Rights – Subsequent Proceedings"; in line 5, strike "requiring a"; and strike beginning with "prosecuting" in line 14 down through "hearings" in line 20 and substitute "providing that, if the victim or the victim's representative notifies certain offices that the victim or the victim's representative was not notified, the court shall schedule a hearing to

make a certain determination; requiring the court, if a certain finding is made, to allow the victim or the victim's representative to address the court or submit a certain impact statement or recommendation; requiring the court to consider certain information presented by the State, defendant, child respondent, victim, or victim's representative; authorizing a court to reaffirm, modify, or vacate a prior sentence or disposition of a certain defendant or child respondent under certain circumstances; requiring a court to set forth certain information in the record explaining why a certain modification is appropriate under certain circumstances; providing for the application of this Act; and generally relating to the revisory power of a court in criminal sentencing".

On page 2, in line 4, strike "11–403" and substitute "11–503".

AMENDMENT NO. 2

On pages 5 and 6, strike in their entirety the lines beginning with line 5 on page 5 through line 13 on page 6, inclusive, and substitute:

"11–503.

(a) In this section, "subsequent proceeding" includes:

(1) a sentence review under § 8–102 of this article;

(2) a hearing on a request to have a sentence modified or vacated under the Maryland Rules;

(3) in a juvenile delinquency proceeding, a review of a commitment order or other disposition under the Maryland Rules;

(4) an appeal to the Court of Special Appeals;

(5) an appeal to the Court of Appeals; and

(6) any other postsentencing court proceeding.

(b) Following conviction or adjudication and sentencing or disposition of a defendant or child respondent, the State's Attorney shall notify the victim or victim's representative of a subsequent proceeding in accordance with § 11–104(e) of this title if:

(1) before the State's Attorney distributes notification request forms under § 11–104(c) of this title, the victim or victim's representative submitted to the State's Attorney a written request to be notified of subsequent proceedings; or

(2) after the State's Attorney distributes notification request forms under § 11–104(c) of this title, the victim or victim's representative submits a notification request form in accordance with § 11–104(d) of this title.

(c) (1) The State's Attorney's office shall:

(i) notify the victim or victim's representative of all appeals to the Court of Special Appeals and the Court of Appeals; and

(ii) send an information copy of the notification to the office of the Attorney General.

(2) After the initial notification to the victim or victim's representative or receipt of a notification request form, as defined in § 11–104 of this title, the office of the Attorney General shall:

(i) notify the victim or victim's representative of each subsequent date pertinent to the appeal, including dates of hearings, postponements, and decisions of the appellate courts; and

(ii) send an information copy of the notification to the State's Attorney's office.

(d) A notice sent under this section shall include the date, the time, the location, and a brief description of the subsequent proceeding.

(E) (1) IF A VICTIM OR VICTIM'S REPRESENTATIVE NOTIFIES THE STATE'S ATTORNEY'S OFFICE, THE OFFICE OF THE ATTORNEY GENERAL, OR THE COURT THAT THE VICTIM OR THE VICTIM'S REPRESENTATIVE WAS NOT NOTIFIED, AS REQUIRED BY THIS SECTION, WITHIN 1 YEAR OF THE COURT DATE THAT REVISED, MODIFIED, OR REDUCED THE SENTENCE, THE COURT SHALL SCHEDULE A HEARING TO DETERMINE IF PROPER NOTICE WAS GIVEN TO THE VICTIM OR THE VICTIM'S REPRESENTATIVE.

(2) ON A FINDING OF THE COURT THAT THE VICTIM OR THE VICTIM'S REPRESENTATIVE WAS NOT NOTIFIED AS REQUIRED BY THIS SECTION, THE COURT SHALL ALLOW THE VICTIM OR THE VICTIM'S REPRESENTATIVE TO ADDRESS THE COURT OR SUBMIT A WRITTEN UPDATED VICTIM IMPACT STATEMENT OR RECOMMENDATION.

(3) AFTER HEARING FROM THE VICTIM OR THE VICTIM'S REPRESENTATIVE OR CONSIDERING A WRITTEN UPDATED VICTIM IMPACT STATEMENT OR RECOMMENDATION, THE COURT SHALL CONSIDER INFORMATION PRESENTED BY THE STATE, DEFENDANT, CHILD RESPONDENT, VICTIM, OR VICTIM'S REPRESENTATIVE, INCLUDING WHETHER THE DEFENDANT OR CHILD RESPONDENT HAS BEEN RELEASED AND HOW THE DEFENDANT OR CHILD RESPONDENT HAS CONFORMED BEHAVIOR TO THE CONDITIONS OF RELEASE, IF ANY.

(4) AFTER CONSIDERING THE INFORMATION PROVIDED TO THE COURT UNDER THIS SUBSECTION AND THE CONSTITUTIONAL AND STATUTORY RIGHTS OF THE DEFENDANT, CHILD RESPONDENT, VICTIM, OR VICTIM'S REPRESENTATIVE, THE COURT MAY REAFFIRM, MODIFY, OR VACATE A PRIOR SENTENCE OR DISPOSITION IMPOSED IN A SUBSEQUENT PROCEEDING IN THE INTERESTS OF JUSTICE.

(5) IF THE COURT MODIFIES A PRIOR SENTENCE OR DISPOSITION UNDER THIS SUBSECTION AND THE MODIFICATION RESULTS IN AN INCREASED SENTENCE, THE COURT SHALL SET FORTH THE FACTS IN THE RECORD EXPLAINING WHY THE MODIFICATION IS APPROPRIATE.

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 sentence imposed before the effective date of this Act.".

AMENDMENT NO. 3

On page 6, in line 14, strike "2." and substitute "3.".

The preceding 3 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0561**
SPONSOR: Del Kramer, et al
SUBJECT: Crim Procedure – Sentencing or Disposition Hearing – Appearance of Victim or Victim's Representative

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Waldstreicher, Chairman
Delegate Schuler, and
Delegate Smigiel.

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: **HB 1179**
SPONSOR: Del Cardin, et al
SUBJECT: Election Law – Early Voting

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Ross, Chair
Delegate Cardin
Delegate Elmore

The Senate appoints:
Senator Dyson, Chairman
Senator Conway
Senator Colburn.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0014**
SPONSOR: Sen Astle, et al
SUBJECT: Maryland Environmental Service – Energy Generation Projects

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 Klausmeier, Chairman
Senator Glassman
Senator Exum.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0014**

SPONSOR: Sen Astle, et al
SUBJECT: Maryland Environmental Service – Energy Generation Projects

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 Klausmeier, Chair
Senator Glassman
Senator Exum

The House appoints:
Delegate Rudolph, Chairman
Delegate Haddaway, and
Delegate Malone.

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 0265**
SPONSOR: The Pres (Admin), et al
SUBJECT: Vehicle Laws – Teen Driver Safety

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

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

Senator Frosh, Chairman
Senator Haines

Senator Muse.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0265**
SPONSOR: The Pres (Admin), et al
SUBJECT: Vehicle Laws – Teen Driver Safety

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Frosh, Chair
Senator Haines
Senator Muse

The House appoints:
Delegate Malone, Chairman
Delegate Frush, and
Delegate Stull.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

QUORUM CALL

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

(See Roll Call No. 1192)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #72

House Bill 898 – Delegates McConkey, Beidle, Benson, Cane, Costa, Dwyer, Eckardt, Elmore, Frank, George, Holmes, McComas, Norman, Ramirez, Schuh, Sossi, Stocksdale, and Stull

AN ACT concerning

Child Custody and Visitation – Relocation of Child ~~– Consent and Court Approval~~

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1193)

The Bill was then sent to the Senate.

House Bill 1091 – ~~Delegate Glenn~~ Delegates Glenn, Doory, Howard, Stukes, and Walker

AN ACT concerning

Baltimore City and Prince George's County – Organization of Parents and Teachers – Matching Fund

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

Affirmative – 101 Negative – 29 (See Roll Call No. 1194)

The Bill was then sent to the Senate.

House Bill 1223 – Delegate Braveboy

AN ACT concerning

Education – Public High Schools and Public High School Students – ~~Revisions and Requirements~~ Data Collection System

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

Affirmative – 135 Negative – 2 (See Roll Call No. 1195)

The Bill was then sent to the Senate.

House Bill 1453 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – Exemption from Covered Employment – Home Workers

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1196)

The Bill was then sent to the Senate.

House Bill 1475 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland Veterans Behavioral Health – Expansion

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1197)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #73

House Bill 108 – ~~Delegate Feldman~~ Delegates Feldman, Bartlett, Boteler, Cardin, Elmore, Doory, Frick, George, Gilchrist, Hixson, Howard, Ivey, Kaiser, Murphy, Myers, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Tax Amnesty Program

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1198)

The Bill was then sent to the Senate.

House Bill 293 – The Speaker (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Delegates Dumais, Bronrott, Ali, Lafferty, ~~and Waldstreicher~~ Waldstreicher, Anderson, Aumann, Barkley, Beidle, Bohanan, Boteler, Costa, DeBoy, Dwyer, Eckardt, Elliott, Elmore, Feldman, Frank, Frush, Haddaway, Heller, Holmes, Jameson, Jennings, Kaiser, Kramer, Krebs, Lee, Levy, McComas, Manno, Mathias, Morhaim, Murphy, Myers, Niemann, Norman, O'Donnell, Reznik, Riley, Robinson, Ross, Serafini, Shank, Shewell, Sophocleus, Sossi, Stocksdale, Stull, Walkup, Weldon, and Wood

AN ACT concerning

Vehicle Laws – Repeated Drunk and Drugged Driving Offenses – Suspension of License

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1199)

The Bill was then sent to the Senate.

House Bill 845 – Delegates Carter, Ali, Anderson, Barnes, Bates, Braveboy, Burns, Dumais, Gutierrez, Hixson, Ivey, Jameson, Kullen, Lee, Manno, McComas, Montgomery, Nathan–Pulliam, Pena–Melnyk, Riley, Ross, Stukes, Taylor, V. Turner, Vallario, ~~and Waldstreicher~~ Waldstreicher, Bartlett, Elmore, Frick, Howard, Murphy, Rice, and Walker

AN ACT concerning

~~Domestic Violence~~ Education – Tween/Teen Dating Violence ~~Education and Awareness~~

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1200)

The Bill was then sent to the Senate.

House Bill 899 – Delegates Kelly, Beitzel, Myers, and Schuler

AN ACT concerning

Workers' Compensation – Death Benefits for Partially Dependent Individuals – Payment

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1201)

The Bill was then sent to the Senate.

House Bill 1215 – Delegates Hixson, Hucker, Kaiser, Mizeur, Montgomery, Niemann, Rice, and Ross

AN ACT concerning

Inheritance Tax – Exemption – Domestic Partners

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

Affirmative – 99 Negative – 35 (See Roll Call No. 1202)

The Bill was then sent to the Senate.

House Bill 1291 – Delegates Bobo, Carr, Frush, Healey, and Hucker

AN ACT concerning

Natural Resources – No Net Loss of Forest Policy – Forest Conservation Act

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

Affirmative – 114 Negative – 21 (See Roll Call No. 1203)

The Bill was then sent to the Senate.

SPECIAL ORDERS

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

Senate Bill 518 – ~~Senator Miller~~ Senators Miller and Dyson

AN ACT concerning

Calvert County – Alcoholic Beverages

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT ADOPTED.

Read the second time and ordered prepared for Third Reading.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 311** SPONSOR: **The Speaker**

SUBJECT: **Freedom of Association and Assembly Protection Act of 2009**

THIRD READING CALENDAR HOUSE NO. **40** SENATE NO. **5**

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

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

(1) That the Judicial Proceedings Committee Amendments (HB0311/108876/1) be rejected.

(2) That the attached Conference Committee Amendment (HB0311/323625/1) be adopted.

HB0311/323625/1

BY: Conference Committee

AMENDMENT TO HOUSE BILL 311
(Third Reading File Bill)

On page 3, in line 9, after "**POLICE**" insert "**OR SHERIFF'S**"; and in line 17, strike "**INDIVIDUALS**" and substitute "**PERSONS**".

On page 4, in line 24, strike "**AN INDIVIDUAL**" and substitute "**A PERSON**"; in the same line, strike "**THAT**" and substitute "**IF**"; in lines 25 and 26, strike "**(I)**" and "**(II)**", respectively, and substitute "**(1)**" and "**(2)**", respectively; in line 25, before "**IS**" insert "**THE INFORMATION**"; in line 26, strike "**IS WITHOUT**" and substitute "**THE LAW ENFORCEMENT AGENCY DOES NOT HAVE A**"; and in line 27, strike "**INDIVIDUAL**" and substitute "**PERSON**".

On page 5, in line 6, strike "**AN INDIVIDUAL**" and substitute "**A PERSON**".

On page 6, in lines 19 and 23, in each instance, strike "individuals" and substitute "persons".

Senate Members:		House Members:	
Chair,	**Jamie Raskin**	Chair,	**Kathleen M. Dumais**
	Jennie M. Forehand		**Kriselda Valderrama**
	Alexander X. Mooney		**William J. Frank**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	(X) Chief Clerk ( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 1204)

The Bill was then sent to the Senate.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #33

Senate Bill 61 – Chair, Finance Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Port Administration – Jurisdiction, Powers, and Duties

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1205)

The Bill was then returned to the Senate.

Senate Bill 69 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Air–Conditioning Equipment Specifications and Requirements

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

Affirmative – 135 Negative – 1 (See Roll Call No. 1206)

The Bill was then returned to the Senate.

Senate Bill 163 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

EMERGENCY BILL

AN ACT concerning

Program Open Space – Use of Funds – Indoor or Outdoor Recreational Facilities

Delegate McIntosh moved to reconsider the vote by which **Senate Bill 163** was ordered printed for Third Reading.

The motion was adopted.

Delegate McIntosh moved to reconsider the vote by which the Favorable Report as Amended was adopted.

The motion was adopted.

Committee amendment 470412/1 was withdrawn.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 276 – The President (By Request – Administration) and Senators Della, Madaleno, and Rosapepe

AN ACT concerning

Smart, Green, and Growing – Annual Report – Smart Growth Goals, Measures, and Indicators and Implementation of Planning Visions

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

Affirmative – 123 Negative – 14 (See Roll Call No. 1207)

The Bill was then returned to the Senate.

Senate Bill 296 – Senators Stone and Della

EMERGENCY BILL

AN ACT concerning

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

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

Affirmative – 133 Negative – 2 (See Roll Call No. 1208)

The Bill was then returned to the Senate.

Senate Bill 362 – Senator Haines

AN ACT concerning

Agricultural Land Preservation Easements – Residential Uses

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

Affirmative – 134 Negative – 2 (See Roll Call No. 1209)

The Bill was then returned to the Senate.

Senate Bill 370 – Senators Stone, Conway, Dyson, Gladden, Klausmeier, Kramer, Munson, Muse, Peters, Raskin, Robey, Rosapepe, and Simonaire

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force – ~~Extension and Membership~~ Reconstitution

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

Affirmative – 133 Negative – 3 (See Roll Call No. 1210)

The Bill was then returned to the Senate.

Senate Bill 408 – Senators Simonaire, Brochin, Colburn, Forehand, Gladden, Harrington, Lenett, Raskin, Rosapepe, and Stone

AN ACT concerning

Environment – Water Pollution Control – ~~Incentives and~~ Penalties

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

Affirmative – 135 Negative – 1 (See Roll Call No. 1211)

The Bill was then returned to the Senate.

Senate Bill 513 – Senators Forehand and Muse

AN ACT concerning

Washington Metropolitan Area Transit Commission – Appointment of District of Columbia Member

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

Affirmative – 135 Negative – 1 (See Roll Call No. 1212)

The Bill was then returned to the Senate.

Senate Bill 516 – Senators Middleton, Colburn, ~~and Glassman~~ Glassman, Conway, Dyson, Pinsky, Rosapepe, Lenett, Harrington, Greenip, and Harris

AN ACT concerning

Maryland Organic Transition Investment Pilot Program (MO–TIPP)

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1213)

The Bill was then returned to the Senate.

Senate Bill 721 – ~~Senator Pinsky~~ Senators Pinsky and Harris

AN ACT concerning

Private Wastewater Treatment Act of 2009

FLOOR AMENDMENT

SB0721/883528/2

BY: Delegate Haddaway

AMENDMENT TO SENATE BILL 721
(Third Reading File Bill)

On page 1, in line 16, strike "**SECTION,**" and substitute "**SECTION:**

(1)".

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

"**(2) "INDIVIDUAL SEWERAGE SYSTEM" DOES NOT INCLUDE A SEPTIC TANK DISPOSAL SYSTEM.**".

The preceding amendment was read and adopted.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1214)

The Bill was then returned to the Senate.

Senate Bill 807 – Senator Colburn

AN ACT concerning

Real Property – Residential Mortgages and Deeds of Trust – Recordation and Foreclosure

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1215)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #34

Senate Bill 761 – Senators Middleton, Klausmeier, Kramer, and Stoltzfus

AN ACT concerning

Department of Health and Mental Hygiene – ~~Federal Waiver – Waiver for Medicaid Coordinated Long–Term Care Program~~ Long–Term Care Supports and Services – Report

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1216)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #38

Senate Bill 32 – Senators DeGrange and Astle

EMERGENCY BILL

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

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

Affirmative – 134 Negative – 2 (See Roll Call No. 1217)

The Bill was then returned to the Senate.

Senate Bill 330 – Senator Colburn

AN ACT concerning

Dorchester County – Board of Education – Benefits

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

Affirmative – 136 Negative – 1 (See Roll Call No. 1218)

The Bill was then returned to the Senate.

Senate Bill 470 – Senators Kittleman, Kasemeyer, Pipkin, ~~and Robey~~ Robey, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Klausmeier, and Pugh

AN ACT concerning

Unemployment Insurance – Recreational Sports Officials – Coverage

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

Affirmative – 135 Negative – 1 (See Roll Call No. 1219)

The Bill was then returned to the Senate.

Senate Bill 668 – Senators Raskin, Forehand, and Stone

AN ACT concerning

Vehicle Laws – Manufacturers, Distributors, and Factory Branches – Prohibited Acts

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1220)

The Bill was then returned to the Senate.

Senate Bill 762 – ~~Senator Middleton~~ Senators Middleton and Klausmeier

AN ACT concerning

Department of Labor, Licensing, and Regulation – Workforce Development and Adult Learning – Administration

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

Affirmative – 136 Negative – 1 (See Roll Call No. 1221)

The Bill was then returned to the Senate.

Senate Bill 792 – Senator Klausmeier

AN ACT concerning

Property and Casualty Insurance – Portable Electronics Insurance – Regulation

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1222)

The Bill was then returned to the Senate.

Senate Bill 863 – Senator Edwards

AN ACT concerning

Workers' Compensation – Death Benefits for Partially Dependent Individuals – Payment

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1223)

The Bill was then returned to the Senate.

Senate Bill 958 – Senator Rosapepe

EMERGENCY BILL

AN ACT concerning

Construction Permits – Expiration Dates

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

Affirmative – 135 Negative – 1 (See Roll Call No. 1224)

The Bill was then returned to the Senate.

Senate Bill 1059 – Chair, Finance Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Cigarette Business Licenses – Cigarette Manufacturers – Definitions and Scope of License

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1225)

The Bill was then returned to the Senate.

Senate Bill 1065 – ~~Senator Frosh~~ Senators Frosh, Harrington, and Lenett

AN ACT concerning

Standing – Miscellaneous Environmental Protection Proceedings and Judicial Review

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

Affirmative – 109 Negative – 27 (See Roll Call No. 1226)

The Bill was then returned to the Senate.

Senate Bill 1072 – The President (By Request – Administration) and Senators Brinkley, Colburn, Conway, Currie, DeGrange, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Klausmeier, Madaleno, McFadden, Middleton, Miller, Munson, Peters, Pipkin, Pugh, Robey, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Pimlico and Laurel Park Racetracks, Bowie Race Course Training Center, and Preakness Stakes – State Purchase or Condemnation

FLOOR AMENDMENT

SB1072/453423/1

BY: Delegate Smigiel

AMENDMENTS TO SENATE BILL 1072
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "property" insert "authorizing the Comptroller to bid not more than a certain amount on certain property;".

AMENDMENT NO. 2

On page 5, in line 1, after "**(5)**" insert "**SUBJECT TO SUBSECTION (D) OF THIS SECTION,**"; and after line 28 insert:

"**(D) THE COMPTROLLER MAY BID NOT MORE THAN $1,000 OVER THE NEXT HIGHEST BID AT ANY AUCTION HELD FOR:**

(1) THE ITEMS SPECIFIED IN SUBSECTION (A)(5) OF THIS SECTION; OR

(2) IF THE ITEMS SPECIFIED IN SUBSECTION (A)(5) OF THIS SECTION ARE BUNDLED WITH OTHER ITEMS, THE ENTIRE LOT.".

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

Affirmative – 30 Negative – 99 (See Roll Call No. 1227)

Delegate Cane moved the previous question.

The motion was adopted.

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

Affirmative – 93 Negative – 43 (See Roll Call No. 1228)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #32

Senate Bill 37 – ~~Senator Colburn~~ Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Alcoholic Beverages – Special Multiple Event Licenses

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

Affirmative – 132 Negative – 1 (See Roll Call No. 1229)

The Bill was then returned to the Senate.

Senate Bill 60 – Chair, Finance Committee (By Request – Departmental – Public Service Commission)

AN ACT concerning

Maryland Transit Administration – Mass Transit Service Alterations – Public Service Commission and People's Counsel Reporting and Representation Requirements

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

Affirmative – 131 Negative – 4 (See Roll Call No. 1230)

The Bill was then returned to the Senate.

Senate Bill 86 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Title Insurance Producers – Regulation and Requirements

Delegate Sophocleus moved to make the Bill a Special Order for next session.

The motion was adopted.

Senate Bill 161 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Board – Term Limits

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1231)

The Bill was then returned to the Senate.

Senate Bill 278 – Senator Pinsky and the President (By Request – Administration) and Senators Conway, Currie, Forehand, Frosh, Garagiola, Gladden, Harrington, Kelley, King, Lenett, Madaleno, Middleton, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, ~~and Stone~~ Stone, and Jones

AN ACT concerning

Greenhouse Gas Emissions Reduction Act of 2009

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

Affirmative – 107 Negative – 30 (See Roll Call No. 1232)

The Bill was then returned to the Senate.

Senate Bill 334 – Senator Colburn

AN ACT concerning

Talbot County – Alcoholic Beverages – Limited Wineries

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

Affirmative – 135 Negative – 1 (See Roll Call No. 1233)

The Bill was then returned to the Senate.

Senate Bill 406 – Senators Conway, Pugh, Currie, Della, Exum, Forehand, Frosh, Gladden, Harrington, Jones, Kelley, King, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Raskin, Rosapepe, and Stone

AN ACT concerning

Prevailing Wage Rates – Public Works Contracts – ~~Suits by Employees~~ Payment of Liquidated Damages

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

Affirmative – 102 Negative – 35 (See Roll Call No. 1234)

The Bill was then returned to the Senate.

Senate Bill 562 – Senators Garagiola, Kittleman, ~~and Middleton~~ Middleton, Exum, Glassman, Klausmeier, and Pugh

EMERGENCY BILL

AN ACT concerning

Labor and Employment – Flexible Leave

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

Affirmative – 115 Negative – 21 (See Roll Call No. 1235)

The Bill was then returned to the Senate.

Senate Bill 576 – Senators Middleton, Exum, Kelley, Della, ~~and Pugh~~ Pugh, and Garagiola

AN ACT concerning

Unemployment Insurance – Maximum Benefit – Increase

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

Affirmative – 100 Negative – 37 (See Roll Call No. 1236)

The Bill was then returned to the Senate.

Senate Bill 626 – Senators Forehand and Garagiola

AN ACT concerning

Corporations – Corporate Documents, Fractional Shares, and Redemption of Stock

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1237)

The Bill was then returned to the Senate.

Senate Bill 886 – Senator Rosapepe

AN ACT concerning

Prince George's County – Laurel Commons – Alcoholic Beverages – Additional Class B Licenses

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1238)

The Bill was then returned to the Senate.

Senate Bill 909 – The President (By Request – Administration) and Senators Kelley, Raskin, Currie, Forehand, Gladden, Harrington, King, Klausmeier, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Rosapepe, and Stone

AN ACT concerning

Workplace Fraud Act of 2009

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

Affirmative – 105 Negative – 32 (See Roll Call No. 1239)

The Bill was then returned to the Senate.

Senate Bill 955 – Senator Klausmeier

AN ACT concerning

Public Utility Companies – Energy Efficiency, Conservation, and Demand Response Programs – Selection of HVAC Service Providers

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1240)

The Bill was then returned to the Senate.

Senate Bill 981 – Senator Garagiola

AN ACT concerning

Public Service Companies – Net Energy Metering

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

Affirmative – 136 Negative – 1 (See Roll Call No. 1241)

The Bill was then returned to the Senate.

Senate Bill 1057 – Senator Klausmeier

AN ACT concerning

Public Service Companies – Termination of Electric and Gas Service – Extreme Temperatures

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

Affirmative – 131 Negative – 6 (See Roll Call No. 1242)

The Bill was then returned to the Senate.

THE COMMITTEE ON JUDICIARY REPORT #20

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

Senate Bill 70 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Child Support Enforcement – Medical Support for Children

SB0070/392316/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 70
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 3 down through "reasonable" in line 16 and substitute "requiring the court, in certain cases, to include in a certain support order a provision requiring one or both parents to include the child in the parent's health insurance coverage under certain circumstances; authorizing the court to include in a certain support order a provision requiring one or both parents to include the child in the parent's health insurance coverage at a certain point in the future under certain circumstances; requiring the court to order one or both parents to provide cash medical support in a certain amount under certain circumstances; authorizing the court to order one or both parents to provide cash medical support in a certain amount under certain circumstances; requiring cash medical support to be added to the basic child support obligation under the child support guidelines and divided by the parents in proportion to their adjusted actual incomes; prohibiting the court from ordering the obligee to pay cash medical support under certain circumstances".

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 14 on page 3 through line 20 on page 4, inclusive, and substitute:

"(b) **[**The**]** **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE** court may include in any support order a provision requiring either parent to include the child in the parent's health insurance coverage if:

(1) the parent can obtain health insurance coverage through an employer or any form of group health insurance coverage; and

(2) the child can be included at a reasonable cost to the parent in that health insurance coverage.

(C) (1) THIS SUBSECTION APPLIES ONLY TO A CHILD SUPPORT ORDER UNDER TITLE IV, PART D OF THE SOCIAL SECURITY ACT.

(2) (I) THE COURT SHALL INCLUDE IN ANY SUPPORT ORDER THAT IS ESTABLISHED OR MODIFIED A PROVISION REQUIRING ONE OR BOTH PARENTS TO INCLUDE THE CHILD IN THE PARENT'S HEALTH INSURANCE COVERAGE IF:

1. THE PARENT CAN OBTAIN HEALTH INSURANCE COVERAGE THROUGH AN EMPLOYER OR ANY FORM OF GROUP HEALTH INSURANCE COVERAGE;

2. THE CHILD CAN BE INCLUDED AT A REASONABLE COST TO THE PARENT IN THAT HEALTH INSURANCE COVERAGE; AND

3. THE HEALTH INSURANCE COVERAGE IS ACCESSIBLE TO THE CHILD.

(II) FOR PURPOSES OF SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, THE COST OF HEALTH INSURANCE COVERAGE IS REASONABLE IF THE COST OF ADDING THE CHILD TO EXISTING HEALTH INSURANCE COVERAGE, OR THE DIFFERENCE BETWEEN SELF–ONLY AND FAMILY COVERAGE, DOES NOT EXCEED 5% OF THE ACTUAL INCOME OF THE PARENT ORDERED TO PAY FOR HEALTH INSURANCE COVERAGE.

(3) IF HEALTH INSURANCE COVERAGE AT A REASONABLE COST IS NOT AVAILABLE AT THE TIME A SUPPORT ORDER IS ESTABLISHED OR MODIFIED, THE COURT:

(I) MAY INCLUDE A PROVISION REQUIRING ONE OR BOTH PARENTS TO INCLUDE THE CHILD IN THE PARENT'S HEALTH INSURANCE COVERAGE AS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION IF HEALTH INSURANCE COVERAGE AT A REASONABLE COST BECOMES AVAILABLE IN THE FUTURE; AND

(II) SHALL INCLUDE A PROVISION REQUIRING ONE OR BOTH PARENTS TO PROVIDE CASH MEDICAL SUPPORT IN AN AMOUNT NOT TO EXCEED 5% OF THE ACTUAL INCOME OF THE PARENT ORDERED TO PROVIDE CASH MEDICAL SUPPORT.

(4) IN ADDITION TO REQUIRING ONE OR BOTH PARENTS TO PROVIDE HEALTH INSURANCE COVERAGE, THE COURT MAY ORDER ONE OR BOTH PARENTS TO PROVIDE CASH MEDICAL SUPPORT IN AN AMOUNT NOT TO EXCEED 5% OF THE ACTUAL INCOME OF THE PARENT ORDERED TO PROVIDE CASH MEDICAL SUPPORT.

(5) CASH MEDICAL SUPPORT ORDERED UNDER THIS SUBSECTION SHALL BE ADDED TO THE BASIC CHILD SUPPORT OBLIGATION AND DIVIDED BY THE PARENTS IN PROPORTION TO THEIR ADJUSTED ACTUAL INCOMES.

(6) THE COURT MAY NOT ORDER THE OBLIGEE TO PAY CASH MEDICAL SUPPORT TOWARD THE COST OF HEALTH INSURANCE PROVIDED BY A PUBLIC ENTITY FOR WHICH THE OBLIGEE DOES NOT PAY A PREMIUM, INCLUDING THE MARYLAND CHILDREN'S HEALTH PROGRAM UNDER TITLE 15, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE.

[(c)**]** **(D)** An order of a court requiring the provision of health insurance coverage for a child may be issued separate from or in conjunction with an earnings withholding order.".

On page 4, in line 21, strike "**(G)**" and substitute "**(E)**".

On page 5, in line 16, strike "**(H)**" and substitute "**(F)**"; and in line 28, strike "**(I)**" and substitute "**(G)**".

On page 6, in lines 4, 18, 29, and 32, strike "**(J)**", "**(K)**", "**(L)**", and "**(M)**", respectively, and substitute "**(H)**", "**(I)**", "**(J)**", and "**(K)**", respectively.

On page 7, in lines 1 and 6, strike "**(N)**" and "**(O)**", respectively, and substitute "**(L)**" and "**(M)**", respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 1081** SPONSOR: **Delegate Jones**

SUBJECT: **Prior Authorizations of State Debt to Fund Capital Projects – Alterations**

THIRD READING CALENDAR HOUSE NO. **57** SENATE NO. **R/S**

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

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

(1) That Amendment Nos. 2, 4 through 7, 10 through 14, and 16 and 17 of the attached Budget and Taxation Committee Amendments (HB1081/389835/1) be adopted.

(2) That Amendment Nos. 1, 3, 8, 9, and 15 of the Budget and Taxation Committee Amendments (HB1081/389835/1) be rejected.

(3) That the attached Conference Committee Amendments (HB1081/393928/1) be adopted.

HB1081/389835/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1081
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, before "altering" insert "requiring that the construction and equipping of certain underground utilities be located on certain streets;".

AMENDMENT NO. 2

On page 3, after line 27, insert:

"BY repealing and reenacting, with amendments,
Chapter 432 of the Acts of the General Assembly of 2004
Section 1(3) Item QG00(A)";

and after line 30, insert:

"BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 66 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA01(BN)".

AMENDMENT NO. 3

On page 4, in line 4, strike "ZA01(BT)" and substitute "ZA00(T), ZA01(BT),"; in line 12, strike "ZA01(C)" and substitute "ZA00(P), ZA01(C), (H)"; in the same line, strike "ZA02(D)" and substitute "ZA02(C), (D), (AS)"; in line 19, after "ZA00(M)" insert ", (S), and (U)"; in the same line, after "ZA01(F)," insert "(K),"; in line 20, strike the first "and"; and in the same line, after "(CF)" insert ", and (CN),".

AMENDMENT NO. 4

On page 18, in line 24, strike "**VICTORY**"; in the same line, strike "Youth Center" and substitute "**MACDONALD KNOLLS CENTER**"; in line 25, strike "Victory Youth Center, Inc." and substitute "**CHI CENTERS, INC.**"; in line 26, after "construction," insert "**RECONSTRUCTION,**"; and strike beginning with "**VICTORY**" in line 28 down through "**DARNESTOWN**" in line 29 and substitute "**MACDONALD KNOLLS CENTER, LOCATED IN SILVER SPRING**".

AMENDMENT NO. 5

On page 22, strike beginning with "**VICTORY**" in line 1 down through "**CENTER**" in line 2 and substitute "**MACDONALD KNOLLS CENTER**"; in line 4, strike "Victory Youth Center, Inc." and substitute "**CHI CENTERS, INC.**"; in line 6, after "**RENOVATION,**" insert "**RECONSTRUCTION,**"; and strike beginning with "**VICTORY**" in line 8 down through "**(STATEWIDE)**" in line 10 and substitute "**MACDONALD KNOLLS CENTER, LOCATED IN SILVER SPRING (MONTGOMERY COUNTY)**".

AMENDMENT NO. 6

On page 22, after line 22, insert:

"Chapter 432 of the Acts of 2004

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

(3)

QG00	POLICE AND CORRECTIONAL TRAINING COMMISSIONS	
(A)	Public Safety Training Center. Provide funds to equip two renovated dormitory buildings and design **AND CONSTRUCT** the remaining components of the Center (Carroll County)	940,000".

AMENDMENT NO. 7

On page 23, after line 28, insert:

"Chapter 445 of the Acts of 2005, as amended by Chapter 66 of the Acts of 2007

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

(3) ZA01 LOCAL HOUSE OF DELEGATES INITIATIVES

(BN)	Frederick Douglass Memorial. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the	

matching fund provided, to the **[**Frederick Douglass Memorial Action Coalition**]** **TOWN OF EASTON** for the design and construction of a monument to the life and legacy of Frederick Douglass, to be located in Easton. Notwithstanding Section 1(5) of this Act, the matching fund may include real property, in kind contributions, or funds expended prior to the effective date of this Act and the grantee has until June 1, **[**2009,**]** **2011,** to present evidence that a matching fund will be provided (Talbot County) ..... 100,000".

AMENDMENT NO.8

On page 25, after line 9, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS

(T) Annapolis Underground Wiring. Provide a grant equal to the lesser of (i) $600,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Annapolis to assist in the construction and equipping of underground utilities **ON CORNHILL STREET, FLEET STREET, AND PINKNEY STREET** in the City of Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County) .... 600,000".

AMENDMENT NO. 9

On page 27, after line 9, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS

(P) Annapolis Underground Wiring. Provide a grant equal to the lesser of (i) $600,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Annapolis to assist in the construction and capital equipping of underground utilities **ON CORNHILL STREET, FLEET STREET,**

AND PINKNEY STREET in the City of Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County) .... 600,000".

AMENDMENT NO. 10

On page 27, after line 20, insert:

"(H) Hope House. Provide a grant of $100,000 to the Board of Directors of Addiction Recovery, Inc. for the repair, renovation, and capital equipping of Hope House, an alcohol and drug addiction residential treatment facility, located in Crownsville, subject to a requirement that the grantee provide and expend a matching fund of $50,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2011, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Statewide) .... 100,000".

AMENDMENT NO. 11

On page 28, strike beginning with "**VICTORY**" in line 7 down through "**CENTER**" in line 8 and substitute "**MACDONALD KNOLLS CENTER**"; in line 10, strike "Victory Youth Center, Inc." and substitute "**CHI CENTERS, INC.**"; in line 12, after "**RENOVATION,**" insert "**RECONSTRUCTION,**"; and strike beginning with "**VICTORY**" in line 14 down through "**(STATEWIDE)**" in line 16 and substitute "**MACDONALD KNOLLS CENTER, LOCATED IN SILVER SPRING (MONTGOMERY COUNTY)**".

AMENDMENT NO. 12

On page 28, after line 39, insert:

"(C) Hope House. Provide a grant of $100,000 to the Board of Directors of Addiction Recovery, Inc. for the repair, renovation, and capital equipping of Hope House, an alcohol and drug addiction residential treatment facility, located in Crownsville, subject to a

requirement that the grantee provide and expend a matching fund of $50,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2011, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Statewide) .... 100,000".

AMENDMENT NO. 13

On page 29, after line 8, insert:

"(AS) Cecil County Breeder's Fair. Provide a grant in the amount of $50,000 to the Board of Directors of the Cecil County Breeder's Fair, Inc. for the **ACQUISITION,** repair, renovation, reconstruction, and capital equipping**, INCLUDING ACQUISITION OF AN AERATOR,** of the race track at Fair Hill, located in Fair Hill (Cecil County) ..... 50,000".

AMENDMENT NO. 14

On page 29, strike beginning with "**VICTORY**" in line 31 down through "**CENTER**" in line 32 and substitute "**MACDONALD KNOLLS CENTER**"; in line 34, strike "Victory Youth Center, Inc." and substitute "**CHI CENTERS, INC.**"; in line 36, after "**RENOVATION,**" insert "**RECONSTRUCTION,**"; and strike beginning with "**VICTORY**" in line 38 down through "**DARNESTOWN**" in line 39 and substitute "**MACDONALD KNOLLS CENTER, LOCATED IN SILVER SPRING**".

AMENDMENT NO. 15

On page 32, strike line 9 in its entirety; in line 10, before "RD00" insert "(3)"; and after line 22, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS".

On page 33, after line 7, insert:

"(S) Annapolis Underground Wiring. Provide a grant equal to the lesser of (i) $600,000 or (ii) the amount of

the matching fund provided, to the Mayor and City Council of the City of Annapolis to assist in the construction and equipping of underground utilities **ON CORNHILL STREET, FLEET STREET, AND PINKNEY STREET** in the City of Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County) 600,000

(U) The Emmart–Pierpoint Safe House. Provide a grant **[**equal to the lesser**]** of **[**(i)**]** $100,000 **[**or (ii) the amount of the matching fund provided,**]** to the Board of Directors of The Friends of Cherry Hill AUMP, Inc. for the construction, renovation, and capital equipping of the Emmart–Pierpoint Safe House, located in Baltimore County. **[**Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act**]** (Baltimore County)..... 100,000".

AMENDMENT NO. 16

On page 33, after line 17, insert:

"(K) Annapolis Summer Garden Theatre. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Annapolis Summer Garden Theatre, Inc. for the repair, renovation, restoration, and reconstruction of the Annapolis Summer Garden Theatre including repair to the roof, located in Annapolis**[**, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust**]** (Anne Arundel County)..... 50,000".

AMENDMENT NO. 17

On page 34, after line 20, insert:

"(CN) Oxford Community Center. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Oxford Community Center, Inc. for the design, repair, renovation, reconstruction, and capital equipping of the Oxford Community Center, located in **[**Oxford, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust.**]** **OXFORD.** Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Talbot County)..... 50,000".

HB1081/393928/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 1081
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, after line 19, insert:

"BY repealing and reenacting, with amendments,
Chapter 563 of the Acts of the General Assembly of 2000
Section 1".

AMENDMENT NO. 2

On page 4, in line 4, strike "ZA01(BT)" and substitute "DE02.01(B), ZA01(BT),"; in line 12, after "ZA01(C)," insert "(H),"; in the same line, strike "ZA02(D)" and substitute "ZA02(C), (D), (AS)"; in line 19, after "ZA00(M)" insert "and (U)"; in the same line, after "ZA01(F)," insert "(K),"; in line 20, strike the first "and"; and in the same line, after "(CF)" insert ", and (CN),".

AMENDMENT NO. 3

On page 9, after line 25, insert:

"Chapter 563 of the Acts of 2000

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Prince George's County – St. Paul Community Centre Loan of 2000 in a total principal amount equal to the lesser of (i) $400,000 or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

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

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees: as a grant to the Board of Directors of the Saint Paul Community Development Corporation (referred to hereafter in this Act as "the grantee") for the construction and capital equipping of a building for the St. Paul Community Centre in **[**Capitol Heights, Prince George's County,**]** **TEMPLE HILLS,** to be used as an expansion of an existing day care center and for office space.

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

(5) Prior to the payment of any funds under the provisions of this Act for the purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching fund. No part of the grantee's matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. No part of the fund may consist of real property or in kind

contributions. The fund may consist of funds expended prior to the effective date of this Act. In case of any dispute as to the amount of the matching fund or what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final. The grantee has until June 1, 2002, to present evidence satisfactory to the Board of Public Works that a matching fund will be provided. If satisfactory evidence is presented, the Board shall certify this fact and the amount of the matching fund to the State Treasurer, and the proceeds of the loan equal to the amount of the matching fund shall be expended for the purposes provided in this Act. Any amount of the loan in excess of the amount of the matching fund certified by the Board of Public Works shall be canceled and be of no further effect.

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

AMENDMENT NO. 4

On page 25, after line 9, insert:

"DE02.01 BOARD OF PUBLIC WORKS

STATE GOVERNMENT CENTER – BALTIMORE
(Baltimore City)

(B)	2100 Guilford Avenue – Addition. Provide funds to supplement previous appropriations to design**, [**and**]** construct**, AND RENOVATE** an addition to State Office Building Number 3 at 2100 Guilford Avenue. Any funds not needed to complete this project may be used to design and construct other capital facilities renewal projects statewide.....	1,800,000".

AMENDMENT NO. 5

On page 32, strike line 9 in its entirety; in line 10, before "RD00" insert "(3)"; and after line 22, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS".

On page 33, after line 7, insert:

"(U) The Emmart–Pierpoint Safe House. Provide a grant **[**equal to the lesser**]** of **[**(i)**]** $100,000 **[**or (ii) the amount of the matching fund provided,**]** to the Board of Directors of The Friends of Cherry Hill AUMP, Inc. for the construction, renovation, and capital equipping of the Emmart–Pierpoint Safe House, located in Baltimore County. **[**Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act**]** (Baltimore County)..... 100,000".

Senate Members:		House Members:	
Chair,	**Ulysses Currie**	Chair,	**Norman H. Conway**
	James E. DeGrange, Sr.		**Adrienne A. Jones**
	Donald F. Munson		**John L. Bohanan, Jr.**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	(X) Chief Clerk ( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 1243)

The Bill was then sent to the Senate.

CONCURRENCE CALENDAR #10

AMENDED IN THE SENATE

House Bill 1037 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages Licenses – Successor Corporations

PG 301–09

Delegate Davis moved that the House concur in the Senate amendments.

HB1037/964532/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1037
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after the first "corporation" insert "during a certain period of time"; and in line 9, strike "the greater of certain alternatives" and substitute "the sum of a certain number of licenses held by the successor corporation at a certain time".

AMENDMENT NO. 2

On page 2, in line 8, after "**CORPORATION**" insert "**DURING THE TIME PERIOD BEGINNING ON SEPTEMBER 1, 2007 AND ENDING ON JUNE 1, 2008**"; strike beginning with "**GREATER**" in line 10 down through "**THE**" in line 11; in lines 11 and 12, strike "**EACH CORPORATION BEFORE**" and substitute "**THE TWO CORPORATIONS AFTER**"; in line 12, after "**FORMED**" insert "**IF THE NUMBER OF LICENSES HELD IS 8 OR LESS**"; and strike beginning with the semicolon in line 12 down through "**FORMED**" in line 15.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1244)

AMENDED IN THE SENATE

House Bill 9 – Delegates Waldstreicher and McComas

AN ACT concerning

Criminal Law – Possession of Child Pornography – Penalties

Delegate Vallario moved that the House concur in the Senate amendments.

HB0009/838173/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 9
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 3 down through "gratification;" in line 5; in line 15, strike "11–201(f) and"; and after line 17, insert:

"BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 11–201(f)
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, in line 5, strike "**(1)**"; and strike in their entirety lines 6 through 8, inclusive.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1245)

AMENDED IN THE SENATE

House Bill 501 – Delegates Kelly, Dwyer, Kramer, McComas, and Smigiel

AN ACT concerning

Criminal Law – ~~Theft~~ Fraudulent Conversion of Rental Property

Delegate Vallario moved that the House concur in the Senate amendments.

HB0501/578474/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 501
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "requirements;" insert "providing that the item or thing of value have a certain value;".

AMENDMENT NO. 2

On page 6, in line 1, strike "not for nominal consideration" and substitute "**FOR A GOOD OR THING WITH A VALUE OF $1,500 OR MORE**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1246)

AMENDED IN THE SENATE

House Bill 631 – Delegates Levi, Barkley, Davis, DeBoy, Kramer, Manno, Schuler, and Stukes

AN ACT concerning

~~Criminal Law – Assault on~~ Transportation – Interfering with Transit Operators and School ~~Employees~~ Bus Drivers – ~~Enhanced~~ Penalties

Delegate Vallario moved that the House concur in the Senate amendments.

HB0631/348379/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 631
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "hindering," insert "or"; strike beginning with "with," in line 17 down through "disturbing" in line 18 and substitute "with"; in line 21, after "hindering," insert "or"; and strike beginning with "with," in line 21 down through "disturbing" in line 22 and substitute "with".

AMENDMENT NO. 2

On page 6, in line 12, after "**HINDER,**" insert "**OR**"; and strike beginning with "**WITH,**" in line 12 down through "**DISTURB**" in line 13 and substitute "**WITH**".

On page 8, in line 14, after "**HINDER,**" insert "**OR**"; and in line 15, strike "**, OR OTHERWISE DISRUPT OR DISTURB**".

AMENDMENT NO. 3

On page 6 in line 18 and on page 8 in line 31, in each instance, strike "**18 MONTHS**" and substitute "**90 DAYS**".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1247)

AMENDED IN THE SENATE

House Bill 1196 – Delegates Ramirez, Barkley, Barnes, Frick, Haynes, Healey, Kramer, McComas, and Valderrama

AN ACT concerning

Domestic Violence – Protective Orders – Notification of Service

Delegate Vallario moved that the House concur in the Senate amendments.

HB1196/158275/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1196
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "contingency;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 4, in line 31, after the period insert "It shall remain effective for a period of 2 years and, at the end of December 31, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1248)

AMENDED IN THE SENATE

House Bill 1337 – Delegate Branch

AN ACT concerning

Family Law – State Citizens Review Board for Children and Local Boards of Review – Duties

Delegate Vallario moved that the House concur in the Senate amendments.

HB1337/108970/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 1337
(Third Reading File Bill)

On page 4, in line 27, strike "**LOCAL DEPARTMENT**" and substitute "**DEPARTMENT**".

The preceding amendment was read and concurred in.

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1249)

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 267	Del. King
HB 350	Washington County Del.
HB 372	Charles County Del.
HB 442	Charles County Del.
HB 578	Carroll County Del.
HB 952	Del. Hubbard
HB 964	Prince George's Del.
HB 1138	Montgomery/PG Co. Del.
HB 1271	St. Mary's County Del.
HB 1364	Charles County Del.
HB 1369	Howard County Del.
HB 1412	Ch., Envir. Mat. Com.
HB 1447	Ch., Judiciary Com.
HB 1463	Charles County Del.
HB 1545	Ch., Judiciary Com.

Read and ordered journalized.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #31

Senate Bill 83 – Chair, Finance Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Human Services – Child Welfare Workforce

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1250)

The Bill was then returned to the Senate.

Senate Bill 556 – Senators Jones, Miller, Brinkley, Colburn, Conway, Currie, DeGrange, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Harris, Jacobs, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Simonaire, Stoltzfus, Stone, and Zirkin

AN ACT concerning

State Funding Accountability Act

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1251)

The Bill was then returned to the Senate.

Senate Bill 686 – Senators Robey, Forehand, Frosh, Garagiola, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Peters, Raskin, ~~and Rosapepe~~ Rosapepe, DeGrange, Greenip, Jones, and Stoltzfus

AN ACT concerning

High Performance Buildings Act – ~~Applicable~~ Modifications and Applicability to Community College Capital Projects

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

Affirmative – 135 Negative – 1 (See Roll Call No. 1252)

The Bill was then returned to the Senate.

Senate Bill 962 – Senator Pinsky

AN ACT concerning

Town of University Park Employees – Participation in the Employees' Pension System

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1253)

The Bill was then returned to the Senate.

Senate Bill 1019 – Senators McFadden ~~and Robey~~, Robey, and Munson

AN ACT concerning

State Police Retirement System – Reemployment of Retirees

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1254)

The Bill was then returned to the Senate.

Senate Bill 1060 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

General Obligation Bonds – Method of Sale by Board of Public Works

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1255)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #35

Senate Bill 186 – Senators Pugh, Forehand, Gladden, Harrington, Lenett, Madaleno, McFadden, Muse, Peters, Raskin, Robey, and Rosapepe

AN ACT concerning

Correctional Facilities – Released Inmates – Identification Cards

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

Affirmative – 132 Negative – 5 (See Roll Call No. 1256)

The Bill was then returned to the Senate.

Senate Bill 192 – Senators Brinkley, Currie, Dyson, Haines, and Robey

AN ACT concerning

Criminal Law – ~~Theft~~ Fraudulent Conversion of Rental Property

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1257)

The Bill was then returned to the Senate.

Senate Bill 262 – The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) ~~and Senator Forehand~~ and Senators Forehand, Jacobs, and Mooney

AN ACT concerning

Vehicle Laws – Repeated Drunk and Drugged Driving Offenses – Suspension of License

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1258)

The Bill was then returned to the Senate.

Senate Bill 299 – Senator Simonaire

AN ACT concerning

Child Custody and Visitation – Relocation of Child~~ – Consent and Court Approval~~

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1259)

The Bill was then returned to the Senate.

Senate Bill 421 – Senators Jacobs, Colburn, Forehand, Kelley, King, Kittleman, Mooney, Munson, Pugh, Raskin, and Stone

AN ACT concerning

Social Services Administration ~~– Children at Substantial Risk of Abuse or Neglect – Identification and Notice~~ and Department of Health and Mental Hygiene – Parents Responsible for Child Abuse or Neglect – Birth of Subsequent Child

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1260)

The Bill was then returned to the Senate.

Senate Bill 425 – Senators Jacobs, Astle, Brochin, Colburn, DeGrange, Glassman, Harris, Klausmeier, Kramer, McFadden, Mooney, and Stone

AN ACT concerning

Criminal Procedure – Offender Registry – Retroactivity

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1261)

The Bill was then returned to the Senate.

Senate Bill 447 – Senators Muse, Frosh, Haines, Mooney, Peters, Raskin, ~~and Stone~~ Stone, Brochin, Forehand, Gladden, Jacobs, and Simonaire

AN ACT concerning

Public Safety – SWAT Team Activation and Deployment – Reports

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

Affirmative – 123 Negative – 13 (See Roll Call No. 1262)

The Bill was then returned to the Senate.

Senate Bill 620 – Senators Simonaire, Greenip, Haines, Jacobs, Mooney, ~~and Stone~~ Stone, and Forehand

AN ACT concerning

~~Crimes of Violence – Voided Revised Sentences~~
Criminal Procedure – Violation of Crime Victim Rights – Subsequent Proceedings

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1263)

The Bill was then returned to the Senate.

Senate Bill 654 – Senator Stone

AN ACT concerning

Violent Crimes – Conditional Release Under Mandatory Supervision – Limitation

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1264)

The Bill was then returned to the Senate.

Senate Bill 714 – Senator Forehand

AN ACT concerning

Domestic Violence – ~~Interim and Temporary~~ Protective Orders – Custody of Minor Child

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

Affirmative – 98 Negative – 38 (See Roll Call No. 1265)

The Bill was then returned to the Senate.

Senate Bill 908 – Senators Muse, Conway, Exum, Gladden, Harrington, Jones, Kelley, Peters, and Zirkin

EMERGENCY BILL

AN ACT concerning

Task Force on Prisoner Reentry

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

Affirmative – 133 Negative – 4 (See Roll Call No. 1266)

The Bill was then returned to the Senate.

CONCURRENCE CALENDAR #9

AMENDED IN THE SENATE

House Bill 193 – Delegates Love and Kullen

AN ACT concerning

Gaming – Instant Bingo – Extension of Sunset

Delegate Hixson moved that the House concur in the Senate amendments.

HB0193/299130/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 193
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Instant"; in the same line, strike "– Extension of Sunset"; in line 3, after "of" insert "altering the distribution of revenue from a certain State tax in a certain manner; creating the Special Fund for Preservation of Cultural Arts in Maryland; providing for the purpose and administration of the Fund; specifying that the Fund is a special, nonlapsing fund; requiring that the State Treasurer hold the Fund separately and the Comptroller account for the Fund; specifying the contents of the Fund; specifying that the Fund may be used only for a certain purpose; authorizing the Governor, for each appropriation to the Fund, to include funds in the State budget subject to appropriation by the General Assembly or transfer the funds by budget amendment from the Fund under certain circumstances;

specifying that money expended from the Fund for cultural arts organizations or other similar entities is supplemental and not intended to take the place of certain other funding; altering the rate of the State admissions and amusement tax on electronic bingo and electronic tip jars; limiting the rate of the State admissions and amusement tax in a certain manner under certain circumstances; limiting the rate of a county or municipal corporation admissions and amusement tax that is applicable to electronic bingo or electronic tip jars under certain circumstances; prohibiting a county from imposing a certain fee or tax under certain circumstances on or before a certain date;"; in line 4, after "machines;" insert "altering a certain condition on certain authority for certain persons to continue to operate certain games in a certain manner; establishing that a certain action may be brought only in a certain circuit court; establishing that the enforcement and implementation of this Act may not be stayed under certain circumstances; expressing the intent of the General Assembly regarding the proliferation of certain gaming machines;"; in line 5, after "to" insert "electronic bingo and"; and after line 10, insert:

"BY adding to
Article – Economic Development
Section 4–801 to be under the new subtitle "Subtitle 8. Special Fund for Preservation of Cultural Arts in Maryland"
Annotated Code of Maryland
(2008 Volume)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–202 and 4–105(a–1)
Annotated Code of Maryland
(2004 Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 4–102(d) and 4–105(a)
Annotated Code of Maryland
(2004 Volume and 2008 Supplement)".

AMENDMENT NO. 2
On page 3, after line 5, insert:

"Article – Economic Development

SUBTITLE 8. SPECIAL FUND FOR PRESERVATION OF CULTURAL ARTS IN MARYLAND.

4–801.

(A) IN THIS SECTION, "FUND" MEANS THE SPECIAL FUND FOR PRESERVATION OF CULTURAL ARTS IN MARYLAND.

(B) THERE IS A SPECIAL FUND FOR PRESERVATION OF CULTURAL ARTS IN MARYLAND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE EMERGENCY GRANTS TO CULTURAL ARTS ORGANIZATIONS, INCLUDING MUSEUMS, OR SIMILAR ENTITIES IN THE STATE.

(D) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF:

(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 2–202(A)(1)(I) OF THE TAX – GENERAL ARTICLE; AND

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

(G) THE FUND MAY BE USED ONLY FOR PREVENTING THE CLOSURE OR TERMINATION OF CULTURAL ARTS ORGANIZATIONS, INCLUDING MUSEUMS, OR SIMILAR ENTITIES IN THE STATE.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(I) FOR EACH APPROPRIATION TO THE FUND, THE GOVERNOR MAY:

(1) INCLUDE THE FUNDS IN THE STATE BUDGET SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY; OR

(2) TRANSFER THE FUNDS BY BUDGET AMENDMENT FROM THE FUND TO THE EXPENDITURE ACCOUNT OF THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT ONLY AFTER THE PROPOSED BUDGET AMENDMENT HAS BEEN:

(I) SUBMITTED TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE OF THE GENERAL ASSEMBLY; AND

(II) APPROVED BY THE LEGISLATIVE POLICY COMMITTEE.

(J) MONEY EXPENDED FROM THE FUND FOR CULTURAL ARTS ORGANIZATIONS, INCLUDING MUSEUMS, OR OTHER SIMILAR ENTITIES IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THOSE ORGANIZATIONS OR SIMILAR ENTITIES.

Article – Tax – General

2–202.

After making the distribution required under § 2–201 of this subtitle, within 20 days after the end of each quarter, the Comptroller shall distribute:

(1) **FROM** the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars under § 4–102(d) of this article**:**

(I) THE REVENUE ATTRIBUTABLE TO A TAX RATE OF 20% to the General Fund of the State; and

(II) THE REVENUE ATTRIBUTABLE TO A TAX RATE IN EXCESS OF 20% TO THE SPECIAL FUND FOR PRESERVATION OF CULTURAL ARTS IN MARYLAND, AS PROVIDED IN § 4–801 OF THE ECONOMIC DEVELOPMENT ARTICLE; AND

(2) the remaining admissions and amusement tax revenue:

(i) to the Maryland Stadium Authority, county, or municipal corporation that is the source of the revenue; or

(ii) if the Maryland Stadium Authority and also a county or municipal corporation tax a reduced charge or free admission:

1. 80% of that revenue to the Authority; and

2. 20% to the county or municipal corporation.

4–102.

(d) (1) In this subsection, "net proceeds" means the total receipts from the operation of an electronic bingo machine or electronic tip jar machine less the amount of money winnings or prizes paid out to players.

(2) A State tax is imposed on the net proceeds derived from any charge for the operation of an electronic bingo machine permitted under a commercial bingo license or an electronic tip jar machine authorized under Title 13 of the Criminal Law Article that is operated for commercial purposes.

4–105.

(a) Except as otherwise provided in this section, the admissions and amusement tax rate is:

(1) the rate that a county or municipal corporation sets, not exceeding 10% of gross receipts subject to the admissions and amusement tax; or

(2) the rate that the Stadium Authority sets, not exceeding 8% of gross receipts subject to the admissions and amusement tax.

(a–1) **(1) [**The**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** rate of the State admissions and amusement tax imposed on electronic bingo or electronic tip jars under § 4–102(d) of this subtitle is **[**20%**] 30%** of the net proceeds subject to the tax.

(2) IF NET PROCEEDS SUBJECT TO THE STATE ADMISSIONS AND AMUSEMENT TAX IMPOSED ON ELECTRONIC BINGO OR ELECTRONIC TIP JARS UNDER § 4–102(D) OF THIS SUBTITLE ARE ALSO SUBJECT TO AN ADMISSIONS AND AMUSEMENT TAX IMPOSED BY A COUNTY OR A MUNICIPAL CORPORATION UNDER THIS SUBTITLE:

(I) THE RATE OF THE STATE TAX MAY NOT EXCEED A RATE THAT, WHEN COMBINED WITH THE RATE OF ANY COUNTY OR MUNICIPAL CORPORATION TAX, WILL EXCEED 35% OF THE NET PROCEEDS; AND

(II) THE RATE OF ANY COUNTY OR MUNICIPAL CORPORATION ADMISSIONS AND AMUSEMENT TAX THAT IS APPLICABLE TO NET PROCEEDS DERIVED FROM ELECTRONIC BINGO OR ELECTRONIC TIP JARS MAY NOT EXCEED THE RATE OF THE ADMISSIONS AND AMUSEMENT TAX IMPOSED BY THE COUNTY OR MUNICIPAL CORPORATION AS OF JANUARY 1, 2009.".

AMENDMENT NO. 3

On page 3, in line 12, strike "**2011**" and substitute "**2012**"; in line 13, after "(a)" insert "**(1)**"; in line 14, after "2007;" insert "**OR**

(2) THE MACHINES WERE IN OPERATION UNDER A COMMERCIAL BINGO LICENSE AS OF DECEMBER 31, 2007;";

after line 18, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2012, a county may not impose a fee or tax on electronic bingo in addition to any tax or fee imposed by the county as of January 1, 2009.

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding any other law, an action for declaratory, injunctive, or other relief to challenge the legality of any provision of this Act or any amendment made by this Act:

(1) may be brought only in the circuit court for Anne Arundel County; and

(2) does not stay the enforcement and implementation of this Act pending the disposition of the action.

SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any provision of this Act, it is the intent of the General Assembly that the proliferation of gaming in the State be reduced by limiting the use of gaming machines that are similar in appearance and operation to video lottery terminals and that, in authorizing the temporary continuation of gaming activity with such machines by commercial and charitable entities that have operated such machines over a long period of time, this Act be construed not as approval of an expansion of such gaming, but as enacting a mechanism to provide additional funding required to address the State's important fiscal needs on a temporary basis while the State video lottery terminal program is being implemented.";

and in line 19, strike "2." and substitute "5.".

The preceding 3 amendments were read and concurred in.

HB0193/539634/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 193, AS AMENDED

On page 3 of the Budget and Taxation Committee Amendments (HB0193/299130/1), in lines 13 and 14 of Amendment No. 2, strike "**§ 2–202(A)(1)(I)**" and substitute "**§ 2–202(1)(II)**".

The preceding amendment was read and concurred in.

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

Affirmative – 112 Negative – 24 (See Roll Call No. 1267)

AMENDED IN THE SENATE

House Bill 803 – Delegate Beitzel

AN ACT concerning

Garrett County – Code of Ordinances – Natural Gas

Delegate Hixson moved that the House concur in the Senate amendments.

HB0803/929136/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 803
(Third Reading File Bill)

On page 8, in line 3, strike "(1)"; and in line 7, strike "(2)" and substitute "**(B)**".

The preceding amendment was read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1268)

AMENDED IN THE SENATE

House Bill 893 – Delegates Hixson, Cardin, Olszewski, Rice, ~~and Ross~~ Ross, Frick, Ivey, Howard, Kaiser, Walker, and Stukes

EMERGENCY BILL

AN ACT concerning

Election Law – Voting Systems – Requirements

Delegate Hixson moved that the House concur in the Senate amendments.

HB0893/334630/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 893
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, strike "only" and substitute "at least"; strike beginning with "one" in line 19 down through "time" in line 22 and substitute "a voting machine that provides a voter–verifiable paper record within a certain time after a certain determination"; in line 22, after "use" insert ", at a certain time,"; and in line 23, strike "within a certain time".

On page 8, in line 13, strike "this" and substitute "that".

AMENDMENT NO. 2

On page 7, in line 12, strike "**ONLY**" and substitute "**AT LEAST**".

AMENDMENT NO. 3

On page 7, strike in their entirety lines 20 through 30, inclusive, and substitute:

"**(4) (I) THE STATE BOARD SHALL CERTIFY AND DEPLOY A VOTING MACHINE THAT PROVIDES A VOTER–VERIFIABLE PAPER RECORD WITHIN 2 YEARS AFTER A DETERMINATION THAT:**

1. THE VOTING MACHINE HAS BEEN EXAMINED BY AN INDEPENDENT TESTING LABORATORY THAT IS APPROVED BY THE U.S. ELECTION ASSISTANCE COMMISSION AND SHOWN BY THE TESTING LABORATORY TO MEET THE REQUIREMENTS OF SUBSECTIONS (F)(3) AND (H)(1) OF THIS SECTION;

2. THE VOTING MACHINE IS COMPATIBLE WITH THE VOTING SYSTEM SELECTED AND CERTIFIED FOR VOTING IN POLLING PLACES IN THE STATE; AND

3. THE VOTING MACHINE MEETS THE STATE CERTIFICATION REQUIREMENTS UNDER THIS SECTION.

(II) ON CERTIFICATION AND DEPLOYMENT OF A VOTING MACHINE THAT PROVIDES A VOTER–VERIFIABLE PAPER RECORD IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE BOARD SHALL DISCONTINUE THE USE OF ANY VOTING MACHINE THAT DOES NOT PROVIDE A VOTER–VERIFIABLE PAPER RECORD.".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 111 Negative – 26 (See Roll Call No. 1269)

AMENDED IN THE SENATE

House Bill 960 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Board of Education – Elected ~~Members~~ Members – Benefits

PG 407–09

Delegate Hixson moved that the House concur in the Senate amendments.

HB0960/194236/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 960
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; strike beginning with "Elected" in line 2 down through "Benefits" in line 3 and substitute "Expenditures"; in line 8, after "Education;" insert "prohibiting the Prince George's

County Board of Education from expending any funds for certain purposes;"; in line 8, after "Act;" insert "making this Act an emergency measure;"; and in line 9, strike "benefits for elected members" and substitute "expenditures".

AMENDMENT NO. 2

On page 2, after line 15, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Prince George's County Board of Education may not expend any funds for the purpose of leasing, acquiring, or purchasing property under or in connection with a lease entered into in June of 2008 for consolidation of administrative offices of the Board.";

in line 16, strike "2." and substitute "3."; in the same line, after "That" insert "Section 1 of"; and strike in their entirety lines 20 and 21 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 2 amendments were read and concurred in.

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

Affirmative – 129 Negative – 5 (See Roll Call No. 1270)

CONCURRENCE CALENDAR #8

AMENDED IN THE SENATE

House Bill 787 – Delegates Conway, Malone, Beitzel, Cane, DeBoy, Mathias, ~~and Rudolph~~ Rudolph, Aumann, Bates, Bohanan, Branch, G. Clagett, Gaines, Guzzone, Jones, Proctor, Sophocleus, Stocksdale, and Wood

AN ACT concerning

Emergency Responders – Death Benefits and Funeral Expenses

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

HB0787/659831/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 787
(Third Reading File Bill)

On page 6, strike beginning with "Budget" in line 33 down through "Management" in line 34 and substitute "Public Safety and Correctional Services".

The preceding amendment was read and concurred in.

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1271)

AMENDED IN THE SENATE

House Bill 217 – Calvert County Delegation

AN ACT concerning

Calvert County – Alcoholic Beverages

Delegate Davis moved that the House concur in the Senate amendments.

HB0217/524738/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 217
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "of" insert "authorizing a limited winery in Calvert County to be issued a winery special event permit for unlimited use for certain times during certain months at a certain farmers' market in Calvert County; altering certain alcoholic beverage license fees in the county;"; in line 5, strike "Calvert County" and

substitute "the county"; in line 18, after "Section" insert "3–401(a), 5–101(a), 5–201(a)(1) and (f), 6–101(a)(1), 6–201(a)(1), 6–401(a)(1),"; and in line 19, before "and" insert a comma.

On page 2, in line 1, after "Section" insert "2–101(u), 3–401(f), 5–101(f), 6–101(f), 6–201(f), 6–401(f),".

AMENDMENT NO. 2

On page 2, after line 12, insert:

"2–101.

(u) (1) The Office of the Comptroller may issue a winery special event permit to a licensed Class 4 Maryland limited winery, provided that:

(i) **[**No**] EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, NO** more than 12 winery special event permits are issued to the Class 4 Maryland limited winery in any given calendar year;

(ii) The permit does not exceed 3 consecutive days; and

(iii) **[**No**] EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, NO** more than three winery special event permits are issued in any calendar year to any given limited winery for use in the same political subdivision.

(2) The winery special event permit may only be issued for an event which:

(i) Has as its major purpose an activity other than the sale and promotion of alcoholic beverages and for which the participation of the winery is a subordinate activity;

(ii) Is approved by the Department of Agriculture and the Office of the Comptroller; and

(iii) Is held on a nonlicensed premises or a premises on which a person may obtain a temporary alcoholic beverages license.

(3) A winery special event permit shall authorize the holder to:

(i) Provide samples not to exceed 1 fluid ounce per brand to consumers;

(ii) Sell not more than four 750 ml bottles of wine to a consumer at any given event or festival for off–premises consumption; and

(iii) Sell by the glass wine produced by the licensee to persons participating in any event or festival and for on–premises consumption.

(4) The winery special event permit application shall be filed with the Office of the Comptroller not less than 15 days prior to any event.

(5) A CLASS 4 MARYLAND LIMITED WINERY IN CALVERT COUNTY MAY BE ISSUED A WINERY SPECIAL EVENT PERMIT FOR UNLIMITED USE FOR ONE NIGHT EACH WEEK FROM JUNE THROUGH NOVEMBER AT THE NORTH BEACH FRIDAY NIGHT FARMERS' MARKET.

3–401.

(a) (1) A Class D beer license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer at retail at the place described in the license. The beer may be consumed on the premises or elsewhere, but a license may not be issued for any drugstore.

(2) The annual fee for the license shall be paid to the local collecting agent before any license is issued, for distribution as provided.

(f) In Calvert County the annual license fee is **[**$100**] $1,000**.

5–101.

(a) (1) A Class A beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer and light wines at retail, in any quantity to any consumers, at the place described in the license. The holder shall deliver the beer and light wines in a sealed package or container, which package or container may not be opened nor its contents consumed on the premises where sold.

(2) The annual fee for the license shall be paid to the local collecting agent before any license is issued, for distribution as provided.

(f) In Calvert County the annual license fee is **[**$150**] $300**.

5–201.

(a) (1) A Class B beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license, for consumption on the premises or elsewhere.

(f) In Calvert County the annual license fee is $250.

6–101.

(a) (1) A Class A beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and to sell all alcoholic beverages at retail, in any quantity, at the place described in the license. The licensee shall deliver the alcoholic beverages in a sealed package or container and the package or container may not be opened nor its contents consumed on the premises where sold.

(f) In Calvert County the annual license fee is **[**$500**] $1,000**.

6–201.

(a) (1) A Class B beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located, and the license authorizes its holder to keep for sale and sell all alcoholic beverages at retail at any hotel or restaurant at the place described, for consumption on the premises or elsewhere, or as provided in this section.

(f) (1) This subsection applies only in Calvert County.

(2) The annual fee for a Class B license is **[**$1,000**]:**

(I) $1,250, IF THE PLACE OF BUSINESS REMAINS OPEN UNTIL MIDNIGHT; OR

(II) $2,250, IF THE PLACE OF BUSINESS REMAINS OPEN UNTIL 2 A.M.

(3) (i) There is a Class BR beer, wine and liquor license which authorizes licensees to sell beer, wine, and liquor in restaurants for on–sale consumption with meals only.

(ii) The annual license fee for each license is $500.

(iii) Hours and days for sale are those for other Calvert County Class B licensees.

(4) (i) In the 27th Legislative District of Calvert County, there is a Class BLX license for luxury–type restaurants.

(ii) The Class BLX license shall be applied for in the same manner as are other classes of licenses.

(iii) The license fee is $2,400.

(iv) A luxury–type restaurant shall be defined by the County Liquor Board.

(v) To qualify for a Class BLX license, a restaurant shall have:

1. A minimum capital investment of $500,000 for the dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and

2. A seating capacity of at least 150 persons.

(vi) Notwithstanding any other provision of this article, an individual, corporation, limited liability company, partnership, limited partnership, joint venture, association, or other person or combination of persons may not have a direct or indirect interest in any combination in more than 3 Class B and Class BLX licenses.

(vii) An indirect interest is presumed to exist between any combination of individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons if any of the following conditions exist between them:

1. A common parent company;

2. A franchise agreement;

3. A licensing agreement;

4. A concession agreement;

5. Dual membership in a chain of businesses commonly owned and operated;

6. A sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;

7. Common direct or indirect sharing of profit from the sale of alcoholic beverages; or

8. A sharing of a common trade name, trademark, logo or theme, or mode of operation identifiable by the public.

6–401.

(a) (1) A Class D beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the place described in it, for consumption on the premises or elsewhere. A license may not be issued for any drugstore.

(f) (1) This subsection applies only in Calvert County.

(2) This license may be issued in the entire county.

(3) The annual license fee is **[**$1,000**]:**

(I) $1,250, IF THE PLACE OF BUSINESS REMAINS OPEN UNTIL MIDNIGHT; OR

(II) $2,250, IF THE PLACE OF BUSINESS REMAINS OPEN UNTIL 2 A.M.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 133 Negative – 1 (See Roll Call No. 1272)

AMENDED IN THE SENATE

House Bill 378 – Delegate Feldman

AN ACT concerning

Corporations – Corporate Documents, Fractional Shares, and Redemption of Stock

Delegate Davis moved that the House concur in the Senate amendments.

HB0378/718373/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 378
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Documents," insert "Distributions,"; in line 9, after "circumstances;" insert "authorizing a corporation to make distributions from certain net earnings under certain circumstances;"; in line 22, after "2–214(a)," insert "2–308,"; and in the same line, after "2–310.1," insert "2–311(a),".

AMENDMENT NO. 2

On page 3, after line 8, insert:

"2–308.

(a) Subject to the limitations of subsection (b) of this section, any surplus which arises from a reduction of stated capital becomes capital surplus and may be made the basis of:

(1) A distribution or payment to stockholders; and

(2) A reduction of the liability of stockholders whose shares of stock are not fully paid.

(b) **[**The**]** **EXCEPT AS PROVIDED IN § 2–311(A)(2) OF THIS SUBTITLE, THE** net assets of the corporation which remain after a distribution, payment, or reduction of liability shall be at least equal to the aggregate preferential amount payable in the event of voluntary liquidation to the holders of all stock having rights preferred to the rights of holders who received the distribution, payment, or whose liability was reduced.".

On page 4, after line 12, insert:

"2–311.

(a) **(1)** No distribution may be made if, after giving effect to the distribution:

[(1)**]** **(I)** The corporation would not be able to pay indebtedness of the corporation as the indebtedness becomes due in the usual course of business; or

[(2)**]** **(II)** **[**The**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** corporation's total assets would be less than the sum of the corporation's total liabilities plus, unless the charter permits otherwise, the amount that would be needed, if the corporation were to be dissolved at the time of the distribution, to satisfy the preferential rights upon dissolution of stockholders whose preferential rights on dissolution are superior to those receiving the distribution.

(2) A CORPORATION MAY MAKE A DISTRIBUTION FROM:

(I) THE NET EARNINGS OF THE CORPORATION FOR THE FISCAL YEAR IN WHICH THE DISTRIBUTION IS MADE;

(II) THE NET EARNINGS OF THE CORPORATION FOR THE PRECEDING FISCAL YEAR; OR

(III) THE SUM OF THE NET EARNINGS OF THE CORPORATION FOR THE PRECEDING EIGHT FISCAL QUARTERS.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1273)

AMENDED IN THE SENATE

House Bill 1451 – Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development) and Delegates Davis, Rudolph, Barkley, Braveboy, Burns, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, King, Kirk, Krysiak, Love, Manno, Mathias, McHale, Miller, Minnick, Stifler, Taylor, Vaughn, and Walkup

AN ACT concerning

Military Personnel and Service–Disabled Veterans No–Interest Loan Program

Delegate Davis moved that the House concur in the Senate amendments.

HB1451/367573/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1451
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "Program;" insert "stating the intent of the General Assembly that priority be given to certain applications under certain circumstances;".

AMENDMENT NO. 2

On page 3, after line 15, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, where similar factors are present, priority be given to the applications of service–disabled veterans for financial assistance under this Act.";

and in line 16, strike "2." and substitute "3.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1274)

AMENDED IN THE SENATE

House Bill 1429 – Chair, Ways and Means Committee and Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – BRAC Community Enhancement Act

Delegate Hixson moved that the House concur in the Senate amendments.

HB1429/849034/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1429
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "requiring the Secretary of Business and Economic Development to notify members of certain county delegations

to the General Assembly after receipt of an application for designation or expansion of a BRAC Revitalization and Incentive Zone;";

and after line 9, insert:

"BY adding to
Article – Economic Development
Section 5–1302(c)
Annotated Code of Maryland
(2008 Volume)".

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

"5–1302.

(C) AFTER THE SECRETARY'S RECEIPT OF AN APPLICATION FOR DESIGNATION OF AN AREA AS A BRAC REVITALIZATION AND INCENTIVE ZONE OR EXPANSION OF AN EXISTING ZONE UNDER § 5–1305 OF THIS SUBTITLE, THE SECRETARY SHALL NOTIFY THE MEMBERS OF THE COUNTY DELEGATION TO THE GENERAL ASSEMBLY FOR EACH COUNTY IN WHICH A ZONE IS PROPOSED TO BE LOCATED.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1275)

QUORUM CALL

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

(See Roll Call No. 1276)

ADJOURNMENT

At 2:34 P.M. on motion of Delegate Barve the House adjourned until 5:00 P.M., on Legislative Day April 9, 2009, Calendar Day, Monday, April 13, 2009.

Annapolis, Maryland
Legislative Day: April 9, 2009
Calendar Day: Monday, April 13, 2009

The House met at 5:15 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Melvin L. Stukes of Baltimore City.

QUORUM CALL

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

(See Roll Call No. 1277)

The Journal of April 8, 2009 was read and approved.

EXCUSES:
Del. Myers – son's death
Del. Proctor – foot injury
Del. Serafini – personal – Del. Myers' son's death
Del. F. Turner – illness
Ways and Means Committee – left briefly – voting

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 1030**
SPONSOR: Del Shank, et al
SUBJECT: Criminal Procedure – Offender Registry – Retroactivity

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Waldstreicher, Chair
Delegate Levi
Delegate Frank

The Senate appoints:
Senator Stone, Chairman

Senator Jacobs
Senator Muse.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0079**
SPONSOR: Chr FIN (Dept)
SUBJECT: Health Insurance – Reform

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

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

Senator Garagiola, Chairman
Senator Kelley
Senator Pipkin.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0079**
SPONSOR: Chr FIN (Dept)
SUBJECT: Health Insurance – Reform

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Garagiola, Chair
Senator Kelley
Senator Pipkin

The House appoints:
Delegate Pendergrass, Chairman
Delegate Tarrant, and
Delegate Elliott.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

House Bill 4 – ~~Delegate Manno~~ Delegates Manno, Minnick, Hammen, Pendergrass, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Krebs, Kullen, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Small Business Health Insurance ~~Stimulus~~ Expansion Act

Delegate Hammen moved that the House not concur in the Senate amendments.

HB0004/577973/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 4

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Expansion"; strike beginning with "a" in line 5 down through "altering" in line 7; strike beginning with "requirements" in line 9 down through "and" in line 10; strike in their entirety lines 11 through 15, inclusive; and in line 18, strike "and 15–12A–03".

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 28 on page 2 through line 8 on page 5, inclusive.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0004**
SPONSOR: Del Manno, et al
SUBJECT: Small Business Health Insurance Expansion Act

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Pendergrass, Chairman
Delegate Kullen, and
Delegate Kach.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

House Bill 265 – Delegates G. Clagett, Barkley, Boteler, Cane, V. Clagett, Costa, DeBoy, Guzzone, Harrison, Jones, Levy, Love, Mathias, Sossi, ~~and V. Turner~~ V. Turner, Bohanan, Branch, Holmes, Malone, Weldon, Benson, Donoghue, Kullen, McDonough, Nathan–Pulliam, Pena–Melnyk, and Riley

AN ACT concerning

~~Public Safety~~ Emergency Medical Services – Emergency Medical Services Board ~~– Membership~~ and Joint Oversight Committee on Emergency Medical Services

Delegate Hammen moved that the House not concur in the Senate amendments.

HB0265/587276/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 265
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Emergency" in line 2 down through "and" in line 3; strike beginning with "altering" in line 5 down through "Command;" in line 9; strike beginning with "emergency" in line 13 down through "and" in line 14; and strike in their entirety lines 16 through 20, inclusive.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 8 on page 2 through line 2 on page 4, inclusive.

AMENDMENT NO. 3

On page 4, in lines 7 and 8, in each instance, strike "**12**" and substitute "**EIGHT**"; strike in their entirety lines 9 through 12, inclusive, and substitute:

"**(I) THREE SHALL BE MEMBERS OF THE SENATE FINANCE COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;**

(II) ONE SHALL BE A MEMBER OF THE SENATE BUDGET AND TAXATION COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;

(III) THREE SHALL BE MEMBERS OF THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE; AND

(IV) ONE SHALL BE A MEMBER OF THE HOUSE APPROPRIATIONS COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE.";

in line 13, after "**(C)**" insert "**(1)**"; and after line 16, insert:

"**(2) THE SENATE CHAIR AND THE HOUSE CHAIR SHALL ALTERNATE ANNUALLY AS PRESIDING CHAIRS AND COCHAIRS OF THE COMMITTEE.**".

AMENDMENT NO. 4

On page 6, in line 16, strike "3." and substitute "2."; in line 17, strike "Section 2 of this Act" and substitute "It"; and in line 19, strike "Section 2 of".

The preceding 4 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0265**
SPONSOR: Del G. Clagett, et al
SUBJECT: Emer Med Servs – Emer Med Servs Bd and Jt Oversight Com on Emer Med Servs

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Weldon, Chairman
Delegate Hammen, and
Delegate Costa.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

House Bill 1386 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claims by Victims Outside of the United States

Delegate Vallario moved that the House not concur in the Senate amendments.

HB1386/908873/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1386
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "States" insert "and Claimant Confidentiality and Eligibility"; in line 7, after "Board;" insert "prohibiting the disclosure of the identity or contact information of a certain victim or claimant by the Criminal Injuries Compensation Board; prohibiting a person who has been convicted of certain offenses from receiving a certain award from the Board;"; in line 8, strike "eligibility for awards from"; and in line 12, strike "11–801" and substitute "11–801, 11–806, and 11–808(a)".

AMENDMENT NO. 2

On page 3, after line 15, insert:

"11–806.

(a) Except as provided under **[**subsection (b)**]** **SUBSECTIONS (B) AND (C)** of this section, the record of a proceeding before the Board or a Board member is a public record.

(b) If the confidentiality of a record or report that the Board obtains is protected by law or regulation, the record or report shall remain confidential, subject to the law or regulation.

(C) THE BOARD MAY NOT ALLOW THE INSPECTION, USE, OR DISCLOSURE OF A NAME, ADDRESS, TELEPHONE NUMBER, OR SOCIAL SECURITY NUMBER PROVIDED TO THE BOARD FOR A VICTIM OR A CLAIMANT WHO IS A VICTIM OF A SEXUAL OFFENSE UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

11–808.

(a) (1) Except as provided in paragraph (2) of this subsection, the following persons are eligible for awards in the manner provided under this subtitle:

(i) a victim;

(ii) a dependent of a victim who died as a direct result of:

1. a crime or delinquent act;

2. trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence or had committed a felony or a delinquent act that would be considered a felony if committed by an adult; or

3. helping a law enforcement officer perform the officer's duties or helping a member of a fire department who is obstructed from performing the member's duties;

(iii) any person who paid or assumed responsibility for the funeral expenses of a victim who died as a direct result of:

1. a crime or delinquent act;

2. trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence or had committed a felony; or

3. helping a law enforcement officer perform the officer's duties or helping a member of a fire department who is obstructed from performing the member's duties; and

(iv) 1. a parent, child, or spouse of a victim who resides with the victim; or

2. a parent, child, or spouse of an individual who is incarcerated for abuse as defined in § 4–501 of the Family Law Article and who, prior to incarceration:

A. resided with the parent, child, or spouse; and

B. provided financial support to the parent, child, or spouse.

(2) **[**A**] THE FOLLOWING PERSONS ARE NOT ELIGIBLE FOR AN AWARD UNDER THIS SUBTITLE:**

(I) A person who commits the crime or delinquent act that is the basis of a claim, or an accomplice of the person, is not eligible to receive an award with respect to **[**the**] THAT** claim**; AND**

(II) A PERSON WHO HAS EVER BEEN CONVICTED OF:

1. MURDER OR ATTEMPTED MURDER UNDER § 2–201, § 2–204, § 2–205, OR § 2–206 OF THE CRIMINAL LAW ARTICLE;

2. ATTEMPTED POISONING UNDER § 3–213 OF THE CRIMINAL LAW ARTICLE;

3. CONTAMINATING A WATER SUPPLY OR FOOD OR DRINK UNDER § 3–214 OF THE CRIMINAL LAW ARTICLE;

4. A SEXUAL OFFENSE UNDER § 3–303, § 3–304, § 3–305, § 3–306, § 3–307, § 3–309, § 3–310, § 3–311, § 3–312, § 3–315, § 3–321, § 3–323, § 3–324, OR § 3–602 OF THE CRIMINAL LAW ARTICLE;

5. ROBBERY UNDER § 3–402 OR § 3–403 OF THE CRIMINAL LAW ARTICLE;

6. CARJACKING UNDER § 3–405 OF THE CRIMINAL LAW ARTICLE;

7. KIDNAPPING UNDER § 3–502 OF THE CRIMINAL LAW ARTICLE;

8. CHILD KIDNAPPING UNDER § 3–503 OF THE CRIMINAL LAW ARTICLE;

9. CHILD ABUSE UNDER § 3–601 OF THE CRIMINAL LAW ARTICLE;

10. DISARMING A LAW ENFORCEMENT OFFICER UNDER § 4–103 OF THE CRIMINAL LAW ARTICLE;

11. A WEAPONS OFFENSE UNDER § 4–404 OF THE CRIMINAL LAW ARTICLE;

12. A CONTROLLED DANGEROUS SUBSTANCE OFFENSE UNDER § 5–613 OF THE CRIMINAL LAW ARTICLE;

13. ARSON UNDER § 6–102 OR § 6–103 OF THE CRIMINAL LAW ARTICLE;

14. MALICIOUS BURNING OF PROPERTY UNDER § 6–104 OF THE CRIMINAL LAW ARTICLE;

15. A FELONY VIOLATION OF § 9–303 (RETALIATION AGAINST VICTIM OR WITNESS TESTIFYING) OR § 9–305 (VICTIM, WITNESS, JUROR, OR COURT OFFICER INTIMIDATION) OF THE CRIMINAL LAW ARTICLE; OR

16. A VIOLATION OF TITLE 20, SUBTITLE 6 (FEMALE GENITAL MUTILATION) OF THE HEALTH – GENERAL ARTICLE.".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 1386**
SPONSOR: Chr JUD (Dept)
SUBJECT: Crim Procedure – Crim Injuries Comp Bd – Claims by Victims Outside of the US

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Ramirez, Chairman
Delegate Kramer, and
Delegate McComas.

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 0151**
SPONSOR: Sen Mooney, et al
SUBJECT: Hate Crimes – Prohibitions and Protected Classes – Homeless Persons and Groups

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 Mooney, Chairman
Senator Raskin
Senator Forehand.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0151**
SPONSOR: Sen Mooney, et al
SUBJECT: Hate Crimes – Prohibitions and Protected Classes – Homeless Persons and Groups

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 Mooney, Chair
Senator Raskin
Senator Forehand

The House appoints:
Delegate Kramer, Chairman

Delegate Conaway, and
Delegate Lee.

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 0266**
SPONSOR: The Pres (Admin), et al
SUBJECT: Freedom of Association and Assembly Protection Act of 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 Raskin, Chairman
Senator Forehand
Senator Mooney.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0266**
SPONSOR: The Pres (Admin), et al
SUBJECT: Freedom of Association and Assembly Protection Act of 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 Raskin, Chair
Senator Forehand
Senator Mooney

The House appoints:
Delegate Dumais, Chairman
Delegate Valderrama, and
Delegate Frank.

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 0643**
SPONSOR: Sen Brochin, et al
SUBJECT: Estes – Disqualification of Persons Convicted of Unlawfully Obtaining Prop from Vulnerable Adlts

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 Brochin, Chairman
Senator Raskin
Senator Simonaire.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0643**
SPONSOR: Sen Brochin, et al
SUBJECT: Estes – Disqualification of Persons Convicted of Unlawfully Obtaining Prop from Vulnerable Adlts

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 Brochin, Chair
Senator Raskin
Senator Simonaire

The House appoints:
Delegate Carter, Chairman
Delegate Ramirez, and
Delegate Smigiel.

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: **HB 0072**
SPONSOR: Del F. Turner, et al
SUBJECT: The Delegate John Arnick Electronic Communications Traffic Safety Act

The Senate recedes from its position on HB 0072.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

SPECIAL ORDERS

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

Senate Bill 86 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Title Insurance Producers – Regulation and Requirements

STATUS OF BILL: BILL ON 3RD READING.

FLOOR AMENDMENT

SB0086/553822/1

BY: Delegate Sophocleus

AMENDMENTS TO SENATE BILL 86
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "increasing" in line 5 down through "Commissioner;" in line 7; and strike beginning with "providing" in line 12 down through "Act;" in line 13.

On pages 1 and 2, strike in their entirety the lines beginning with line 20 on page 1 through line 3 on page 2, inclusive.

AMENDMENT NO. 2

On pages 6 and 7, strike in their entirety the lines beginning with line 32 on page 6 through line 27 on page 7, inclusive.

On page 7, in line 28, strike "3." and substitute "2.".

On page 10, strike in their entirety lines 1 through 7, inclusive; in line 8, strike "6." and substitute "3."; and in lines 8 and 9, strike ", except as provided in Section 5 of this Act,".

The preceding 2 amendments were read and rejected.

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

Affirmative – 86 Negative – 43 (See Roll Call No. 1278)

The Bill was then returned to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 1279)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #74

House Bill 222 – Allegany County Delegation

AN ACT concerning

Allegany County – Video Lottery Construction – Local Impact Grants – Rocky Gap Construction Costs

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

Affirmative – 132 Negative – 3 (See Roll Call No. 1280)

The Bill was then sent to the Senate.

House Joint Resolution 1 – Delegates Rosenberg and Hixson

A House Joint Resolution concerning

The Jim McKay Maryland Million

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

Affirmative – 133 Negative – 1 (See Roll Call No. 1281)

The Bill was then sent to the Senate.

THE COMMITTEE ON WAYS AND MEANS REPORT #24

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

Senate Bill 11 – Chair, Anne Arundel County Senators

AN ACT concerning

Anne Arundel County Tourism and Economic Development Promotion Act of 2009

SB0011/425162/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 11
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 4 down through "rate;" in line 5 and substitute "repealing a requirement that the City of Annapolis collect and retain the revenue generated within the city from a certain hotel tax;"; in line 6, after the first "to" insert "the City of Annapolis and"; and in line 9, strike "making a technical correction;".

On page 2, in lines 21 and 22, strike "and the Anne Arundel Economic Development Corporation".

AMENDMENT NO. 2

On page 3, in line 1, strike "Except as provided in paragraph (2) of this subsection, any" and substitute "**ANY**"; in line 2, after the first "of" insert "**SUBSECTION (A)(1) AND (2) OF**"; in line 5, strike "Any" and substitute "**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, ANY**"; strike beginning with the comma in line 6 down through "transients," in line 7; after line 7, insert:

"**(3) ANY REVENUE GENERATED WITHIN THE BOUNDARIES OF THE CITY OF ANNAPOLIS FROM THE HOTEL TAX SHALL BE COLLECTED BY ANNE ARUNDEL COUNTY.**

(4) FROM ANY REVENUE GENERATED WITHIN THE BOUNDARIES OF THE CITY OF ANNAPOLIS FROM THE HOTEL TAX, ANNE ARUNDEL COUNTY SHALL DISTRIBUTE:

(I) IN FISCAL YEAR 2012:

1. 2% TO THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC.; AND

2. 8% TO THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU;

(II) IN FISCAL YEAR 2013:

1. 2.5% TO THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC.; AND

2. 12.5% TO THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU; AND

(III) IN FISCAL YEAR 2014 AND EACH FISCAL YEAR THEREAFTER:

1. 3% TO THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC.; AND

2. 17% TO THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU.

(5) AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER PARAGRAPH (4) OF THIS SUBSECTION, THE BALANCE OF THE REVENUE GENERATED WITHIN THE BOUNDARIES OF THE CITY OF ANNAPOLIS FROM THE HOTEL TAX SHALL BE DISTRIBUTED TO THE CITY OF ANNAPOLIS.";

strike beginning with "**ANNE**" in line 10 down through "**(2)**" in line 12; in line 14, after "**(I)**" insert "**IN FISCAL YEARS 2010 AND 2011, 7% TO THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU;**"; strike in their entirety lines 17 and 18; in lines 19, 21, and 23, strike "**2011**", "**2012**", and "**2013**", respectively, and substitute "**2012**", "**2013**", and "**2014**", respectively; in line 19, strike the comma and substitute a colon; strike beginning with "**15%**" in line 19 down through "**BUREAU;**" in line 20 and substitute:

"**1. 2% TO THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC.; AND**

2. 8% TO THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU;";

in line 21, strike the comma and substitute a colon; strike beginning with "**20%**" in line 21 down through "**BUREAU**" in line 22 and substitute:

"**1. 2.5% TO THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC.; AND**

2. 12.5% TO THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU";

in line 24, strike the comma and substitute a colon; strike beginning with "**25%**" in line 24 down through "**BUREAU**" in line 25 and substitute:

"**1. 3% TO THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC.; AND**

2. 17% TO THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU";

in lines 26 and 27, strike "**(3)**" and "**(2)**", respectively, and substitute "**(2)**" and "**(1)**", respectively; in line 30, strike "**ANNE ARUNDEL ECONOMIC DEVELOPMENT CORPORATION**" and substitute "**ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC.**".

AMENDMENT NO. 3

On page 4, after line 2, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That in fiscal years 2010 and 2011, from the county's share of any revenue from the hotel tax, Anne Arundel County shall distribute $260,000 to the Arts Council of Anne Arundel County, Inc.";

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

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Barve moved to put **Senate Bill 11** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 115 Negative – 14 (See Roll Call No. 1282)

Two–thirds of the Delegates elected having voted in the affirmative, **Senate Bill 11** was placed on Third Reading.

Senate Bill 11 – Chair, Anne Arundel County Senators

AN ACT concerning

Anne Arundel County Tourism and Economic Development Promotion Act of 2009

STATUS OF BILL: BILL ON 3RD READING.

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

Affirmative – 106 Negative – 27 (See Roll Call No. 1283)

The Bill was then returned to the Senate.

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

Senate Bill 500 – Senators Muse, Exum, Harrington, Peters, and Rosapepe

AN ACT concerning

Prince George's County – Board of Education – Financial Literacy ~~Curriculum Content~~ Pilot Program Course

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:

Senate Bill 538 – Senator Zirkin

AN ACT concerning

Property Tax Assessment – Home Improvements

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:

Senate Bill 964 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County Board of Education – Election and Appointment of Members – Referendum

SB0964/675567/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 964
(Third Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 8, strike "the".

AMENDMENT NO. 2
On page 9, after line 3, insert:

"**(I) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH APPOINTED MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST MONDAY IN DECEMBER 2012.**

(2) THE INITIAL TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS FOLLOWS:

(I) ONE APPOINTED MEMBER SHALL SERVE FOR A TERM OF 6 YEARS; AND

(II) ONE APPOINTED MEMBER SHALL SERVE FOR A TERM OF 4 YEARS.

(3) IN THE EVENT OF A VACANCY OF AN APPOINTED MEMBER DUE TO DEATH, RESIGNATION, DISQUALIFICATION, OR REMOVAL, THE GOVERNOR SHALL APPOINT ANOTHER INDIVIDUAL TO COMPLETE THE TERM OF THE VACATING APPOINTED MEMBER.".

On page 11, in line 5, strike "Elected by the Voters of Caroline County" and substitute "Elected in Part by the Voters of Caroline County (3 members) and Appointed in Part by the Governor (2 members)"; and strike beginning with "Elected" in line 8 down through "County" in line 9 and substitute "Elected in Part by the Voters of Caroline County (3 members) and Appointed in Part by the Governor (2 members)".

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. 1284)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #39

Senate Bill 70 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Child Support Enforcement – Medical Support for Children

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1285)

The Bill was then returned to the Senate.

Senate Bill 163 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

EMERGENCY BILL

AN ACT concerning

Program Open Space – Use of Funds – Indoor or Outdoor Recreational Facilities

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

Affirmative – 119 Negative – 15 (See Roll Call No. 1286)

The Bill was then returned to the Senate.

Senate Bill 219 – Senators Frosh, Dyson, Forehand, Jacobs, Madaleno, Mooney, Raskin, Robey, and Stone

AN ACT concerning

Vehicle Laws – Violations by Drivers Under the Age of 18 Years – Driver's License Suspensions

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1287)

The Bill was then returned to the Senate.

Senate Bill 261 – The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Senators Forehand ~~and Dyson~~, Dyson, Jacobs, and Mooney

AN ACT concerning

Criminal Law – Alcoholic Beverages – Underage Individuals – Prohibitions and Penalties

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1288)

The Bill was then returned to the Senate.

Senate Bill 343 – Senator Edwards

AN ACT concerning

Allegany County – Video Lottery Construction – Local Impact Grants – Rocky Gap Construction Costs

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

Affirmative – 131 Negative – 2 (See Roll Call No. 1289)

The Bill was then returned to the Senate.

Senate Bill 497 – Senator Frosh

AN ACT concerning

Circuit Court Judgeships – Workforce Planning – Counties of Greatest Identified Need

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1290)

The Bill was then returned to the Senate.

Senate Bill 518 – ~~Senator Miller~~ Senators Miller and Dyson

AN ACT concerning

Calvert County – Alcoholic Beverages

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

Affirmative – 130 Negative – 3 (See Roll Call No. 1291)

The Bill was then returned to the Senate.

Senate Bill 1027 – Senator Dyson

AN ACT concerning

Real Property – Conservation Easements – Disclosure

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1292)

The Bill was then returned to the Senate.

Senate Joint Resolution 2 – ~~Senator Middleton~~ Senators Middleton, Astle, Garagiola, Glassman, Kelley, and Pugh

A Senate Joint Resolution concerning

The Jim McKay Maryland Million

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

Affirmative – 132 Negative – 1 (See Roll Call No. 1293)

The Bill was then returned to the Senate.

AMENDED IN THE SENATE

House Bill 23 – ~~Delegate Kullen~~ Delegates Kullen, Sophocleus, Barkley, Braveboy, Feldman, Haddaway, Harrison, Hecht, Jameson, King, Krysiak, Love, Manno, Mathias, and McHale

~~EMERGENCY BILL~~

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

Delegate Davis moved that the House not concur in the Senate amendments.

HB0023/827378/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 23
(Third Reading File Bill)

AMENDMENT NO. 1

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

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

"FOR the purpose of altering the requirements for records that certain junk dealers and scrap metal processors must keep for each purchase of certain junk or scrap metal in the State; providing that certain provisions of law do not apply to certain transactions; providing for the applicability of the record–keeping requirements; providing for the form and contents of the records; requiring that certain records be kept electronically; providing for the submission of certain records to certain law enforcement units under certain circumstances; providing that certain provisions may not be construed to require junk dealers and scrap metal processors to incur certain additional expenses for complying with certain record submission requirements; authorizing certain law enforcement units to issue certain waivers under certain circumstances; prohibiting junk dealers and scrap metal processors from purchasing a catalytic converter except under certain circumstances; prohibiting junk dealers and scrap metal processors from purchasing cemetery urns, grave markers, and certain other items except under

certain circumstances; authorizing State or local law enforcement personnel to request information from certain records under certain circumstances; authorizing a State or local law enforcement agency to issue a certain hold notice under certain circumstances; exempting certain items acquired from certain entities from certain record and reporting requirements; authorizing certain law enforcement personnel to enforce this Act; establishing certain penalties; altering a certain definition; providing that this Act may not be construed to preempt a certain entity from enacting and enforcing certain measures; making this Act an emergency measure; and generally relating to junk dealers and scrap metal processors.".

On page 2, in line 10, after "17–1001(a)" insert "and (f)"; and after line 12, insert:

"BY adding to
Article – Business Regulation
Section 17–1001(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 4, strike beginning with "**HARD**" in line 5 down through "**AND**" in line 16; in line 17, strike the brackets; in the same line, strike "**(13)**"; in line 18, strike "**OWNED BY A PUBLIC UTILITY**"; and after line 18, insert:

"**(2) THE FOLLOWING USED ARTICLES, MADE OF EITHER FERROUS OR NONFERROUS METAL:**

(I) CATALYTIC CONVERTERS;

(II) METAL BLEACHERS;

(III) HARD–DRAWN COPPER;

(IV) METAL BEER KEGS;

(V) CEMETERY URNS;

(VI) GRAVE MARKERS; AND

(VII) ANY OTHER USED ARTICLES OWNED BY A PUBLIC UTILITY INCLUDING:

1. GUARDRAILS;

2. MANHOLE COVERS;

3. METAL LIGHT POLES;

4. TREE GRATES;

5. WATER METERS; AND

6. STREET SIGNS.

(3) "JUNK" OR "SCRAP METAL" DOES NOT INCLUDE BEVERAGE CANS OR FOOD CANS.

(f) "Junk dealer" or "scrap metal processor" means a person who does business buying or selling junk or scrap metal.

(G) "PRIMARY LAW ENFORCEMENT UNIT" MEANS THE DEPARTMENT OF STATE POLICE, A POLICE DEPARTMENT, OR SHERIFF, AS DESIGNATED BY RESOLUTION OF THE COUNTY OR MUNICIPAL GOVERNING BODY IN THE COUNTY IN WHICH THE LICENSE OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS HELD.".

On page 5, in line 24, after "**STATE**" insert "**, INCLUDING NONRESIDENT JUNK DEALERS, NONRESIDENT SCRAP METAL PROCESSORS, AND JUNK DEALERS AND SCRAP METAL PROCESSORS WHO ARE RESIDENTS OF THE COUNTIES LISTED IN § 17–1002(A) OF THIS SUBTITLE**"; and in line 30, after "**ARTICLE**" insert "**IF THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP METAL PROCESSOR:**

(I) CONDUCTS BUSINESS AS A LICENSED JUNK DEALER OR SCRAP METAL PROCESSOR; OR

(II) ACQUIRES VEHICLE PARTS THAT QUALIFY AS JUNK OR SCRAP METAL AS DEFINED UNDER § 17–1001(E) OF THIS SUBTITLE.

(3) THIS SECTION DOES NOT APPLY TO AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR THAT ONLY ACQUIRES WHOLE VEHICLES FOR THE PURPOSE OF DISMANTLING, DESTROYING, OR SCRAPPING THEM FOR THE BENEFIT OF THEIR PARTS OR THE MATERIALS IN THEM".

On page 6, in line 3, strike "**THAT INCLUDES:**" and substitute "**.**

(2) THE RECORD SHALL STATE:";

strike beginning with "**ACCORDING**" in line 6 down through "**WEIGHT;**" in line 7 and substitute "**PURCHASED, INCLUDING:**

1. THE TYPE AND GRADE OF THE JUNK OR SCRAP METAL; AND

2. IF PAYMENT IS BASED ON WEIGHT, THE WEIGHT OF EACH TYPE AND GRADE OF JUNK OR SCRAP METAL;";

and in line 28, after "**INDIVIDUAL**" insert "**, INCLUDING THE SEX, RACE, ANY DISTINGUISHING FEATURES, AND APPROXIMATE AGE, HEIGHT, AND WEIGHT OF THE INDIVIDUAL**".

On page 7, strike in their entirety lines 1 through 5, inclusive; in line 8, strike "**A**" and substitute "**SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**"; strike beginning with "**IN**" in line 10 down through "**PARAGRAPH.**" in line 11 and substitute "**BY THE END OF EACH BUSINESS DAY, IN A FORMAT THAT CAN BE SUCCESSFULLY RECEIVED BY THE RECEIVING PRIMARY LAW ENFORCEMENT UNIT.**

(II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE CONSTRUED TO REQUIRE A JUNK DEALER OR SCRAP METAL PROCESSOR TO INCUR ANY ADDITIONAL EXPENSE TO COMPLY WITH THE REQUIREMENTS OF THIS PARAGRAPH.";

and strike beginning with "**(II)**" in line 12 down through "**(IV)**" in line 23 and substitute "**(5)**".

On page 8, in lines 1 and 4, strike "**(V)**" and "**(5)**", respectively, and substitute "**(6)**" and "**(7)**", respectively; in line 1, strike "**A**" and substitute "**THE PRIMARY**"; in line 2, strike "**THIS SECTION**" and substitute "**PARAGRAPH (4) OF THIS SUBSECTION**"; in line 3, after the first "**THE**" insert "**PRIMARY**"; in line 6, strike "**TRANSMISSION**" and substitute "**SUBMISSION**"; in line 7, strike "**(4)(II)**" and substitute "**(4)**"; in line 11, after the first "**TO**" insert "**:**

1. EXTEND THE REPORTING DEADLINE UNDER PARAGRAPH (5) OF THIS SUBSECTION FOR AN EXTRA DAY;

2.";

in line 11, after "**RECORDS**" insert a semicolon; in the same line, strike "**TO TRANSMIT**" and substitute:

"**3. SUBMIT**";

in line 19, strike "**NORMAL**"; in the same line, strike "**,**"; strike beginning with the first "**THE**" in line 20 down through "**LOCATED**" in line 22 and substitute "**AN INVESTIGATION OF A SPECIFIC CRIME INVOLVING THE MATERIALS LISTED UNDER § 17–1001(E) OF THIS SUBTITLE**"; in line 23, after "**(D)**" insert "**(1)** A State junk licensee may not barter, buy, exchange, or accept from a person any junk or scrap metal unless the State junk licensee keeps records and makes entries in them in accordance with Part II of this subtitle.";

strike in their entirety lines 26 through 30, inclusive, and substitute:

"**(2) A STATE JUNK LICENSEE MAY NOT PURCHASE A CATALYTIC CONVERTER FROM AN INDIVIDUAL UNLESS THE INDIVIDUAL, AT THE TIME OF PURCHASE, PROVIDES IDENTIFICATION AS:**

(I) A LICENSED AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR; OR

(II) AN AGENT OR EMPLOYEE OF A LICENSED COMMERCIAL ENTERPRISE.

(3) A STATE JUNK LICENSEE MAY NOT PURCHASE A CEMETERY URN, GRAVE MARKER, OR ANY OTHER ITEM LISTED UNDER § 17–1001(E)(2) OF THIS SUBTITLE FROM AN INDIVIDUAL UNLESS THE INDIVIDUAL, AT THE TIME OF PURCHASE, PROVIDES APPROPRIATE AUTHORIZATION FROM A RELEVANT BUSINESS OR UNIT OF FEDERAL, STATE, OR LOCAL GOVERNMENT SPECIFICALLY AUTHORIZING THE INDIVIDUAL TO CONDUCT THE TRANSACTION.

(E) STATE OR LOCAL LAW ENFORCEMENT PERSONNEL MAY REQUEST INFORMATION FROM THE RECORDS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION PURSUANT TO AN INVESTIGATION OF A SPECIFIC CRIME INVOLVING THE MATERIALS LISTED UNDER § 17–1001(E) OF THIS SUBTITLE.

(F) (1) THE RECORD AND REPORTING REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION DO NOT APPLY TO AN ITEM THAT IS ACQUIRED FROM:

(I) A LICENSED JUNK DEALER OR SCRAP METAL PROCESSOR;

(II) A UNIT OF FEDERAL, STATE, OR LOCAL GOVERNMENT; OR

(III) A COMMERCIAL ENTERPRISE WITH WHOM THE JUNK DEALER OR SCRAP METAL PROCESSOR HAS ESTABLISHED A DOCUMENTED ACCOUNT OR BUSINESS RELATIONSHIP.";

in line 32, strike "**PROVIDES**" and substitute "**HAS**"; in the same line, strike "**ITEMS OF**" and substitute "**JUNK OR**"; in the same line, after "**METAL**" insert "**THAT IS**"; in the same line, after "**IN**" insert "**THE**"; in line 33, strike "**ARE**" and substitute "**IS**"; and in line 34, strike "**THEN**".

On page 9, in lines 1, 4, and 9, in each instance, strike "**REGULATED**" and substitute "**JUNK OR**"; in line 2, strike the second "**AND**"; in line 5, after "**METAL**" insert "**; AND**

3. SPECIFY THE TIME PERIOD FOR THE HOLD, NOT TO EXCEED 15 DAYS";

strike beginning with "**FOR**" in line 6 down through "**NOTICE**" in line 7 and substitute "**ON RECEIPT OF A WRITTEN HOLD NOTICE FROM A LAW ENFORCEMENT AGENCY**"; in line 9, after "**BUSINESS**" insert "**BEFORE THE END OF THE HOLD PERIOD**"; in line 10, strike "**EARLIER**"; in lines 12 and 16, strike "**(E)**" and "**(F)**", respectively, and substitute "**(G)**" and "**(H)**", respectively; in line 21, strike "this Act"; and in line 25, strike "shall take effect July 1, 2009." and substitute "nothing in this Act shall be construed to preempt a county or municipal government from enacting and enforcing more stringent measures to curb the theft and resale of junk and scrap metal.

SECTION 3. 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 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0023**
SPONSOR: Del Kullen, et al
SUBJECT: Junk Dealers and Scrap Metal Processors – Required Records

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Vaughn, Chairman
Delegate King, and
Delegate Manno.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

House Bill 498 – Delegate Feldman

AN ACT concerning

Professional Service Corporations – Corporate Names – Approval by Professional Organizations

Delegate Davis moved that the House not concur in the Senate amendments.

HB0498/348475/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 498
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "a" in line 4 down through "change" in line 9 and substitute "the name of a professional corporation be approved by the appropriate licensing unit under certain circumstances"; in line 11, strike "without" and substitute "with"; and in line 16, strike "with" and substitute "without".

AMENDMENT NO. 2

On page 2, in line 3, before "The" insert "**(A) THIS SECTION DOES NOT APPLY TO A PROFESSIONAL CORPORATION IN WHICH A MAJORITY OF STOCKHOLDERS ARE PHYSICIANS LICENSED BY THE STATE BOARD OF PHYSICIANS.**

(B)";

in line 23, strike the brackets; strike beginning with "**EXCEPT**" in line 23 down through "**ON**" in line 24; and strike in their entirety lines 31 through 33, inclusive.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0498**
SPONSOR: Del Feldman
SUBJECT: Professional Service Corporations – Corporate Names – Approval by Professional Organizations

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Feldman, Chairman
Delegate Barkley, and
Delegate Stifler.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

House Bill 988 – Delegates Shank, Beitzel, Conway, Eckardt, Elmore, Haddaway, Kelly, Myers, Serafini, Shewell, Smigiel, and Walkup

AN ACT concerning

Correctional Services – Strip Searches of Employees – Reporting Requirement

Delegate Conway moved that the House not concur in the Senate amendments.

HB0988/198778/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 988
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Correctional Services" and substitute "Police Officers"; in the same line, strike "of Employees" and substitute "and Body Cavity Searches"; in line 3, after "Requirement" insert "and Restrictions"; in line 11, strike "defining a certain term;" and substitute "prohibiting a police officer from conducting or supervising a strip search or body cavity search of an individual arrested for certain misdemeanors or traffic offenses under certain circumstances, or of a minor detained for a certain act that would be a misdemeanor if committed by an adult, or for certain traffic offenses under certain circumstances; providing for certain exceptions; authorizing a police officer to conduct or supervise a strip search or body cavity search only if the officer has a reasonable suspicion that certain items may be concealed by the individual or minor and the officer is granted authorization by a certain supervising officer on duty; establishing certain requirements for conducting a strip search or a body cavity search; providing that a complaint against a police officer alleging a violation of this Act shall be investigated in accordance with a certain law; providing that nothing in this Act limits or repeals any common law or statutory rights of an individual regarding an action for damages or injunctive relief; providing that a complaint against a law enforcement officer that alleges a certain violation of this Act may not be investigated or initiated except under certain circumstances; defining certain terms; altering a certain definition;"; and strike beginning with "regarding" in line 12 down through "Services" in line 13 and substitute "and restrictions on strip searches and body cavity searches".

On page 2, after line 1, insert:

"BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 2–101(a) and (c)
Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to
Article – Criminal Procedure
Section 2–108
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–101(a) and 3–104(a)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101(e) and 3–104(c)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)".

AMENDMENT NO. 2
On page 3, after line 4, insert:

"Article – Criminal Procedure

2–101.

(a) In this title the following words have the meanings indicated.

(c) "Police officer" means a person who in an official capacity is authorized by law to make arrests and is:

(1) a member of the Department of State Police;

(2) a member of the Police Department of Baltimore City;

(3) a member of the Baltimore City School Police Force;

(4) a member of the police department, bureau, or force of a county;

(5) a member of the police department, bureau, or force of a municipal corporation;

(6) a member of the Maryland Transit Administration Police Force or Maryland Transportation Authority Police Force;

(7) a member of the University of Maryland Police Force or Morgan State University Police Force;

(8) a special police officer who is appointed to enforce the law and maintain order on or protect property of the State or any of its units;

(9) a member of the Department of General Services security force;

(10) the sheriff of a county whose usual duties include the making of arrests;

(11) a regularly employed deputy sheriff of a county who is compensated by the county and whose usual duties include the making of arrests;

(12) a member of the Natural Resources Police Force of the Department of Natural Resources;

(13) an authorized employee of the Field Enforcement Bureau of the Comptroller's Office;

(14) a member of the Maryland–National Capital Park and Planning Commission Park Police;

(15) a member of the Housing Authority of Baltimore City Police Force;

(16) a member of the Crofton Police Department;

(17) a member of the WMATA Metro Transit Police, subject to the jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area Transit Authority Compact, which is codified at § 10–204 of the Transportation Article;

(18) a member of the Internal Investigative Unit of the Department;

(19) a member of the State Forest and Park Service Police Force of the Department of Natural Resources;

(20) a member of the Department of Labor, Licensing, and Regulation Police Force;

(21) a member of the Washington Suburban Sanitary Commission Police Force;

(22) a member of the Ocean Pines Police Department; or

(23) a member of the police force of the Baltimore City Community College.

2–108.

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

(2) "BODY CAVITY" MEANS THE STOMACH OR RECTAL CAVITY OF A MALE OR FEMALE INDIVIDUAL AND THE VAGINA OF A FEMALE INDIVIDUAL.

(3) "BODY CAVITY SEARCH" MEANS A PHYSICAL INTRUSION INTO A BODY CAVITY TO DETERMINE THE PRESENCE OF A WEAPON OR OF A CONTROLLED DANGEROUS SUBSTANCE CONCEALED IN THE BODY CAVITY.

(4) "CONTROLLED DANGEROUS SUBSTANCE" HAS THE MEANING STATED IN § 5–101 OF THE CRIMINAL LAW ARTICLE.

(5) "POLICE OFFICER" INCLUDES:

(I) A LAW ENFORCEMENT OFFICER AS DEFINED IN § 3–101 OF THE PUBLIC SAFETY ARTICLE; AND

(II) A CORRECTIONAL OFFICER AT A LOCAL CORRECTIONAL FACILITY, THE BALTIMORE CITY CORRECTIONAL CENTER, OR A DEPARTMENT OF JUVENILE SERVICES FACILITY.

(6) (I) "STRIP SEARCH" MEANS AN OBSERVATION OF THE UNCLOTHED BODY OF AN INDIVIDUAL TO DETERMINE THE PRESENCE OF A WEAPON OR OF A CONTROLLED DANGEROUS SUBSTANCE.

(II) "STRIP SEARCH" INCLUDES A VISUAL INSPECTION OF A BODY CAVITY.

(B) THIS SECTION DOES NOT APPLY TO A STRIP SEARCH OR A BODY CAVITY SEARCH OF:

(1) AN INDIVIDUAL COMMITTED TO THE DIVISION OF CORRECTIONS IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;

(2) AN INDIVIDUAL COMMITTED TO A LOCAL CORRECTIONAL FACILITY; OR

(3) A MINOR COMMITTED TO THE DEPARTMENT OF JUVENILE SERVICES.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AND SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, A POLICE OFFICER MAY NOT CONDUCT OR SUPERVISE A STRIP SEARCH OR BODY CAVITY SEARCH OF:

(I) AN INDIVIDUAL ARRESTED AND HELD IN CUSTODY FOR A MISDEMEANOR OR TRAFFIC OFFENSE THAT DOES NOT INVOLVE WEAPONS,

CONTROLLED DANGEROUS SUBSTANCES, OR A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE; OR

(II) A MINOR DETAINED FOR AN ACT THAT WOULD BE A MISDEMEANOR IF COMMITTED BY AN ADULT OR A TRAFFIC OFFENSE THAT DOES NOT INVOLVE WEAPONS, CONTROLLED DANGEROUS SUBSTANCES, OR A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE.

(2) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A POLICE OFFICER MAY CONDUCT OR SUPERVISE A STRIP SEARCH OR BODY CAVITY SEARCH OF AN INDIVIDUAL OR MINOR ONLY IF THE POLICE OFFICER:

(I) HAS A REASONABLE SUSPICION, BASED ON ARTICULABLE AND SPECIFIC FACTS TO BELIEVE THAT THE INDIVIDUAL OR MINOR IS CONCEALING A WEAPON OR A CONTROLLED DANGEROUS SUBSTANCE AND THAT A STRIP SEARCH OR BODY CAVITY SEARCH WOULD RESULT IN THE DISCOVERY OF A WEAPON OR OF A CONTROLLED DANGEROUS SUBSTANCE; AND

(II) IS GRANTED AUTHORIZATION FROM THE HIGHEST–RANKING, SUPERVISING OFFICER ON DUTY.

(D) (1) (I) A POLICE OFFICER OR AUTHORIZED INDIVIDUAL PARTICIPATING IN CONDUCTING A STRIP SEARCH MUST BE OF THE SAME SEX AS THE INDIVIDUAL OR MINOR BEING SEARCHED.

(II) THE STRIP SEARCH MUST BE CONDUCTED IN A LOCATION WHERE THE SEARCH MAY NOT BE OBSERVED BY INDIVIDUALS NOT PARTICIPATING IN THE SEARCH.

(III) THE NUMBER OF INDIVIDUALS PARTICIPATING SHALL BE LIMITED ONLY TO THE INDIVIDUALS NECESSARY TO CONDUCT THE STRIP SEARCH.

(2) (I) A BODY CAVITY SEARCH SHALL BE PERFORMED BY A MEDICAL PROFESSIONAL AND CONDUCTED UNDER SANITARY CONDITIONS.

(II) EXCEPT FOR THE MEDICAL PROFESSIONAL, A POLICE OFFICER OR AUTHORIZED INDIVIDUAL PARTICIPATING IN CONDUCTING A BODY CAVITY SEARCH MUST BE OF THE SAME SEX AS THE INDIVIDUAL OR MINOR BEING SEARCHED.

(III) THE BODY CAVITY SEARCH MUST BE CONDUCTED IN A LOCATION WHERE THE SEARCH MAY NOT BE OBSERVED BY INDIVIDUALS NOT PARTICIPATING IN THE BODY CAVITY SEARCH.

(IV) THE NUMBER OF INDIVIDUALS PARTICIPATING SHALL BE LIMITED ONLY TO THE INDIVIDUALS NECESSARY TO CONDUCT THE BODY CAVITY SEARCH.

(E) A COMPLAINT AGAINST A POLICE OFFICER THAT ALLEGES A VIOLATION OF THIS SECTION SHALL BE INVESTIGATED IN ACCORDANCE WITH TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE OR TITLE 11, SUBTITLE 10 OF THE CORRECTIONAL SERVICES ARTICLE FOR A CORRECTIONAL OFFICER.

(F) NOTHING IN THIS SECTION MAY BE CONSTRUED TO LIMIT OR REPEAL ANY COMMON LAW OR STATUTORY RIGHT OF AN INDIVIDUAL REGARDING ANY ACTION FOR DAMAGES OR INJUNCTIVE RELIEF.

Article – Public Safety

3–101.

(a) In this subtitle the following words have the meanings indicated.

(e) (1) "Law enforcement officer" means an individual who:

(i) in an official capacity is authorized by law to make arrests; and

(ii) is a member of one of the following law enforcement agencies:

1. the Department of State Police;

2. the Police Department of Baltimore City;

3. the Baltimore City School Police Force;

4. the Baltimore City Watershed Police Force;

5. the police department, bureau, or force of a county;

6. the police department, bureau, or force of a municipal corporation;

7. the office of the sheriff of a county;

8. the police department, bureau, or force of a bicounty agency;

9. the Maryland Transportation Authority Police;

10. the police forces of the Department of Transportation;

11. the police forces of the Department of Natural Resources;

12. the Field Enforcement Bureau of the Comptroller's Office;

13. the Housing Authority of Baltimore City Police Force;

14. the Crofton Police Department;

15. the police force of the Department of Health and Mental Hygiene;

16. the police force of the Department of General Services;

17. the police force of the Department of Labor, Licensing, and Regulation;

18. the police forces of the University System of Maryland;

19. the police force of Morgan State University;

20. the office of State Fire Marshal;

21. the Ocean Pines Police Department; or

22. the police force of the Baltimore City Community College.

(2) "Law enforcement officer" does not include:

(i) an individual who serves at the pleasure of the Police Commissioner of Baltimore City;

(ii) an individual who serves at the pleasure of the appointing authority of a charter county;

(iii) the police chief of a municipal corporation;

(iv) an officer who is in probationary status on initial entry into the law enforcement agency except if an allegation of brutality in the execution of the officer's duties**, OR AN ALLEGATION OF A VIOLATION OF § 2–108 OF THE CRIMINAL PROCEDURE ARTICLE,** is made;

(v) a Montgomery County fire and explosive investigator as defined in § 2–208.1 of the Criminal Procedure Article;

(vi) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;

(vii) a Prince George's County fire and explosive investigator as defined in § 2–208.3 of the Criminal Procedure Article;

(viii) a Worcester County fire and explosive investigator as defined in § 2–208.4 of the Criminal Procedure Article; or

(ix) a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article.

3–104.

(a) The investigation or interrogation by a law enforcement agency of a law enforcement officer for a reason that may lead to disciplinary action, demotion, or dismissal shall be conducted in accordance with this section.

(c) (1) A complaint against a law enforcement officer that alleges brutality in the execution of the law enforcement officer's duties**, OR ALLEGES A VIOLATION OF § 2–108 OF THE CRIMINAL PROCEDURE ARTICLE,** may not be investigated unless the complaint is sworn to, before an official authorized to administer oaths, by:

(i) the aggrieved individual;

(ii) a member of the aggrieved individual's immediate family;

(iii) an individual with firsthand knowledge obtained because the individual was present at and observed the alleged incident; or

(iv) the parent or guardian of the minor child, if the alleged incident involves a minor child.

(2) Unless a complaint is filed within 90 days after the alleged brutality **OR AN ALLEGED VIOLATION OF § 2–108 OF THE CRIMINAL PROCEDURE ARTICLE**, an investigation that may lead to disciplinary action under this subtitle for brutality **OR AN ALLEGED VIOLATION OF § 2–108 OF THE CRIMINAL PROCEDURE ARTICLE** may not be initiated and an action may not be taken.".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0988**
SPONSOR: Del Shank, et al
SUBJECT: Correctional Services – Strip Searches of Employees – Reporting Requirement

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate G. Clagett, Chairman
Delegate DeBoy, and
Delegate Anderson.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 870** SPONSOR: **Senator Gladden**

SUBJECT: **Marriage Ceremonies – Performance by Tax Court Judges**

THIRD READING CALENDAR HOUSE NO. **23** SENATE NO. **54**

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

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

That the attached House Judiciary Committee Amendments (SB0870/132814/1) be adopted.

SB0870/132814/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 870

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "who" in line 3 down through "State" in line 4.

AMENDMENT NO. 2

On page 2, in line 5, strike "**, IF THE JUDGE IS A RESIDENT OF THIS STATE,**".

Senate Members:	House Members:
Chair, **Lisa A. Gladden**	Chair, **Ben Barnes**
Nancy Jacobs	**Benjamin F. Kramer**
Jennie M. Forehand	**Susan K. McComas**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	( ) Chief Clerk (X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 99 Negative – 32 (See Roll Call No. 1294)

The Bill was then returned to the Senate.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #17

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 637 – Senators Garagiola, Astle, DeGrange, Glassman, Kelley, King, Kittleman, and Klausmeier

AN ACT concerning

Health Insurance – Small Group Market Regulation – Modifications

SB0637/336484/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 637
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 2, after "of" insert "and requirements for".

AMENDMENT NO. 2

On page 7, strike in their entirety lines 13 and 14.

On page 8, after line 7 insert:

"**THE PROVISIONS OF § 15–508 OF THIS TITLE APPLY TO A POLICY OR CERTIFICATE ISSUED TO A SMALL EMPLOYER.**".

AMENDMENT NO. 3

On page 10, in line 19, strike "**(I)**"; and strike in their entirety lines 22 through 25, inclusive.

On page 11, in line 1, strike "**(1)(I)**" and substitute "(1)"; and in the same line, after "subsection" insert "**AND THE EFFECT OF THE ADJUSTMENT TO THE COMMUNITY RATE FOR HEALTH STATUS AUTHORIZED UNDER SUBSECTION (F) OF THIS SECTION**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 1295)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #36

Senate Bill 16 – Senator Conway

AN ACT concerning

Baltimore City and Prince George's County – Organization of Parents and Teachers – Matching Fund

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

Affirmative – 109 Negative – 22 (See Roll Call No. 1296)

The Bill was then returned to the Senate.

Senate Bill 119 – The President (By Request – Department of Legislative Services)

AN ACT concerning

Maryland Horse Racing Act – Sunset Extension and Program Evaluation

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1297)

The Bill was then returned to the Senate.

Senate Bill 235 – Senators King, Astle, DeGrange, Garagiola, Klausmeier, Lenett, Robey, ~~and Rosapepe~~ Rosapepe, and Harrington

AN ACT concerning

Education – MDK12 Digital Library

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1298)

The Bill was then returned to the Senate.

Senate Bill 552 – Senators DeGrange, Astle, Brinkley, Colburn, Conway, Currie, Dyson, Exum, Forehand, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pugh, Raskin, Robey, Simonaire, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Tax Amnesty Program

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

Affirmative – 131 Negative – 1 (See Roll Call No. 1299)

The Bill was then returned to the Senate.

Senate Bill 621 – Senators King, Forehand, Garagiola, Harrington, Peters, Raskin, and Rosapepe

AN ACT concerning

Sales and Use and Property Tax – Exemptions – Solar Energy Equipment and Property

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1300)

The Bill was then returned to the Senate.

Senate Bill 868 – Senator Brinkley

AN ACT concerning

Frederick County – Tip Jars and Punchboards – Licensed Distributors

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

Affirmative – 129 Negative – 1 (See Roll Call No. 1301)

The Bill was then returned to the Senate.

Senate Bill 940 – Senator Kittleman

AN ACT concerning

Education – Commission on Civic Literacy – Membership

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

Affirmative – 131 Negative – 0 (See Roll Call No. 1302)

The Bill was then returned to the Senate.

Senate Bill 1049 – Senator Muse

AN ACT concerning

~~Domestic Violence~~ Education – Tween/Teen Dating Violence ~~Education and Awareness~~

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

Affirmative – 131 Negative – 0 (See Roll Call No. 1303)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #37

Senate Bill 164 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Natural Resources – Recreational Fishing Licenses – Penalties

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

Affirmative – 131 Negative – 0 (See Roll Call No. 1304)

The Bill was then returned to the Senate.

Senate Bill 169 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Antiquated Fish and Fisheries Laws – Repeal

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1305)

The Bill was then returned to the Senate.

Senate Bill 209 – ~~Senator Stone~~ Senators Stone, Garagiola, Glassman, Klausmeier, and Middleton

AN ACT concerning

State Highway Administration – Snow Removal – Use of Farm Trucks

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1306)

The Bill was then returned to the Senate.

Senate Bill 217 – Senator Simonaire

AN ACT concerning

Natural Resources – Tree Services – Advertising

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

Affirmative – 131 Negative – 1 (See Roll Call No. 1307)

The Bill was then returned to the Senate.

Senate Bill 481 – ~~Senator Pipkin~~ Senators Pipkin, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1308)

The Bill was then returned to the Senate.

Senate Bill 549 – Senator Dyson

AN ACT concerning

Sustainable Forestry Act of 2009

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

Affirmative – 129 Negative – 2 (See Roll Call No. 1309)

The Bill was then returned to the Senate.

Senate Bill 625 – Senators Frosh, Conway, Dyson, Harrington, Lenett, Muse, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Maryland Building Performance Standards – Energy Conservation and Efficiency

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

Affirmative – 129 Negative – 2 (See Roll Call No. 1310)

The Bill was then returned to the Senate.

Senate Bill 666 – Senators Pinsky, Conway, Frosh, Harrington, Lenett, Madaleno, Raskin, ~~and Rosapepe~~ Rosapepe, and Harris

AN ACT concerning

Natural Resources – No Net Loss of Forest Policy – Forest Conservation Act

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

Affirmative – 108 Negative – 23 (See Roll Call No. 1311)

The Bill was then returned to the Senate.

Senate Bill 689 – Senator Rosapepe

~~**Education – Study Group on Expanding Enrollment Options for High School Students**~~

High Schools and High School Students – Options for Accelerated Graduation

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1312)

The Bill was then returned to the Senate.

Senate Bill 785 – Senators Robey and Madaleno

AN ACT concerning

Inheritance Tax – Exemption – Domestic Partners

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

Affirmative – 94 Negative – 38 (See Roll Call No. 1313)

The Bill was then returned to the Senate.

Senate Bill 952 – Senator Middleton

AN ACT concerning

Maryland Medical Assistance Program – Substance Abuse Services

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

Affirmative – 126 Negative – 5 (See Roll Call No. 1314)

The Bill was then returned to the Senate.

Senate Bill 1063 – ~~Senator Pugh~~ Senators Pugh, Glassman, and Middleton

~~EMERGENCY BILL~~

AN ACT concerning

Joint ~~Emergency Medical Services~~ Oversight Committee on Emergency Medical Services

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1315)

The Bill was then returned to the Senate.

QUORUM CALL

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

(See Roll Call No. 1316)

THIRD READING CALENDAR (SENATE BILLS) #40

Senate Bill 264 – The President (By Request – Administration) and Senators Kelley, Exum, Klausmeier, Conway, Gladden, Jones, King, Madaleno, Pinsky, Raskin, Robey, ~~and Rosapepe~~ Rosapepe, and Lenett

AN ACT concerning

State Employees – Collective Bargaining – Negotiations – "The Fair Share Act"

FLOOR AMENDMENT

SB0264/333423/1

BY: Delegate Smigiel

AMENDMENTS TO SENATE BILL 264, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

Strike the Appropriations Committee Amendments (SB0264/344565/1) in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, in lines 2 and 3, strike "– "The Fair Share Act""; strike beginning with "authorizing" in line 4 down through "organizations;" in line 11 and substitute "altering the matters that must be included in collective bargaining; prohibiting collective bargaining from including matters that relate to certain terms and conditions of employment for nonmembers; prohibiting collective bargaining from including negotiations relating to the right of an employee organization to receive service fees from nonmembers;".

AMENDMENT NO. 3

On page 2 of the bill, in line 3, after "employment" insert "**FOR THOSE EMPLOYEES WHO VOLUNTARILY AGREE TO BE REPRESENTED BY AN EMPLOYEE ORGANIZATION.**

(B) COLLECTIVE BARGAINING MAY NOT INCLUDE:

(1) ANY MATTERS RELATING TO THE WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR NONMEMBERS; OR

(2) NEGOTIATIONS RELATING TO THE RIGHT OF AN EMPLOYEE ORGANIZATION TO RECEIVE SERVICE FEES FROM NONMEMBERS";

and strike in their entirety lines 4 through 36, inclusive.

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

Affirmative – 34 Negative – 94 (See Roll Call No. 1317)

FLOOR AMENDMENT

SB0264/273926/2

BY: Delegate Shank

AMENDMENTS TO SENATE BILL 264
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "from" insert "certain".

AMENDMENT NO. 2

On page 2, in line 4, strike "**EXCEPT**" and substitute "**SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, AND EXCEPT**"; and after line 36, insert:

"**(4) AN EMPLOYEE ORGANIZATION MAY ONLY NEGOTIATE WITH AN EMPLOYER FOR THE RIGHT TO RECEIVE SERVICE FEES FROM NONMEMBERS WHO ARE HIRED AS STATE EMPLOYEES ON OR AFTER JULY 1, 2009.**".

The preceding 2 amendments were read only.

Delegate Cane moved the previous question.

The motion was adopted.

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

Affirmative – 37 Negative – 97 (See Roll Call No. 1318)

FLOOR AMENDMENT

SB0264/173326/1

BY: Delegate Elmore

AMENDMENTS TO SENATE BILL 264
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "nonmembers;" insert "providing that an employee organization may negotiate to receive service fees from nonmembers as a condition of employment subject to a certain limitation on the amount of the fees;"; and in line 11, before "and" insert "providing that certain service fees may only be collected from certain individuals if certain conditions are met;".

AMENDMENT NO. 2

On page 2, in line 4, strike "**EXCEPT**" and substitute "**SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION AND EXCEPT**"; and after line 36, insert:

"**(4) AN EMPLOYEE ORGANIZATION MAY NEGOTIATE TO RECEIVE SERVICE FEES FROM NONMEMBERS AS A CONDITION OF EMPLOYMENT, BUT THE AMOUNT OF THE SERVICE FEES MAY NOT EXCEED THE NONMEMBER'S PRO RATA SHARE OF THOSE EXPENDITURES THAT ARE GERMANE TO THE EMPLOYEE ORGANIZATION'S COLLECTIVE BARGAINING ACTIVITIES UNDER THIS TITLE.**

(5) (I) ANY SERVICE FEE RECEIVED FROM NONMEMBERS SHALL BE COLLECTED AS FOLLOWS:

1. UPON THE EXCLUSIVE REPRESENTATIVE SHOWING THAT AT LEAST 51% OF ITS MEMBERS PAY SERVICE FEES AS MEMBERS OF THE EMPLOYEE ORGANIZATION, SERVICE FEES MAY BE COLLECTED FROM NEW EMPLOYEES HIRED INTO THE BARGAINING UNIT AFTER THE DATE OF RATIFICATION OF THE MEMORANDUM OF UNDERSTANDING

CONTAINING ANY PROVISION ADDRESSING THE COLLECTION OF SERVICE FEES; AND

2. UPON THE EXCLUSIVE REPRESENTATIVE SHOWING THAT AT LEAST 81% OF ITS MEMBERS PAY SERVICE FEES AS MEMBERS OF THE EMPLOYEE ORGANIZATION, SERVICE FEES MAY BE COLLECTED FROM ALL EMPLOYEES IN THE BARGAINING UNIT AS A CONDITION OF EMPLOYMENT, REGARDLESS OF THE DATE ON WHICH THE EMPLOYEE WAS HIRED.

(II) SUBPARAGRAPH (I)2 OF THIS PARAGRAPH SHALL REMAIN IN EFFECT AS LONG AS THE EXCLUSIVE REPRESENTATIVE ANNUALLY CERTIFIES TO THE BOARD THAT 81% OF ITS MEMBERS PAY SERVICE FEES TO THE EMPLOYEE ORGANIZATION.".

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

Affirmative – 37 Negative – 94 (See Roll Call No. 1319)

FLOOR AMENDMENT

SB0264/723028/1

BY: Delegate McConkey

AMENDMENTS TO SENATE BILL 264
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "nonmembers;" insert "limiting the amount of the service fee that a nonmember may be required to pay to an employee organization;".

AMENDMENT NO. 2

On page 2, in line 4, after "**(1)**" insert "**(I)**"; in the same line, strike "**EXCEPT**" and substitute "**SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND EXCEPT**"; and after line 6, insert:

"**(II) THE AMOUNT OF THE SERVICE FEE THAT A NONMEMBER IS REQUIRED TO PAY TO AN EMPLOYEE ORGANIZATION MAY NOT**

EXCEED 85% OF THE AMOUNT OF THE SERVICE FEE PAYABLE BY A MEMBER OF THE EMPLOYEE ORGANIZATION.".

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

Affirmative – 36 Negative – 95 (See Roll Call No. 1320)

Delegate Schuler moved the previous question.

The motion was adopted.

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

Affirmative – 97 Negative – 35 (See Roll Call No. 1321)

The Bill was then returned to the Senate.

QUORUM CALL

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

(See Roll Call No. 1322)

ADJOURNMENT

At 6:56 P.M. on motion of Delegate Barve the House adjourned until 9:00 P.M., on Legislative Day April 10, 2009, Calendar Day, Monday, April 13, 2009.

Annapolis, Maryland
Legislative Day: April 10, 2009
Calendar Day: Monday, April 13, 2009

The House met at 9:14 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Joanne C. Benson of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 130 Members present.

(See Roll Call No. 1323)

The Journal of April 9, 2009 was read and approved.

EXCUSES:
Del. Myers – son's death
Del. Serafini – personal – Del. Myers' son's death
Del. F. Turner – illness
Ways and Means Committee – left briefly – voting

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 299** SPONSOR: **The Speaker**

SUBJECT: **Criminal Law – Alcoholic Beverages – Underage Individuals – Prohibitions and Penalties**

THIRD READING CALENDAR HOUSE NO. **11** SENATE NO. **12**

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

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

(1) That the attached Judicial Proceedings Committee Amendment (HB0299/478776/1) be adopted.

(2) That the attached Senator Zirkin Amendments (HB0299/733429/1) be adopted.

(3) That the attached Conference Committee Amendment (HB0299/243220/1) be adopted.

HB0299/478776/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 299
(Third Reading File Bill)

On page 9, in line 28, strike "**IMPRISONMENT NOT EXCEEDING 30 DAYS OR**"; in lines 29 and 31, in each instance, strike "**OR BOTH**"; and in line 30, strike "**IMPRISONMENT NOT EXCEEDING 60 DAYS OR**".

HB0299/733429/1

BY: Senator Zirkin

AMENDMENTS TO HOUSE BILL 299
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "exceptions;" insert "requiring the existence of a certain circumstance before an individual may be stopped on suspicion of or charged with committing a certain offense;".

AMENDMENT NO. 2

On page 2, in line 28, after "**(B)**" insert "**(1)**"; in the same line, after "**SECTION,**" insert "**AND SUBJECT TO SUBSECTION (B)(2) OF THIS SECTION,**".

AMENDMENT NO. 3

On page 3, in line 6, after "**(B)**" insert "**(1)**"; in line 8, strike "**(1)**"; in the same line, after "**(I)**" insert "**1.**"; in lines 11, 16, and 19, strike "**(II)**", "**(III)**", and "**(2)**", respectively, and substitute "**2.**", "**3.**", and "**(II)**", respectively; after line 20, insert:

"**(2) AN INDIVIDUAL MAY NOT BE STOPPED ON SUSPICION OF A VIOLATION OF SUBSECTION (A)(1) OR (2) OF THIS SECTION OR CHARGED WITH A**

VIOLATION OF SUBSECTION (A)(1) OR (2) OF THIS SECTION UNLESS THE INDIVIDUAL IS OBSERVED IN POSSESSION OF AN ALCOHOLIC BEVERAGE.".

HB0299/243220/1

BY: Conference Committee

AMENDMENT TO HOUSE BILL 299, AS AMENDED

In the Senator Zirkin Amendment (HB0299/733429/1), in lines 5 and 6 of Amendment No. 3, in each instance, strike "**(A)(1) OR (2)**" and substitute "**(A)(2)**".

Senate Members:		House Members:	
Chair,	**Norman R. Stone, Jr.**	Chair,	**Kathleen M. Dumais**
	Larry E. Haines		**Jeff Waldstreicher**
	Jennie M. Forehand		**J.B. Jennings** (Not signed)

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: (X) Chief Clerk
( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 121 Negative – 1 (See Roll Call No. 1324)

The Bill was then sent to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 14** SPONSOR: **Senator Astle**

SUBJECT: **Maryland Environmental Service – Energy Generation Projects**

THIRD READING CALENDAR HOUSE NO. **17** SENATE NO. **30**

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

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

That the attached Economic Matters Committee Amendment (SB0014/673996/1) be adopted.

SB0014/673996/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 14
(Third Reading File Bill)

On page 3, in line 10, after "**RENEWABLE**" insert "**OR OTHER ENERGY**".

On page 6, in line 15, after "**RENEWABLE**" insert "**AND OTHER**".

On page 23, strike beginning with "**EACH**" in line 17 down through "**ACTIVITY.**" in line 20.

Senate Members:		House Members:	
Chair,	**Katherine Klausmeier**	Chair,	**David D. Rudolph**
	Barry Glassman		**Jeannie Haddaway**
	Nathaniel Exum		**James E. Malone, Jr.**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 114 Negative – 4 (See Roll Call No. 1325)

The Bill was then returned to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 265** SPONSOR: **The President**

SUBJECT: **Vehicle Laws – Teen Driver Safety**

THIRD READING CALENDAR HOUSE NO. **22** SENATE NO. **51**

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

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

(1) That Amendment Nos. 1, 2, and 3 of the attached Environmental Matters Committee Amendments (SB0265/540215/1) be adopted.

(2) That Amendment No. 4 of the attached Environmental Matters Committee Amendments (SB0265/540215/1) be rejected.

(3) That the attached Conference Committee Amendments (SB0265/303322/1) be adopted.

SB0265/540215/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 265
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "license" insert a semicolon.

On page 2, in line 2, after "circumstances;" insert "defining a certain term; altering a certain definition;"; and in line 5, strike "driving" and substitute "driver".

AMENDMENT NO. 2

On page 11, in line 5, after "(a)" insert "**(1)**"; strike beginning with "section" in line 5 down through "individual" in line 6 and substitute "**SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "EDUCATION AND EMPLOYMENT ONLY RESTRICTION" MEANS A RESTRICTION THAT ALLOWS A LICENSED DRIVER TO DRIVE ONLY:

(I) TO OR FROM A SCHOOL CLASS OR AN OFFICIAL SCHOOL ACTIVITY; OR

(II) TO OR FROM, OR IN THE COURSE OF, THE LICENSEE'S EMPLOYMENT.

(3) "OFFENSE" MEANS A MOVING VIOLATION COMMITTED BY AN INDIVIDUAL";

in lines 7, 9, and 11, strike "(1)", "(2)", and "(3)", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; in line 23, after "**MAY**" insert a colon; and strike in their entirety lines 24 through 27, inclusive, and substitute:

"**1. SUSPEND THE OFFENDER'S LICENSE FOR 30 DAYS; AND**

2. IMPOSE, ON COMPLETION OF THE SUSPENSION, AN EDUCATION AND EMPLOYMENT ONLY RESTRICTION ON THE OFFENDER'S LICENSE EFFECTIVE FOR 90 DAYS;".

AMENDMENT NO. 3

On page 12, strike beginning with "**RESTRICT**" in line 8 down through "**TITLE**" in line 10 and substitute "**IMPOSE, ON COMPLETION OF THE SUSPENSION, AN EDUCATION AND EMPLOYMENT ONLY RESTRICTION ON THE OFFENDER'S LICENSE EFFECTIVE FOR 180 DAYS**".

AMENDMENT NO. 4

On page 13, in line 3, strike "a passenger" and substitute a colon; in line 5, strike "under the age of 18 years"; in line 7, strike the period; after line 7 insert:

"**(I) FOR THE FIRST 9 MONTHS AFTER THE PROVISIONAL LICENSE IS ISSUED, A PASSENGER WHO IS** under the age of 18 years**; AND**

(II) AFTER THE EXPIRATION OF THE 9–MONTH PERIOD, MORE THAN ONE PASSENGER WHO IS UNDER THE AGE OF 18 YEARS.";

in line 16, before "stepbrother" insert "or"; and in the same line strike "**, OR COUSIN**".

SB0265/303322/1

BY: Conference Committee

AMENDMENTS TO SENATE BILL 265
(Third Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with "modifying" in line 25 on page 1 down through "circumstances;" in line 2 on page 2.

On page 2, in line 9, strike "16–213, and 21–1123" and substitute "and 16–213".

AMENDMENT NO. 2

On pages 12 and 13, strike in their entirety the lines beginning with line 22 on page 12 through line 28 on page 13, inclusive.

Senate Members:	House Members:
Chair, **Brian E. Frosh**	Chair, **James E. Malone, Jr.**
Larry E. Haines	**Barbara Frush**
C. Anthony Muse	**Paul S. Stull**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	( ) Chief Clerk (X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 123 Negative – 0 (See Roll Call No. 1326)

The Bill was then returned to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 850** SPONSOR: **Senator Muse**

SUBJECT: **Public Safety – Electronic Control Devices – Requirements**

THIRD READING CALENDAR HOUSE NO. **23** SENATE NO. **48**

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

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

That the attached House Judiciary Committee Amendments (SB0850/722810/1) be adopted.

SB0850/722810/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 850
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike ", possessed, or used" and substitute "and activated"; in line 6, strike "the electronic control device meets"; in the same line, after "requirements" insert "are met"; in line 13, strike "and to establish certain standards"; and in line 15, strike "a certain term" and substitute "certain terms".

AMENDMENT NO. 2

On page 2, strike line 12 in its entirety and substitute:

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

(2) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 14–101 OF THIS ARTICLE.

(3) "ELECTRONIC CONTROL DEVICE" MEANS A";

in line 20, after the semicolon, insert "**AND**"; in line 22, strike "**AS DEFINED IN § 14–101 OF THIS ARTICLE;**" and substitute "**OR A VIOLATION OF § 5–602, § 5–603, § 5–604, § 5–605, § 5–606, § 5–613, OR § 5–614 OF THIS ARTICLE.**"; strike in their entirety lines 23 through 29, inclusive; and strike beginning with the first comma in line 30 down through "**USED**" in line 31 and substitute "**AND ACTIVATED**".

On page 3, strike beginning with "**THE**" in line 1 down through "**AND**" in line 3 and substitute "**AN INSTRUCTIONAL MANUAL OR AUDIO OR AUDIOVISUAL INSTRUCTIONS ARE PROVIDED TO THE PURCHASER;**"; strike beginning with "**THE**" in line 4 down through "**FIND**" in line 5 and substitute "**THE MANUFACTURER MAINTAINS A RECORD OF**"; in line 6, after "**DEVICE**" insert "**; AND**

(3) THE MANUFACTURER OR SELLER HAS OBTAINED A STATE AND FEDERAL CRIMINAL HISTORY RECORDS CHECK OF THE ORIGINAL OWNER TO ENSURE COMPLIANCE WITH SUBSECTION (B)(2) OF THIS SECTION";

and in line 16, strike "**FELONY**" and substitute "**CRIME OF VIOLENCE**".

AMENDMENT NO. 3

On page 5, in line 18, after the semicolon insert "**AND**"; strike in their entirety lines 19 through 21, inclusive; and in line 22, strike "**(17)**" and substitute "**(16)**".

AMENDMENT NO. 4

On page 6, in line 5, after the comma insert "**AS DEFINED IN § 4–109 OF THE CRIMINAL LAW ARTICLE,**"; in the same line, strike "**POLICE**" and substitute "**CORRECTIONAL**"; and strike beginning with "**LAW**" in line 6 down through "**ARTICLE**" in line 8 and substitute "**CORRECTIONAL UNIT**".

Senate Members: House Members:

Chair, **C. Anthony Muse**	Chair, **Samuel I. Rosenberg**
Jennie M. Forehand	**Tony McConkey**
Bryan W. Simonaire	**Ben Barnes**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	( ) Chief Clerk (X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 108 Negative – 15 (See Roll Call No. 1327)

The Bill was then returned to the Senate.

AMENDED IN THE SENATE

House Bill 1000 – Delegates Conaway, Carter, Dumais, Frank, Levi, McComas, Ramirez, and Simmons

AN ACT concerning

Marriage Ceremonies – Performance by Tax Court Judges

Delegate Vallario moved that the House not concur in the Senate amendments.

HB1000/778875/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1000
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "Court" insert "who is a resident of this State".

AMENDMENT NO. 2

On page 2, in line 5, after "**OR**" insert "**, IF THE JUDGE IS A RESIDENT OF THIS STATE,**".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 1000**
SPONSOR: Del Conaway, et al
SUBJECT: Marriage Ceremonies – Performance by Tax Court Judges

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

CONCURRENCE CALENDAR #12

AMENDED IN THE SENATE

House Bill 85 – Delegates Rice, Holmes, Barnes, Ali, Barkley, Barve, Cardin, Carr, Davis, Dumais, Elmore, Feldman, Frick, George, Gutierrez, Hixson, Howard, Kaiser, Kipke, Krebs, Manno, Murphy, Myers, Niemann, Olszewski, Pena–Melnyk, Ramirez, Ross, Stukes, Tarrant, Taylor, Vaughn, Waldstreicher, and Walker

AN ACT concerning

College Textbook Competition and Affordability Act of 2009

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

HB0085/234432/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 85
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "packages;" insert "requiring certain institutions to provide certain information to certain bookstores under certain circumstances, subject to certain notifications and certain conditions;".

AMENDMENT NO. 2

On page 4, after line 30, insert:

"**(II) THE EXISTENCE OF VARIANCES IN PRICE OF BUNDLED AND UNBUNDLED COURSE MATERIALS;**";

and in line 31, strike "**(II)**" and substitute "**(III)**".

On page 5, in lines 3 and 6, strike "**(III)**" and "**(IV)**", respectively, and substitute "**(IV)**" and "**(V)**", respectively.

AMENDMENT NO. 3

On page 6, in line 5, after "**SHALL**" insert "**ACKNOWLEDGE**"; in line 6, after "**(I)**" insert "**1.**"; in lines 7 and 10, in each instance, strike "**ACKNOWLEDGE**"; in line 9, strike "**(II)**" and substitute "**2.**"; in line 10, strike the comma; in lines 11, 15, 18, 21, and 24, strike "**1.**", "**2.**", "**3.**", "**4.**", and "**5.**", respectively, and substitute "**A.**", "**B.**", "**C.**", "**D.**", and "**(II)**", respectively; in line 20, after the semicolon, insert "**AND**"; in line 23, strike "**AND**"; and in line 25, after "**SECTION**" insert "**; AND**

(III) THAT SUPPLEMENTAL MATERIAL INCLUDED IN A BUNDLE IS INTENDED FOR USE IN THE COURSE".

AMENDMENT NO. 4

On page 7, strike in their entirety lines 23 through 25, inclusive.

AMENDMENT NO. 5

On page 8, after line 18, insert:

"**(G) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON THE REQUEST OF A BOOKSTORE, AN INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE THE INFORMATION LISTED UNDER PARAGRAPH (3) OF THIS SUBSECTION TO A BOOKSTORE BY THE EARLIER OF:**

1. WITHIN 1 WEEK OF A FACULTY MEMBER'S SELECTION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AND TRANSMISSION TO A CAMPUS BOOKSTORE; OR

2. WHEN THE SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL IS FINALIZED.

(II) A BOOKSTORE THAT OBTAINS INFORMATION UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH MAY NOT MAKE THE INFORMATION AVAILABLE TO STUDENTS OR MEMBERS OF THE PUBLIC UNTIL THE INFORMATION IS MADE AVAILABLE TO THE BOOKSTORE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.";

in line 29, strike "**(G) (1)**" and substitute "**(2)**"; and in line 30, strike "**(2)**" and substitute "**(3)**".

AMENDMENT NO. 6

On page 9, in lines 1, 2, 16, 26, and 29, strike "**(3)**", "**(4)**", "**(2)**", "**(3)**", and "**(1)**", respectively, and substitute "**(4)**", "**(5)**", "**(3)**", "**(4)**", and "**(2)**", respectively; in line 2, strike "**30 DAYS**" and substitute "**3 WEEKS**"; and in line 16, strike "**PARAGRAPH (1)**" and substitute "**PARAGRAPHS (1) AND (2)**".

On page 10, in line 14, strike "**(4)**" and substitute "**(5)**"; in the same line, strike "**PARAGRAPH (1)**" and substitute "**PARAGRAPHS (1) AND (2)**"; and in line 16, strike "**OR A CAMPUS BOOKSTORE**".

The preceding 6 amendments were read and concurred in.

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

Affirmative – 120 Negative – 2 (See Roll Call No. 1328)

AMENDED IN THE SENATE

House Bill 446 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Bates, Branch, Conway, Haynes, Heller, James, Levi, and Levy

AN ACT concerning

State Retirement and Pension System – Board of Trustees – Attendance and Educational Training

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

HB0446/789337/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 446
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike "use certain leave" and substitute "be on work time".

AMENDMENT NO. 2

On page 2, strike beginning with "**ON**" in line 25 down through "**MEETING**" in line 27 and substitute "**GIVEN REASONABLE TIME DURING WORK TO ATTEND MONTHLY MEETINGS OF THE BOARD OF TRUSTEES OR COMMITTEE MEETINGS**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 123 Negative – 0 (See Roll Call No. 1329)

AMENDED IN THE SENATE

House Bill 1495 – ~~Delegate C. Clagett~~ Delegates G. Clagett and DeBoy

AN ACT concerning

State Police Retirement System – Reemployment of Retirees

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

HB1495/389035/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 1495
(Third Reading File Bill)

On page 8, in line 8, after "**PAY**" insert "**THE BALANCE OF THE RETIREE'S ACCUMULATED CONTRIBUTIONS AND**"; and in line 9, after "**RETIREMENT**" insert "**, WITH ACCUMULATED COST–OF–LIVING ADJUSTMENTS FROM THE DATE THE RETIREE RETIRED**".

The preceding amendment was read and concurred in.

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1330)

AMENDED IN THE SENATE

House Bill 1513 – Chair, Appropriations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

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

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

HB1513/539632/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1513
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "practitioners;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 5, in line 7, after "2009." insert "It shall remain effective for a period of 2 years and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1331)

AMENDED IN THE SENATE

House Bill 868 – Delegates Love and Krysiak

AN ACT concerning

Property and Casualty Insurance – Portable Electronics Insurance – Regulation

Delegate Davis moved that the House concur in the Senate amendments.

HB0868/327574/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 868
(Third Reading File Bill)

On page 3, in line 1, strike "**INSURANCE**" and substitute "**VENDORS**".

On page 4, in line 1, after "**LOSS**" insert "**BY DISAPPEARANCE**"; and in line 11, after "**LOSS**" insert "**BY DISAPPEARANCE**".

On page 5, in line 3, after "**LOSS**" insert "**BY DISAPPEARANCE**".

The preceding amendment was read and concurred in.

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1332)

AMENDED IN THE SENATE

House Bill 1304 – ~~Delegates Love, Beidle, V. Clagett, Costa, George, King, Kipke, McConkey, Schuh, and Sophocleus~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Alcoholic Beverages Act of 2009

Delegate Davis moved that the House concur in the Senate amendments.

HB1304/624532/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1304
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "imposing" and substitute "altering"; strike beginning with ", require" in line 9 down through "units" in line 10; strike beginning with "requiring" in line 11 down through "information" in line 17 and substitute "requiring the Board to apply for certain criminal records and to submit certain information and certain fees to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services; requiring the Central Repository to forward certain information to an applicant and the Board; providing that certain information is confidential, may not be redisseminated, and may be used only for a certain purpose; establishing a certain nonrefundable license

renewal fee"; in line 18, after "license" insert "and a special outdoor entertainment license"; in line 20, strike "fee" and substitute "fees"; in the same line, after "licenses" insert "and special outdoor entertainment licenses"; and in line 23, after "employ;" insert "altering the annual salary of the attorney for the Board;".

On page 2, in line 3, strike "certain sections" and substitute "a certain provision"; in line 7, after "1–102(b)," insert "5–101(c)(1), 5–201(c), 5–202(d), 5–301(c), 5–401(c)(1)(i), 6–101(c), 6–201(c), 6–301(c)(2), (5)(ii), (6)(ii), and (7)(ii), 6–401(c)(3), 7–101(b)(2)(i) and (d)(2),"; in line 9, after "8–202(d)(4)(ii)" insert "and (5), (e)(3), (h)(4)(i), and (i)(4)(i), 8–202.1(f)"; in line 10, strike "10–204(c),"; in the same line, after "15–112(c)(3)" insert "and (5)(iii)"; strike in their entirety lines 14 through 18, inclusive; in line 21, after "4–201(a)(1)," insert "5–101(a)(1), 5–202(b)(1), 5–301(a)(1), 5–401(a)(1), 6–101(a)(1), 6–301(a)(1), (c)(1), (5)(i), (6)(i), and (7)(i), 6–401(a)(1) and (c)(1), 7–101(b)(1)(i),"; in line 23, after "(2)," insert "(e)(1), (h)(3), and"; in the same line, after "(i)(1)," insert "8–202.1(a) and (c)(1),"; in line 29, strike "and"; and in the same line, after "10–103(b)(13)(xv)" insert ", and 10–301(u)".

AMENDMENT NO. 2

On page 3, after line 19, insert:

"5–101.

(a) (1) A Class A beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer and light wines at retail, in any quantity to any consumers, at the place described in the license. The holder shall deliver the beer and light wines in a sealed package or container, which package or container may not be opened nor its contents consumed on the premises where sold.

(c) (1) In Anne Arundel County the annual license fee is **[**$200**] $240**.";

and in line 29, after "(c)" insert:

"(1) This subsection applies only in Anne Arundel County.

(2) The annual license fee for a Class B beer and light wine license is **[**$400**] $480**.".

On page 4, after line 7, insert:

"5–202.

(b) (1) A Class H beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license, for consumption on the premises.

(d) In Anne Arundel County the annual license fee is **[**$300**] $360**.

5–301.

(a) (1) Except as provided in subsection (n) of this section, a Class C beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer and light wines at retail to bona fide members and their guests, at any club, at the place described in the license, for consumption on the premises only.

(c) In Anne Arundel County the annual license fee is **[**$100**] $120**.

5–401.

(a) (1) A Class D beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes its holder to keep for sale and to sell beer and light wines at retail, at the place described in the license, for consumption on the premises or elsewhere. The license may not be issued for any drugstore.

(c) (1) (i) In Anne Arundel County the annual license fee is **[**$400**] $480**.

6–101.

(a) (1) A Class A beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and to sell all alcoholic beverages at retail, in any quantity, at the place described in the license. The licensee shall deliver

the alcoholic beverages in a sealed package or container and the package or container may not be opened nor its contents consumed on the premises where sold.

(c) In Anne Arundel County the annual license fee is **[**$600**] $720**.

6–201.

(c) (1) The provisions of this subsection apply only in Anne Arundel County and do not apply to the City of Annapolis.

(2) The annual fee for a Class B license is **[**$900**] $1,080**.

(3) (i) A Class H beer, wine and liquor license authorizes the holder to keep for sale and sell beer, wine and liquor at retail at any restaurant for consumption on the premises.

(ii) The annual fee for this license is **[**$800**] $960**.

6–301.

(a) (1) Except as provided in subsection (n) of this section, a Class C beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at any club, at the place described in the license, for consumption on the premises only.

(c) (1) This subsection applies only in Anne Arundel County.

(2) The annual license fee is **[**$400**] $480**.

(5) (i) There is a special Class C (yacht club) license.

(ii) The annual license fee is **[**$1,500**] $1,800**.

(6) (i) There is a special Class C (golf and country club) license.

(ii) The annual license fee is **[**$1,500**] $1,800**.

(7) (i) There is a special Class C (country club) license.

(ii) The annual license fee is **[**$625**]** **$750**.

6–401.

(a) (1) A Class D beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the place described in it, for consumption on the premises or elsewhere. A license may not be issued for any drugstore.

(c) (1) This subsection applies only in Anne Arundel County.

(3) (i) The annual license fee for a limited Class D license is **[**$900**]** **$1,080**.

(ii) The annual license fee for a Class D on– and off–sale license is **[**$1,000**]** **$1,200**.

7–101.

(b) (1) (i) Subject to subsection (a) of this section, a special Class C beer license or a special Class C beer and wine license entitles the holder to exercise any of the privileges conferred by the respective classes of licenses for the use of any person holding any bona fide entertainment conducted by any club, society or association at the place described in the license, for a period not exceeding seven consecutive days from the effective date thereof.

(2) In Anne Arundel County:

(i) The fee is **[**$10**]** **$25** per day; and

(d) (2) In Anne Arundel County:

(i) A special beer, wine and liquor license, Class C licensee may purchase beer from a wholesaler;

(ii) The fee is **[**$25**]** **$50** per day; and

(iii) The provisions of §§ 10–103(b) and 10–202 of this article and § 10–501 of the State Government Article do not apply to an applicant for the license.".

On page 7, after line 2, insert:

"(5) (i) The annual fee for each beer and light wine "special Sunday license" is **[**$50**] $60**.

(ii) The annual fee for each beer, wine and liquor "special Sunday license" is **[**$100**] $120**.

(e) (1) There is a racetrack license.

(3) The license fee is **[**$50**] $60** per day to be paid on January 1 for the racing of the preceding year, payable to the Board. It entitles the holder to sell at one or more locations within its park.

(h) (3) The Board may issue a resort complex license covering "on–sales" of beer, wine and liquor to any person, for the sale of any and all alcoholic beverages within the confines of the resort complex. This license shall be issued only to the person, firm, or corporation owning or leasing a resort complex.

(4) (i) The annual license fee is **[**$1,500**] $1,800**.

(i) (1) There is a motel/hotel–restaurant license.

(4) (i) The annual license fee for each separate establishment is **[**$3,000**] $3,600**.".

On page 8, after line 4, insert:

"8–202.1.

(a) This section applies only in Anne Arundel County.

(c) (1) There is a 7–day Class BLX (deluxe restaurant) (on–sale) beer, wine and liquor license.

(f) The annual license fee is **[**$1,000**] $1,200**.".

AMENDMENT NO. 3

On pages 8 through 10, strike in their entirety the lines beginning with line 10 on page 8 through line 30 on page 10, inclusive, and substitute:

"10–103.

(b) (13) **(XV)** **1. THIS SUBPARAGRAPH APPLIES ONLY IN ANNE ARUNDEL COUNTY.**

2. IN THIS SUBPARAGRAPH, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

3. THE BOARD OF LICENSE COMMISSIONERS SHALL OBTAIN CRIMINAL RECORDS OF EACH ALCOHOLIC BEVERAGES LICENSE APPLICANT FROM THE ANNE ARUNDEL COUNTY POLICE DEPARTMENT AND THE CENTRAL REPOSITORY.

4. THE BOARD OF LICENSE COMMISSIONERS SHALL APPLY TO THE CENTRAL REPOSITORY FOR A CRIMINAL HISTORY RECORDS CHECK FOR EACH ALCOHOLIC BEVERAGES LICENSE APPLICANT AND, AS PART OF THE APPLICATION, SHALL SUBMIT TO THE CENTRAL REPOSITORY:

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

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

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

5. THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE BOARD OF LICENSE COMMISSIONERS THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

6. INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBPARAGRAPH:

A. IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

B. MAY BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED UNDER THIS SECTION.

10–301.

(U) IN ANNE ARUNDEL COUNTY, AN APPLICANT FOR A RENEWAL OF A LICENSE SHALL PAY TO THE LOCAL COLLECTING AGENT A NONREFUNDABLE RENEWAL FEE OF $50 IN ADDITION TO THE ANNUAL LICENSE FEE.".

AMENDMENT NO. 4

On page 11, in line 31, strike "**$100**" and substitute "**$200**"; and in line 35, strike "**GRANT PERMISSION**" and substitute "**ISSUE A SPECIAL OUTDOOR ENTERTAINMENT LICENSE**".

On page 12, in line 2, after "**SUBSECTION**" insert a period; and strike in their entirety lines 5 through 8, inclusive, and substitute:

"**(II) A SPECIAL OUTDOOR ENTERTAINMENT LICENSE UNDER THIS PARAGRAPH ENTITLES THE HOLDER TO PROVIDE:**

1. THE SAME FORM OF ENTERTAINMENT OUTDOORS THAT THE HOLDER IS ALLOWED TO PROVIDE INDOORS UNDER THE HOLDER'S SPECIAL DANCING LICENSE OR SPECIAL MUSIC LICENSE; AND

2. OUTDOOR TABLE SERVICE OR CAFE SERVICE.

(III) THE ANNUAL FEE FOR A SPECIAL OUTDOOR ENTERTAINMENT LICENSE IS $500.

(IV) BEFORE A SPECIAL OUTDOOR ENTERTAINMENT LICENSE IS RENEWED, THE HOLDER OF THE LICENSE SHALL OBTAIN APPROVAL FROM THE BOARD".

On page 13, strike in their entirety lines 10 through 12, inclusive, and substitute:

"(5) The Board of License Commissioners:

(iii) Shall employ an attorney at an annual salary of **[**$12,000**]** **$20,000**.".

On page 14, strike in their entirety lines 3 through 20, inclusive, and substitute:

"(c) (1) **(I)** In Anne Arundel County the Board of License Commissioners may impose a fine of not more than **[**$1,000 in lieu of suspension of a license**]** **$2,500 OR SUSPEND THE LICENSE OR BOTH** for any violation that is cause for suspension under the alcoholic beverage laws affecting Anne Arundel County.

(II) A FINE OR SUSPENSION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS IN ADDITION TO ANY OTHER TERM OR CONDITION THAT THE BOARD MAY IMPOSE AS A RESULT OF THE VIOLATION.

SECTION 2. AND BE IT FURTHER ENACTED, That Article 2B, § 16–101(e)(4)(ii)1, as enacted by Section 1 of this Act, shall be construed to apply retroactively and shall be applied to and interpreted to affect all matters on judicial review in the Circuit Court for Anne Arundel County on or after August 1, 2008.";

in line 21, strike "4." and substitute "3."; and in line 22, strike "June 1, 2009" and substitute "July 1, 2009".

The preceding 4 amendments were read and concurred in.

HB1304/693329/1

BY: Chair, Anne Arundel County Senators

AMENDMENTS TO HOUSE BILL 1304, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On pages 1 through 9 of the Education, Health, and Environmental Affairs Committee Amendments (HB1304/624532/1), strike in their entirety Amendment Nos. 1, 2, and 3.

On page 1 of the bill, in line 10, after "units;" insert "establishing a certain nonrefundable license renewal fee;"; in line 18, after "license" insert "and a special outdoor entertainment license"; and in line 23, after "employ;" insert "altering the annual salary of the attorney for the Board;".

On page 2, in line 3, strike "certain sections" and substitute "a certain provision"; in line 10, strike ", 10–204(c),"; in the same line, after "15–112(c)(3)" insert "and (5)(iii)"; in line 29, strike "and"; and in the same line, after "10–103(b)(13)(xv)" insert ", and 10–301(u)".

AMENDMENT NO. 2

On pages 9 and 10 of the bill, strike in their entirety the lines beginning with line 22 on page 9 through line 30 on page 10, inclusive, and substitute:

"10–301.

(U) IN ANNE ARUNDEL COUNTY, AN APPLICANT FOR A RENEWAL OF A LICENSE SHALL PAY TO THE LOCAL COLLECTING AGENT A NONREFUNDABLE RENEWAL FEE OF $50 IN ADDITION TO THE ANNUAL LICENSE FEE.".

On page 9 of the Education, Health, and Environmental Affairs Committee Amendments, in line 1 of Amendment No. 4, strike "**$200**" and substitute "**$100**".

On page 11 of the bill, in line 34, after "**(5)**" insert "**(I)**".

On page 9 of the Education, Health, and Environmental Affairs Committee Amendments, in the last line of Amendment No. 4, strike the second period.

On page 10 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 4, strike beginning with "**(III)**" in line 1 down through "**BOARD**" in line 5; and strike beginning with "shall" in line 20 down through "2008" in line 22 and substitute "may not be applied to any case for which a final judgment has been rendered and for which all judicial appeals have been exhausted before the effective date of this Act".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 134 Negative – 2 (See Roll Call No. 1333)

AMENDED IN THE SENATE

House Bill 1526 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Workforce Development – Maryland Workforce Corporation

Delegate Davis moved that the House concur in the Senate amendments.

HB1526/457676/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1526
(Third Reading File Bill)

On page 4, strike beginning with "**IN**" in line 26 down through "**STATE**" in line 28 and substitute "**TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO THE BOARD SHALL REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE**".

The preceding amendment was read and concurred in.

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

Affirmative – 135 Negative – 1 (See Roll Call No. 1334)

AMENDED IN THE SENATE

House Bill 560 – Delegates Kramer, Manno, Ramirez, Reznik, Simmons, and Valderrama

AN ACT concerning

Hate Crimes – Prohibitions and Protected Classes – Age, Gender, and Disability

Delegate Vallario moved that the House concur in the Senate amendments.

HB0560/138677/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 560
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Age, Gender, and"; in line 4, strike "age, gender, and"; and in lines 10 and 11, strike "age, gender,".

AMENDMENT NO. 2

On page 2, strike beginning with "**AGE,**" in line 5 down through "**GENDER,**" in line 6; and in lines 24 and 27, in each instance, strike "**AGE, GENDER,**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 106 Negative – 30 (See Roll Call No. 1335)

AMENDED IN THE SENATE

House Bill 1019 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Salaries of Inspectors

PG 307–09

Delegate Davis moved that the House not concur in the Senate amendments.

HB1019/214931/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1019
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "may" and substitute "shall"; and in the same line, after "receive" insert "not less than".

AMENDMENT NO. 2

On page 2, in line 14, strike "**MAY**" and substitute "**SHALL**"; and in line 15, after "**OF**" insert "**NOT LESS THAN**".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 1019**
SPONSOR: Prince George's County Delegation
SUBJECT: Prince George's County – Alcoholic Beverages – Salaries of Inspectors PG 307–09

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Braveboy, Chairman

Delegate Vaughn, and
Delegate Love.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

THE COMMITTEE ON APPROPRIATIONS REPORT #19

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

Senate Bill 72 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Institutions of Postsecondary Education – Exempt Institutions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 177 – Senators Glassman, Colburn, Edwards, Jacobs, Klausmeier, Pugh, and Robey

AN ACT concerning

Emergency Responders – Death Benefits and Funeral Expenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 226 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Participating Governmental Units

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 373 – Senators Currie, Colburn, Conway, DeGrange, Greenip, Harrington, King, Madaleno, McFadden, Peters, and Robey

AN ACT concerning

Higher Education – ~~Maryland National Guard Members~~ Public Institutions of Higher Education – Nonresident Tuition Exemption

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:

Senate Bill 992 – Senator Kelley

AN ACT concerning

Welfare to Work – Job Skills Enhancement Program – Green Jobs

SB0992/424665/1

BY: Appropriations Committee

AMENDMENT TO SENATE BILL 992
(Third Reading File Bill)

On page 4, in line 11, after "**RECIPIENTS**" insert "**, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS**"; in line 14, after "**OF**" insert "**CURRENT AND FORMER**"; and in the same line, after "**RECIPIENTS**" insert "**, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS**".

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 #26

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

Senate Bill 1033 – Senators Madaleno ~~and Raskin~~, Raskin, and Lenett

EMERGENCY BILL

AN ACT concerning

Special Election – Absentee Voting – Late Applications

SB1033/375465/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 1033
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "certain days" and substitute "a certain day"; and strike beginning with "requiring" in line 7 down through "election;" in line 9.

AMENDMENT NO. 2

On page 3, in line 10, strike "or before"; strike beginning with "as" in line 17 down through "(3)" in line 22; and in line 22, strike the comma.

On pages 3 and 4, strike in their entirety the lines beginning with line 27 on page 3 through line 1 on page 4, inclusive.

On page 4, in line 2, strike "(f)" and substitute "(e)".

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:

Senate Bill 1035 – Senators Peters, Muse, Harrington, Currie, Exum, Miller, Pinsky, and Rosapepe

AN ACT concerning

Education – Prince George's Community College Board of Trustees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #21

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

Senate Bill 230 – Senators Kasemeyer and Frosh

EMERGENCY BILL

AN ACT concerning

Maryland Uniform Prudent Management of Institutional Funds Act

SB0230/122414/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 230
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after the semicolon insert "establishing a certain presumption of imprudence; requiring notice of a certain appropriation by an institution to the Attorney General under certain circumstances;".

AMENDMENT NO. 2

On page 6, strike beginning with "**IN**" in line 29 down through "**CIRCUMSTANCES**" in line 31 and substitute "**EXERCISING ORDINARY BUSINESS CARE AND PRUDENCE UNDER THE FACTS AND CIRCUMSTANCES PREVAILING AT THE TIME OF THE ACTION OR DECISION**".

AMENDMENT NO. 3

On page 8, in line 20, strike the second "**A**" and substitute "**THE**".

AMENDMENT NO. 4

On page 8, strike beginning with "**ACT**" in line 30 down through "**CIRCUMSTANCES**" in line 32 and substitute "**EXERCISE ORDINARY BUSINESS CARE AND PRUDENCE UNDER THE FACTS AND CIRCUMSTANCES PREVAILING AT THE TIME OF THE ACTION OR DECISION**".

AMENDMENT NO. 5

On page 9, after line 21, insert:

"**(D) (1) IN THIS SUBSECTION, FAIR MARKET VALUE SHALL BE CALCULATED:**

(I) IF AN ENDOWMENT FUND HAS EXISTED AT LEAST 3 YEARS, ON THE BASIS OF THE MARKET VALUE DETERMINED AT LEAST QUARTERLY AND AVERAGED OVER A PERIOD OF NOT LESS THAN 3 YEARS IMMEDIATELY PRECEDING THE YEAR IN WHICH THE APPROPRIATION FOR EXPENDITURE IS MADE; OR

(II) IF AN ENDOWMENT FUND HAS EXISTED FOR FEWER THAN 3 YEARS, FOR THE PERIOD THE ENDOWMENT FUND HAS EXISTED.

(2) THE APPROPRIATION FOR EXPENDITURE IN ANY YEAR OF AN AMOUNT GREATER THAN 7 PERCENT OF THE FAIR MARKET VALUE OF AN ENDOWMENT FUND CREATES A REBUTTABLE PRESUMPTION OF IMPRUDENCE.

(3) THE INSTITUTION SHALL NOTIFY THE ATTORNEY GENERAL OF THE APPROPRIATION FOR EXPENDITURE IN ANY YEAR OF AN AMOUNT GREATER THAN 7 PERCENT OF THE FAIR MARKET VALUE OF AN ENDOWMENT FUND.

(4) THIS SUBSECTION DOES NOT:

(I) APPLY TO AN APPROPRIATION FOR EXPENDITURE PERMITTED UNDER LAW OTHER THAN THIS SUBTITLE OR BY THE GIFT INSTRUMENT; OR

(II) CREATE A PRESUMPTION OF PRUDENCE FOR AN APPROPRIATION FOR EXPENDITURE OF AN AMOUNT LESS THAN OR EQUAL TO 7 PERCENT OF THE FAIR MARKET VALUE OF THE ENDOWMENT FUND.".

AMENDMENT NO. 6

On page 9, strike beginning with "**ACT**" in line 28 down through "**CIRCUMSTANCES**" in line 30 and substitute "**EXERCISE ORDINARY BUSINESS CARE AND PRUDENCE UNDER THE FACTS AND CIRCUMSTANCES PREVAILING AT THE TIME OF THE ACTION OR DECISION**".

AMENDMENT NO. 7

On page 10, strike in their entirety lines 10 through 12, inclusive, and substitute:

"**(C) THE STANDARD ESTABLISHED BY § 15–402(B) OF THIS SUBTITLE IS NOT LIMITED OR EXTINGUISHED BY THE APPOINTMENT OF AN EXTERNAL AGENT.**".

AMENDMENT NO. 8

On page 10, strike beginning with "**IMPRACTICABLE**" in line 35 down through "**FUND**" in line 36 and substitute "**OBSOLETE, INAPPROPRIATE, OR IMPRACTICABLE**".

AMENDMENT NO. 9

On page 11, in line 2, after "**WILL**" insert "**CLEARLY**"; strike beginning with "**IMPOSSIBLE**" in line 13 down through "**WASTEFUL**" in line 14 and substitute "**OR IMPOSSIBLE TO ACHIEVE AND WRITTEN CONSENT OF THE DONOR CANNOT BE OBTAINED BY REASON OF THE DEATH, DISABILITY, UNAVAILABILITY, OR IMPOSSIBILITY OF IDENTIFICATION OF THE DONOR**"; strike beginning with "**IN**" in line 16 down through "**INSTRUMENT**" in line 17 and substitute "**IF THE DONOR MANIFESTED A GENERAL CHARITABLE INTENT**"; strike beginning with

"**IMPOSSIBLE**" in line 24 down through "**WASTEFUL**" in line 25 and substitute "**OR IMPOSSIBLE TO ACHIEVE**"; and in line 32, after "**MANNER**" insert "**CLEARLY**".

AMENDMENT NO. 10

On page 12, in line 17, strike "**§ 101**" and substitute "**§ 101(C)**"; in line 18, strike "**§ 7001(A)**" and substitute "**§ 7001(C)**"; and in line 19, strike "**§ 103**" and substitute "**§ 103(B)**".

The preceding 10 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:

Senate Bill 905 – Senator Muse

AN ACT concerning

Orphans' Court – Minors – Guardianship of Person

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 933 – Senator Kelley

AN ACT concerning

Family Law – State Citizens Review Board for Children and Local Boards of Review – Duties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 974 – Senators Raskin and Rosapepe

AN ACT concerning

Local Government Tort Claims Act – Notice of Claim

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 989 – Senator Stone

AN ACT concerning

Criminal Procedure – Concurrent Court Jurisdiction – Second or Subsequent Offense of Failure to Register with Sex Offender Registry

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 72	Del. F. Turner
HB 96	Del. Stifler
HB 148	Calvert County Del.
HB 216	Calvert County Del.
HB 348	Anne Arundel Co. Del.
HB 520	Calvert County Del.
HB 773	Del. Conway
HB 822	Montgomery Co. Del.
HB 937	Del. F. Turner
HB 941	Cecil County Del.
HB 948	Del. Kaiser
HB 1045	Cecil County Del.
HB 1139	Montgomery/PG Co. Del.
HB 1144	Montgomery/PG Co. Del.
HB 1273	Del. Valderrama
HB 1297	Del. Taylor
HB 1347	Del. Anderson
HB 1355	Del. Lafferty
HB 1395	Ch., Ways and Means
HB 1396	Ch., Ways and Means
HB 1403	Ch., Appropriations

HB 1404	Ch., Appropriations
HB 1413	Ch., Envir. Mat. Com.
HB 1414	Ch., Envir. Mat. Com.
HB 1435	Ch., Appropriations
HB 1440	Del. Burns
HB 1450	Ch., Econ Matters Co.
HB 1452	Ch., Econ Matters Co.
HB 1468	Ch. Hlth & Govt Ops
HB 1473	Ch. Hlth & Govt Ops
HB 1517	Montgomery/PG Co. Del.
HB 1521	Ch., Envir. Mat. Com.
HB 1532	Ch., Econ Matters Co.
HB 1554	Del. Vaughn
HB 1556	Ch., Econ Matters Co.
HB 1559	St. Mary's County Del.
HB 1561	Ch. Hlth & Govt Ops

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 315	Del. Barve
HB 598	Ch., Appropriations
HB 1136	Montgomery/PG Co. Del.
HB 1383	Del. Gaines

Read and ordered journalized.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #28

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

House Bill 707 – Delegates Barve, Bronrott, Hubbard, and Morhaim

AN ACT concerning

Maryland Energy Conservation Building Standards Improvement Act

HB0707/480717/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 707
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Energy Conservation"; in the same line, after "Building" insert "Performance"; in the same line, strike "Improvement Act" and substitute "– Energy Conservation and Efficiency"; strike beginning with "altering" in line 5 down through "with" in line 17 and substitute "requiring the Department of Housing and Community Development to consider certain changes to the International Building Code before adopting each new version into the Standards; authorizing the Department to adopt certain modifications of the building code as part of the Standards; prohibiting the Department from adopting certain other modifications of the building code as part of"; and in line 19, strike "by a certain date" and substitute "; requiring certain modifications of the Standards to be implemented and enforced by a local jurisdiction no later than a certain period of time after the modifications are adopted; defining a certain term".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 20 through 27, inclusive; in line 28, strike "**(G)**" and substitute "**(F)**"; and in line 31, strike "**(H)**" and substitute "**(G)**".

On page 3, in line 1, strike "**(I)**" and substitute "**(H)**"; in line 9, strike the brackets; and in the same line, strike "**9**".

AMENDMENT NO. 3

On page 3, in line 17, after "(2)" insert "**(I)**"; in the same line, strike "The" and substitute "**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**"; after line 19, insert:

"**(II) THE DEPARTMENT MAY ADOPT ENERGY CONSERVATION REQUIREMENTS THAT ARE MORE STRINGENT THAN THE REQUIREMENTS IN THE INTERNATIONAL ENERGY CONSERVATION CODE, BUT MAY NOT ADOPT ENERGY CONSERVATION REQUIREMENTS THAT ARE LESS STRINGENT THAN THE REQUIREMENTS IN THE INTERNATIONAL ENERGY CONSERVATION CODE.**";

and strike in their entirety lines 20 through 31, inclusive.

On page 4, strike in their entirety lines 1 through 31, inclusive; in line 32, strike the brackets; and in the same line, strike "**(E)**".

AMENDMENT NO. 4

On page 5, in line 13, strike "**INCLUDING ANY LOCAL AMENDMENTS,**"; and in line 15, strike "**60 DAYS**" and substitute "**6 MONTHS**".

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 #27

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

Senate Bill 609 – Senator Brinkley

AN ACT concerning

Frederick 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:

Senate Bill 1045 – Senator Harrington

AN ACT concerning

DHCD – Community Development Administration – Financing Instruments – Mortgage Loans Guaranteed by Government–Sponsored Enterprises

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 1179** SPONSOR: **Delegate Cardin**

SUBJECT: **Election Law – Early Voting**

THIRD READING CALENDAR HOUSE NO. **48** SENATE NO. **20**

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

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

(1) That Amendment No. 4 of the Education, Health, and Environmental Affairs Committee Amendments (HB1179/284638/1) be adopted.

(2) That Amendment Nos. 1, 2, 3, and 5 of the Education, Health, and Environmental Affairs Committee Amendments (HB1179/284638/1) be rejected.

(3) That Senator Kittleman's Floor Amendment (HB1179/743729/1) be rejected.

(4) That the attached Conference Committee Report (HB1179/313620/2) be adopted.

HB1179/284638/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1179
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "voting;" insert "expressing the intent of the General Assembly with regard to the consideration of certain factors by the State Board and the local boards when selecting early voting centers;".

On pages 1 and 2, strike beginning with "repealing" in line 17 on page 1 through "elections;" in line 1 on page 2.

On page 2, in line 21, strike "10–101,"; in the same line, strike ", 10–310(a), and 15–103" and substitute "and 10–310(a)"; and in line 26, before "10–203" insert "10–101 and".

AMENDMENT NO. 2

On page 4, in lines 26 and 27, strike "**SUBPARAGRAPHS (III) AND (IV)**" and substitute "subparagraph (iii)".

On page 5, strike in their entirety lines 6 through 15, inclusive.

AMENDMENT NO. 3

On page 8, in line 22, strike "**THE**" and substitute "**NO LATER THAN 6 MONTHS BEFORE A PRIMARY ELECTION, THE**"; in line 25, after the second "**VOTING**" insert "**AS FOLLOWS**"; strike in their entirety lines 26 through 28, inclusive, and substitute:

"**(1) BEGINNING ON THE SECOND SATURDAY BEFORE A PRIMARY OR GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTIONS; AND**"; in line 29, after "**(2)**" insert "**(I)**"; and in the same line, after "**8 P.M.**" insert "**ON THE SATURDAY AND THE MONDAY THROUGH THE THURSDAY DURING THE EARLY VOTING PERIOD; AND**

(II) DURING THE HOURS BETWEEN 12 NOON AND 6 P.M. ON THE SUNDAY DURING THE EARLY VOTING PERIOD.".

AMENDMENT NO. 4

On pages 10 and 11, strike in their entirety the lines beginning with line 9 on page 10 through line 12 on page 11, inclusive.

AMENDMENT NO. 5

On page 11, after line 12, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that in selecting early voting centers under this Act, the State Board of Elections, in collaboration with the local boards of elections, shall give due consideration to the voting patterns, demographics, and political party affiliation of the voters in each county.".

HB1179/313620/2

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 1179
(Third Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with "repealing" in line 17 on page 1 down through "elections;" in line 1 on page 2.

On page 2, in line 21, strike ", 10–310(a), and 15–103" and substitute "and 10–310(a)".

AMENDMENT NO. 2

On page 8, in line 22, strike "**THE**" and substitute "**NO LATER THAN 6 MONTHS BEFORE A PRIMARY ELECTION, THE**"; in line 25, after the second "**VOTING**" insert "**AS FOLLOWS**"; and strike in their entirety lines 26 through 29, inclusive, and substitute:

"**(1) FOR THE 2010 GUBERNATORIAL PRIMARY AND GENERAL ELECTIONS:**

(I) BEGINNING THE SECOND FRIDAY BEFORE A PRIMARY OR GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTIONS, BUT EXCLUDING SUNDAY; AND

(II) DURING THE HOURS BETWEEN 10 A.M. AND 8 P.M.; AND

(2) FOR THE 2012 PRESIDENTIAL PRIMARY AND GENERAL ELECTIONS:

(I) BEGINNING THE SECOND SATURDAY BEFORE A PRIMARY OR GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTIONS; AND

(II) 1. DURING THE HOURS BETWEEN 10 A.M. AND 8 P.M. ON THE SATURDAY AND THE MONDAY THROUGH THE THURSDAY DURING THE EARLY VOTING PERIOD; AND

2. DURING THE HOURS BETWEEN 12 NOON AND 6 P.M. ON THE SUNDAY DURING THE EARLY VOTING PERIOD.".

On page 11, in line 13, strike "5." and substitute "4.".

Senate Members:		House Members:	
Chair,	**Roy P. Dyson**	Chair,	**Justin D. Ross**
	Joan Carter Conway		**Jon S. Cardin**
	Richard F. Colburn		**D. Page Elmore**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: (X) Chief Clerk
( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 104 Negative – 32 (See Roll Call No. 1336)

The Bill was then sent to the Senate.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0265**
SPONSOR: Del G. Clagett, et al
SUBJECT: Emer Med Servs – Emer Med Servs Bd and Jt Oversight Com on Emer Med Servs

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Weldon, Chair
Delegate Hammen
Delegate Costa

The Senate appoints:
Senator Garagiola, Chairman
Senator Astle
Senator Glassman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0004**
SPONSOR: Del Manno, et al
SUBJECT: Small Business Health Insurance Expansion Act

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Pendergrass, Chair
Delegate Kullen
Delegate Kach

The Senate appoints:
Senator Middleton, Chairman
Senator Kelley
Senator Kittleman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0023**
SPONSOR: Del Kullen, et al
SUBJECT: Junk Dealers and Scrap Metal Processors – Required Records

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Vaughn, Chair
Delegate King
Delegate Manno

The Senate appoints:
Senator Astle, Chairman
Senator Della
Senator Glassman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0686**
SPONSOR: Sen Robey, et al

SUBJECT: High Performance Bldgs Act – Modifs and Applicability to Community College Capital Projs

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 Robey, Chairman
Senator Jones
Senator Stoltzfus.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0686**
SPONSOR: Sen Robey, et al
SUBJECT: High Performance Bldgs Act – Modifs and Applicability to Community College Capital Projs

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 Robey, Chair
Senator V. Jones
Senator Stoltzfus

The House appoints:
Delegate Proctor, Chairman
Delegate Bohanan, and
Delegate Bronrott.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

CONCURRENCE CALENDAR #11

AMENDED IN THE SENATE

House Bill 1419 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Department of Natural Resources – Fish and Fisheries Laws Violations – Penalties

Delegate McIntosh moved that the House concur in the Senate amendments.

HB1419/974137/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1419
(Third Reading File Bill)

On page 1, in line 5, after "Resources" insert ", in consultation with certain entities,".

On page 3, in line 9, after "**DEPARTMENT**" insert "**, IN CONSULTATION WITH THE TIDAL FISHERIES ADVISORY COMMISSION AND THE SPORT FISHERIES ADVISORY COMMISSION,**".

The preceding amendment was read and concurred in.

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1337)

CONCURRENCE CALENDAR #13

AMENDED IN THE SENATE

House Bill 137 – Delegates McConkey, Weir, Boteler, Hucker, Holmes, Bobo, and Glenn

AN ACT concerning

Home Financial Accountability Act of 2009

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0137/718174/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 137
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2 in line 10, on page 3 in line 22, and on page 4 in line 27, in each instance, after "**REQUESTS**" insert "**IN WRITING**".

On page 2 in line 17, on page 3 in line 28, and on page 4 in line 33, in each instance, after "**THE**" insert "**WRITTEN**".

AMENDMENT NO. 2

On page 3 in lines 10 and 11, on page 4 in lines 19 and 20, and on page 5 in lines 25 and 26, in each instance, strike "**PREVAILING AVERAGE CHARGE BY COMMERCIAL COPYING SERVICES IN THE COMMUNITY**" and substitute "**LIMITS AUTHORIZED UNDER TITLE 7, SUBTITLE 2 OF THE COURTS ARTICLE**".

AMENDMENT NO. 3

On page 2 in line 16, on page 3 in line 27, and on page 4 in line 32, in each instance, strike "**WITHIN**" and substitute "**:**

1. WITHIN".

On page 2 in line 17, on page 3 in line 28, and on page 4 in line 33, in each instance, after "**REQUEST**" insert "**, IF THE FINANCIAL STATEMENTS OR MINUTES WERE PREPARED WITHIN THE 3 YEARS IMMEDIATELY PRECEDING RECEIPT OF THE REQUEST; OR**

2. WITHIN 45 DAYS AFTER RECEIPT OF THE WRITTEN REQUEST, IF THE FINANCIAL STATEMENTS OR MINUTES WERE PREPARED MORE THAN 3 YEARS BEFORE RECEIPT OF THE REQUEST".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 137 Negative – 1 (See Roll Call No. 1338)

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0498**
SPONSOR: Del Feldman
SUBJECT: Professional Service Corporations – Corporate Names – Approval by Professional Organizations

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Feldman, Chair
Delegate Barkley
Delegate Stifler

The Senate appoints:
Senator Forehand, Chairman
Senator Raskin
Senator Jacobs.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

AMENDED IN THE SENATE

House Bill 541 – Delegates Bronrott, Morhaim, Conway, Hammen, Proctor, Ali, Aumann, Barve, Beitzel, Bobo, Branch, Bromwell, Cardin, Carr, G. Clagett, V. Clagett, Donoghue, Doory, Dumais, Eckardt, Elmore, Feldman, Frank, Frick, Gaines, Gilchrist, Griffith, Gutierrez, Guzzone, Healey, Hecht, Heller, Hixson, Howard, Hubbard, Hucker, Ivey, Jones, Kaiser, Kipke, Kullen, Lafferty, Lee, Levy, Manno, McHale, McIntosh, Mizeur, Montgomery, Pena–Melnyk, Reznik, Rice, Schuh, Schuler, Shewell, Simmons, Sophocleus, Sossi, Stein, F. Turner, V. Turner, Waldstreicher, Walker, and Weldon

AN ACT concerning

High Performance Buildings Act – Applicable to Community College Capital Projects

Delegate Conway moved that the House not concur in the Senate amendments.

HB0541/729737/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 541
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Applicable" and substitute "Modifications and Applicability"; in line 4, after "of" insert "altering the definition of "high performance building" for purposes of certain requirements for certain capital projects;"; strike beginning with "authorizing" in line 5 down through "Services;" in line 8 and substitute "altering a certain waiver process;"; in line 10, strike "making a technical correction;" and substitute "altering the intent of the General Assembly relating to criteria and standards that high performance buildings must meet;"; and in lines 11 and 12, strike "at community colleges".

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 6 down through "comparable" in line 10 and substitute "**MEETS OR EXCEEDS A CERTAIN**"; in line 12, after "standard" insert "**AS**"; in line 22 strike "the"; and strike beginning with "established" in line 23 down through "by" in line 24 and substitute "**THAT FACILITATE THE GOALS OF**".

AMENDMENT NO. 3

On page 3, in line 15, strike "**OR A COMMUNITY COLLEGE**" and substitute "**OR A LOCAL JURISDICTION RECEIVING STATE FUNDS UNDER SUBSECTION (C)(1)(II) OF THIS SECTION**".

The preceding 3 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0541**
SPONSOR: Del Bronrott, et al
SUBJECT: High Performance Buildings Act – Applicable to Community College Capital Projects

By the Majority Leader:
Ladies and Gentlemen of the Senate:

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

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

Delegate Proctor, Chairman
Delegate Bohanan, and
Delegate Bronrott.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 387** SPONSOR: **Delegate Ivey**

SUBJECT: **Vehicle Laws – Lawful Status in the United States – Material Compliance with Federal Requirements**

THIRD READING CALENDAR HOUSE NO. **55** SENATE NO. **20**

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

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

(1) That the Judicial Proceedings Committee Amendments (HB0387/448478/1) be rejected.

(2) That the attached Conference Committee Amendments (HB0387/183127/2) be adopted.

HB0387/183127/2

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 387
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 18, strike "a"; in line 20, strike "or" and substitute ", temporary moped operators' permits, or"; in line 23, strike "driver's license" and substitute "license to drive"; strike beginning with "authorizing" in line 24 down through "purposes;" in line 28; and in line 28, strike "a certain fee" and substitute "certain fees".

AMENDMENT NO. 2

On page 4, in line 7, after "**APPLICANT**" insert "**HAS LAWFUL STATUS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY**"; and strike beginning with "**:**" in line 7 down through "**STATES**" in line 26.

On page 5, in line 15, after "**HAS**" insert "**TEMPORARY LAWFUL STATUS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY**"; and strike beginning with "**:**" in line 15 down through "**STATES**" in line 25.

AMENDMENT NO. 3

On page 6 in lines 28, 29, 30, and 31, on page 9 in lines 15, 16, 17, and 18, on page 10 in lines 14, 15, 16, and 17, on page 12 in lines 30, 31, and 32, and on page 13 in line 1, in each instance, after "**A**" insert "**CURRENT**".

On page 6 in line 23, on page 9 in line 10, on page 10 in line 9, on page 12 in line 25, and on page 15 in line 27, in each instance, after "**A**" insert "**VALID**".

AMENDMENT NO. 4

On page 7, strike beginning with "**AS**" in line 2 down through "**SECURITY**" in line 4.

On page 9, strike beginning with "**AS**" in line 21 down through "**SECURITY**" in line 22.

On page 10, strike beginning with "**AS**" in line 20 down through "**SECURITY**" in line 22.

On page 13, strike beginning with "**AS**" in line 4 down through "**SECURITY**" in line 5.

AMENDMENT NO. 5

On page 14 in line 19, on page 15 in lines 5 and 11, and on page 18 in line 14, in each instance, after "**OF**" insert "**THE UNITED STATES DEPARTMENT OF**".

AMENDMENT NO. 6

On page 15, in line 17, after "**;**" insert "**OR**"; strike in their entirety lines 18 through 21, inclusive; in line 22, strike "**(III)**" and substitute "**(II)**"; and after line 35, insert:

"**(2) THE ADMINISTRATION MAY NOT ISSUE OR RENEW AN IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE UNDER SUBSECTION (A)(1)(II) OF THIS SECTION ON OR AFTER JULY 1, 2015.**

(3) AN IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE ISSUED OR RENEWED UNDER SUBSECTION (A)(1)(II) OF THIS SECTION ON OR AFTER JULY 1, 2010, SHALL EXPIRE ON JULY 1, 2015.".

On page 16, in line 1, strike "**(2)**" and substitute "**(4)**".

AMENDMENT NO. 7

On page 17, strike in their entirety lines 14 through 29, inclusive; in lines 30 and 35, strike "**(H) (1)**" and "**(I)**", respectively, and substitute "**(G)**" and "**(H)**", respectively; and strike in their entirety lines 33 and 34.

AMENDMENT NO. 8

On page 21, in line 18, after "of" insert "the United States Department of".

AMENDMENT NO. 9

On page 7 in line 13, on page 11 in line 13, and on page 13 in line 12, in each instance, strike "**8**" and substitute "**5**".

Senate Members:	House Members:
Chair, **Brian E. Frosh**	Chair, **Kathleen M. Dumais**
James Brochin	**Samuel I. Rosenberg**
Larry E. Haines (not signed)	**Curt Anderson**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	(X) Chief Clerk ( ) Secretary, Senate

Conference Committee Report read only.

Delegate Morhaim moved the previous question.

The motion was adopted by a roll call vote as follows:

Affirmative – 75 Negative – 59 (See Roll Call No. 1339)

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 76 Negative – 60 (See Roll Call No. 1340)

The Bill was then sent to the Senate.

CONCURRENCE CALENDAR #13

AMENDED IN THE SENATE

House Bill 933 – ~~Delegates Levi and Holmes~~ Prince George's County Delegation

AN ACT concerning

Prince George's County – Roadside Solicitation of Money or Donations – Permit Program

PG 419–09

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0933/558274/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 933
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 21, after "soliciting;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 6, in line 18, after "2009." insert "It shall remain effective for a period of 2 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 2 amendments were read and concurred in.

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

Affirmative – 135 Negative – 2 (See Roll Call No. 1341)

AMENDED IN THE SENATE

House Bill 113 – Delegates Hubbard ~~and Hammen~~, Hammen, and Oaks

AN ACT concerning

~~Interagency Committee on Aging Services – Modifications~~
Department of Health and Mental Hygiene – Long–Term Care Supports and Services – Report

Delegate Hammen moved that the House concur in the Senate amendments.

HB0113/747470/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 113
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "group;" insert "requiring the Department to submit a federal waiver on or before a certain date under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 7, strike "The" and substitute "On or before September 1, 2009, the"; in lines 7 and 8, strike "to the General Assembly"; in line 8, after the first "report" insert ", and"; in the same line, strike "2009" and substitute "2010"; in the same line, strike "and" and substitute "shall submit"; strike beginning with the second "on" in line 8 down through "2010" in line 9 and substitute "to the General Assembly"; in lines 11 and 12, strike "and other State programs"; strike beginning with "In" in line 27 down through "(d)" in line 31; in line 31, strike "final report" and substitute "reports"; in lines 32 and 33, strike ": (1)"; strike beginning with "as" in line 34 down through "section" in line 35; in line 36, strike "Act; and" and substitute "section."; and after line 36, insert:

"(d) The stakeholder group required under subsection (c) of this section shall include:

(1) legislators;

(2) affected State agencies;

(3) providers with experience in dementia, geriatrics, end–of–life care, mental health, and disabilities in younger adults;

(4) long–term care providers;

(5) managed care organizations;

(6) acute care providers;

(7) lay care providers;

(8) advocates for individuals receiving long–term care or community services; and

(9) consumers.".

On page 3, in line 1, strike "(2)" and substitute "(e)"; in the same line, strike "provide for a" and substitute "The"; in line 2, strike "that includes" and substitute "shall include"; in lines 4 and 12, strike "(i)" and "(ii)", respectively, and substitute "(1)" and "(2)", respectively; in line 5, strike the first "of" and substitute "in"; in the same line, after the first "and" insert "in"; in line 8, strike "and other State programs"; in line 10, strike "Community Choice" and substitute "CommunityChoice"; in line 11, after "recommendations;" insert "and"; in lines 14, 17, 19, and 21, strike "1.", "2.", "3.", and "4.", respectively, and substitute "(i)", "(ii)", "(iii)", and "(iv)", respectively; in line 20, strike "and"; and in line 25, strike "(iii)" and substitute "(v)".

On pages 3 and 4, strike in their entirety the lines beginning with line 27 on page 3 through line 5 on page 4, inclusive.

On page 4, in line 6, after "shall" insert ":

(1) include in the interim report required under subsection (a) of this section a timeline and work plan for the stakeholder process required under subsection (e) of this section; and

(2)";

in the same line, strike the comma; in line 7, strike the comma; strike beginning with "under" in line 9 down through "necessary" in line 10; and after line 10, insert:

"(g) If the General Assembly enacts legislation that requires the submission of a federal waiver, the Department shall submit the waiver on or before June 1, 2011.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 132 Negative – 0 (See Roll Call No. 1342)

AMENDED IN THE SENATE

House Bill 145 – Delegates Kach and Boteler

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

Delegate Hammen moved that the House concur in the Senate amendments.

HB0145/187473/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 145
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 3 down through "circumstances;" in line 10 and substitute "prohibiting a provider contract from containing a provision that requires a provider, as a condition of participating in a

fee–for–service dental provider panel, to participate in a capitated dental provider panel; requiring the Maryland Insurance Administration to conduct a certain review and report its findings and certain recommendations to certain committees of the General Assembly on or before a certain date; defining a certain term; altering a certain definition;"; in line 10, after "of" insert "certain provisions of"; and in line 11, strike "date" and substitute "dates".

On page 2, after line 1, insert:

"**(2) "CAPITATED DENTAL PROVIDER PANEL" MEANS A PROVIDER PANEL FOR ONE OR MORE DENTAL PLAN ORGANIZATIONS OFFERING CONTRACTS ONLY FOR DENTAL SERVICES REIMBURSED ON A CAPITATED BASIS FOR CERTAIN SERVICES.**";

in lines 2, 7, 10, 12, 14, 16, 18, 20, and 25, strike "(2)", "(3)", "(4)", "(5)", "(6)", "(7)", "(8)", "(9)", and "(10)", respectively, and substitute "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(7)**", "**(8)**", "**(9)**", "**(10)**", and "**(11)**", respectively; in line 7, strike "Dental" and substitute "**FEE–FOR–SERVICE DENTAL**"; in line 9, after "services" insert "**REIMBURSED ON A FULL OR DISCOUNTED FEE–FOR–SERVICE BASIS**"; in line 29, strike the first comma and substitute "**:**

(I)";

and in line 30, strike "HMO provider panel or dental provider panel" and substitute "**HMO PROVIDER PANEL; OR**

(II) AS A CONDITION OF PARTICIPATING IN A FEE–FOR–SERVICE DENTAL PROVIDER PANEL, TO PARTICIPATE IN A CAPITATED DENTAL PROVIDER PANEL".

AMENDMENT NO. 2

On page 3, in lines 5, 7, 9, 11, 15, 19, and 20, in each instance, strike the bracket; in line 11, strike "**(1)**"; in line 15, strike "**(2)**"; in line 19, strike "**(3)**"; in line 20, strike "**A**"; after line 31, insert:

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

(a) The Maryland Insurance Administration shall conduct a review of dental provider contracts, the terms and conditions of the contracts, and the impact that the contracts have on the dental profession.

(b) (1) On or before December 31, 2009, the Administration shall report its findings, in accordance with § 2–1246 of the State Government Article, to the House Health and Government Operations Committee and the Senate Finance Committee.

(2) In the report required under this subsection, the Administration shall provide recommendations to the committees concerning whether the provisions of § 15–112.2(c) and (d) of the Insurance Article should apply to provider contracts for dental provider panels.";

in line 32, strike "2." and substitute "3."; in the same line, after "That" insert "Section 1 of"; strike beginning with "July" in line 33 down through the first "2010" in line 34 and substitute "October 1, 2009"; in line 34, strike "July 1, 2010" and substitute "October 1, 2009"; and in lines 35 and 36, in each instance, strike "July 1, 2011" and substitute "October 1, 2010".

On page 4, in line 1, strike "3." and substitute "4."; in the same line, after "That" insert "Section 1 of"; in line 2, strike "July 1, 2010" and substitute "October 1, 2009"; in the same line, strike "contingent on the taking effect" and substitute "the effective date"; in line 3, strike "on or before July 1, 2010"; in line 4, strike "to be later than July 1, 2010"; and after line 5, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect June 1, 2009.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1343)

AMENDED IN THE SENATE

House Bill 419 – Delegate Hubbard

AN ACT concerning

Maryland Health and Wellness Commission – Wellness Report Card Pilot Program

Delegate Hammen moved that the House concur in the Senate amendments.

HB0419/967677/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 419
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Maryland Health and Wellness Commission –"; strike beginning with "establishing" in line 4 down through the second "Commission;" in line 7; in line 9, after "Department" insert "of Health and Mental Hygiene"; in line 11, after "evaluation;" insert "requiring the University of Maryland School of Health, using existing staff, to conduct certain activities related to the Pilot Program;"; in line 13, strike "certain terms" and substitute "a certain term"; strike beginning with "Maryland" in line 13 down through "the" in line 14; in line 17, strike "13–2807" and substitute "13–2804"; and in line 18, strike "Maryland Health and Wellness Commission" and substitute "Wellness Report Card Pilot Program".

AMENDMENT NO. 2

On page 2, in line 1, strike "**MARYLAND HEALTH AND WELLNESS COMMISSION**" and substitute "**WELLNESS REPORT CARD PILOT PROGRAM**"; in line 3, strike "**(A)**"; and in the same line, strike beginning with the first "**THE**" in line 3 down through "**(C)**" in line 7 and substitute a comma.

On pages 2 and 3, strike in their entirety the lines beginning with line 10 on page 2 through line 28 on page 3, inclusive.

AMENDMENT NO. 3

On page 3, strike beginning with "**IN**" in line 29 down through the third "**COUNTY**" in line 31.

On page 4, strike beginning with "**TO**" in line 3 down through "**COMMISSION**" in line 4; after line 10, insert:

"**(D) THE ENTITY DESIGNATED TO ESTABLISH THE WELLNESS REPORT CARD SHALL DETERMINE WHICH COUNTIES IN THE STATE WILL BE INVOLVED IN THE PILOT PROGRAM.**";

in line 11, strike "**(D)**" and substitute "**(E)**"; in line 16, strike "**13–2807.**" and substitute "**13–2803.**"; and after line 18, insert:

"**13–2804.**

THE UNIVERSITY OF MARYLAND SCHOOL OF PUBLIC HEALTH, USING EXISTING STAFF, SHALL:

(1) PROVIDE A FORUM FOR STAKEHOLDERS TO ENGAGE IN ACTIVE COLLABORATION TO ENHANCE THE HEALTH AND WELL–BEING OF THE RESIDENTS OF THE COUNTIES INVOLVED IN THE PILOT PROGRAM ESTABLISHED UNDER § 13–2802 OF THIS SUBTITLE;

(2) ANALYZE THE RESULTS OF THE WELLNESS REPORT CARD DEVELOPED UNDER § 13–2802 OF THIS SUBTITLE AND DEVELOP A STRATEGIC PLAN TO DEVELOP SOLUTIONS TO THE WELLNESS ISSUES IDENTIFIED IN THE WELLNESS REPORT CARD; AND

(3) ENSURE EFFECTIVE IMPLEMENTATION OF PROGRAMS FOR PRIORITY HEALTH PROMOTION AND DISEASE PREVENTION ISSUES AS DEFINED BY THE WELLNESS REPORT CARD DEVELOPED UNDER § 13–2802 OF THIS SUBTITLE AND EVALUATE THE PROGRAMS THAT ARE IMPLEMENTED.".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 134 Negative – 1 (See Roll Call No. 1344)

AMENDED IN THE SENATE

House Bill 1553 – Delegates Conway, Mathias, and Elmore

AN ACT concerning

Worcester County – Video Lottery Operations ~~– Horse Racing~~

Delegate Hixson moved that the House concur in the Senate amendments.

HB1553/349434/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1553
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 10 down through "in" in line 11 and substitute "providing for the appointment of certain members of a certain development council; altering".

AMENDMENT NO. 2

On page 4, in line 5, strike "Course," and substitute "**COURSE:**

1.";

and in line 7, after "council" insert "**;**

2. THE SENATOR OR THE SENATOR'S DESIGNEE SHALL SERVE AS A MEMBER OF THE LOCAL DEVELOPMENT COUNCIL; AND

3. THE DELEGATES OR THE DELEGATES' DESIGNEES SHALL SERVE AS MEMBERS OF THE LOCAL DEVELOPMENT COUNCIL".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 134 Negative – 2 (See Roll Call No. 1345)

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0032**
SPONSOR: Sens DeGrange and Astle
SUBJECT: Junk Dealers and Scrap Metal Processors – Required Records

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

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

Senator Astle, Chairman
Senator Della
Senator Glassman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0032**
SPONSOR: Sens DeGrange and Astle
SUBJECT: Junk Dealers and Scrap Metal Processors – Required Records

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 Astle, Chair
Senator Della

Senator Glassman

The House appoints: Delegate Vaughn, Chairman
Delegate King, and
Delegate Manno.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

CONCURRENCE CALENDAR #15

AMENDED IN THE SENATE

House Bill 783 – Delegates James, Bohanan, and Gaines

AN ACT concerning

Transfer Tax – Program Open Space Bonds – Land and Easement Acquisition

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0783/239632/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 783
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 9 down through "purposes;" in line 11 and substitute "requiring that certain allocations of certain funds distributed to Program Open Space be adjusted in a certain manner for certain fiscal years under certain circumstances;"; and in line 14, strike "Sixty Million Dollars ($60,000,000)" and substitute "Seventy Million Dollars ($70,000,000)".

AMENDMENT NO. 2

On page 5, in line 22, strike "Secretary of Natural Resources" and substitute "Governor"; and in line 25, strike "$60,000,000" and substitute "$70,000,000".

On page 6, in line 21, strike "$60,000,000" and substitute "$70,000,000"; and in line 26, strike "Department of Natural Resources" and substitute "Governor".

AMENDMENT NO. 3

On page 3, strike in their entirety lines 19 through 27, inclusive, and substitute:

"**(3)** In any fiscal year **[**in**]** **FOR** which funding for Program Open Space is provided through the State Consolidated Capital Bond Funding Program or other bond enabling act, **[**the**]** **EXCEPT AS OTHERWISE EXPRESSLY PROVIDED UNDER THE BOND ENABLING ACT THROUGH WHICH THE FUNDING IS PROVIDED:**

(I) **THE** debt allocations shall be provided to the Department of Natural Resources and the Department shall allocate funds among local governing bodies according to the apportionment formula described in § 5–903 of this subtitle**; AND**

(II) **FOR FISCAL YEARS 2011 THROUGH 2013 ONLY, THE ALLOCATIONS PROVIDED UNDER § 5–903 OF THIS SUBTITLE OF THE FUNDS DISTRIBUTED TO PROGRAM OPEN SPACE UNDER § 13–209 OF THE TAX – PROPERTY ARTICLE SHALL BE ADJUSTED TO REDUCE THE AMOUNT THAT WOULD OTHERWISE BE ALLOCATED FOR ANY PURPOSE BY THE AMOUNT OF FUNDING PROVIDED FOR THAT PURPOSE UNDER THE BOND ENABLING ACT**.".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 131 Negative – 6 (See Roll Call No. 1346)

AMENDED IN THE SENATE

House Bill 1263 – Delegates Hucker, O'Donnell, ~~and Shewell~~ Shewell, and Manno

AN ACT concerning

Mercury Switch Removal from Vehicles

Delegate McIntosh moved that the House concur in the Senate amendments.

HB1263/934936/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1263
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, strike "their" and substitute "the vehicle recycler's"; and in line 15, strike "recycling" and substitute "processing".

On page 2, in line 2, after "terms;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 3 in line 16, on page 6 in lines 6 and 27, on page 7 in lines 3, 5, 10, 22, and 31, on page 9 in lines 18, 22, and 34, and on page 10 in lines 7, 10, and 15, in each instance, strike "**RECYCLING**" and substitute "**PROCESSING**".

On page 4, in line 9, after "**LIGHT**" insert "**SWITCH ASSEMBLY**".

On page 6, in line 31, after "**SWITCH**" insert "**OR LIGHT SWITCH ASSEMBLY**"; in line 32, strike "**BREAKING**" and substitute "**BRAKING SYSTEM**"; and in the same line, after "**SWITCH**" insert "**ASSEMBLY**".

On page 7, in line 2, after "**SWITCH**" insert "**OR LIGHT SWITCH ASSEMBLY**"; in line 3, strike "**BREAKING**" and substitute "**BRAKING SYSTEM**"; and in the same line, after "**SWITCH**" insert "**ASSEMBLY**".

On page 16, in line 6, strike "**LIGHT**"; and strike beginning with "**, ANTILOCK**" in line 6 down through "**SWITCH,**" in line 7.

AMENDMENT NO. 3

On page 17, strike beginning with ", subject" in line 35 down through "Act," in line 36; in line 36, after "2009." insert "It shall remain effective for a period of 8 years

and 6 months and, at the end of December 31, 2017, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and concurred in.

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

Affirmative – 135 Negative – 2 (See Roll Call No. 1347)

AMENDED IN THE SENATE

House Bill 1385 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Services – Employee Criminal History Record Information – Disclosure of New Information

Delegate Vallario moved that the House concur in the Senate amendments.

HB1385/688670/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1385
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, before "Disclosure" insert "Initial Criminal History Records Check and"; and in line 8, after the semicolon insert "altering the time within which the Department is required to apply for an initial criminal history records check for an employee;".

AMENDMENT NO. 2

On page 2, in line 1, strike "Within the first month" and substitute "**ON OR BEFORE THE FIRST DAY**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1348)

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0406**
SPONSOR: Sen Conway, et al
SUBJECT: Prevailing Wage Rates – Public Works Contracts – Payment of Liquidated Damages

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

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

Senator Middleton, Chairman
Senator Klausmeier
Senator Pugh.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0406**
SPONSOR: Sen Conway, et al
SUBJECT: Prevailing Wage Rates – Public Works Contracts – Payment of Liquidated Damages

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Middleton, Chair
Senator Klausmeier
Senator Pugh

The House appoints:
Delegate Braveboy, Chairman
Delegate Vaughn, and
Delegate Taylor.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 266** SPONSOR: **The President**

SUBJECT: **Freedom of Association and Assembly Protection Act of 2009**

THIRD READING CALENDAR HOUSE NO. **23** SENATE NO. **48**

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

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

(1) That the House Judiciary Committee Amendments (SB0266/612216/1) be rejected.

(2) That the attached Conference Committee Amendments (SB0266/203926/1) be adopted.

SB0266/203926/1

BY: Conference Committee

AMENDMENTS TO SENATE BILL 266
(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 6, strike "**(I)**"; strike beginning with "**LAW**" in line 6 down through "**SHERIFFS**" in line 9, and substitute "**POLICE OR SHERIFF'S DEPARTMENT OF THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION**"; and in line 15, strike "**INDIVIDUALS**" and substitute "**PERSONS**".

AMENDMENT NO. 2

On page 4, strike beginning with "**INDIVIDUALS**" in line 18 down through "**INVESTIGATION**" in line 19 and substitute "**A PERSON, GROUP, OR ORGANIZATION IF:**

(1) THE INFORMATION IS NOT RELEVANT TO A CRIMINAL INVESTIGATION; OR

(2) THE LAW ENFORCEMENT AGENCY DOES NOT HAVE A REASONABLE ARTICULABLE SUSPICION THAT THE PERSON, GROUP, OR ORGANIZATION ADVOCATES, SUPPORTS, OR ENCOURAGES THE VIOLATION OF ANY FEDERAL, STATE, OR LOCAL CRIMINAL LAW THAT PROHIBITS ACTS OF TERRORISM, RACKETEERING ACTIVITY, AS DEFINED IN 18 U.S.C. § 1961, VIOLENCE, EXTORTION, DESTRUCTION OF PROPERTY, INTIMIDATION, HARASSMENT, OBSTRUCTION OF JUSTICE, OR FRAUD";

and in line 28, strike "**AN INDIVIDUAL**" and substitute "**A PERSON**".

AMENDMENT NO. 3

On page 5, in lines 23, 29, and 33, in each instance, strike "**INDIVIDUALS**" and substitute "**PERSONS**".

AMENDMENT NO. 4

On page 6, in line 7, strike "(i)"; in the same line, strike "each individual" and substitute "all persons"; in the same line, strike "has" and substitute "have"; in line 8, strike "has" and substitute "have"; in line 11, strike "(ii)"; in the same line, strike "the

individuals described in item (i) of this item" and substitute "those persons"; in line 13, strike "(iii)"; in the same line, strike the first "the" and substitute "those"; and strike beginning with "relating" in line 13 down through the second "item" in line 14.

Senate Members:		House Members:	
Chair,	**Jamie Raskin**	Chair,	**Kathleen M. Dumais**
	Jennie M. Forehand		**Kriselda Valderrama**
	Alexander X. Mooney		**William J. Frank**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 1349)

The Bill was then returned to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 79** SPONSOR: **Ch., Finance Committee**

SUBJECT: **Health Insurance – Reform**

THIRD READING CALENDAR HOUSE NO. **26** SENATE NO. **53**

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

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

That the Health and Government Operations Committee Amendments (SB0079/106487/1) be rejected.

Senate Members:		House Members:	
Chair,	**Rob Garagiola**	Chair,	**Shane E. Pendergrass**
	Delores G. Kelley		**Shawn Z. Tarrant**
	E. J. Pipkin		**Donald B. Elliott**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	( ) Chief Clerk (X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 132 Negative – 0 (See Roll Call No. 1350)

The Bill was then returned to the Senate.

CONCURRENCE CALENDAR #14

AMENDED IN THE SENATE

House Bill 962 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Wine Festival License

PG 322–09

Delegate Davis moved that the House concur in the Senate amendments.

HB0962/884632/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 962
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "Festival" insert "each year".

AMENDMENT NO. 2

On page 2, in line 8, after "**(B)**" insert "**(1)**"; in the same line, strike "**THIS**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS**"; after line 8, insert:

"**(2) THIS SECTION DOES NOT APPLY IN THE 24TH LEGISLATIVE DISTRICT.**";

in line 9, strike "**A**" and substitute "**ONE**"; and in the same line, after "**LICENSE**" insert "**EACH YEAR**".

On page 3, after line 8, insert:

"**(I) BE LONGER THAN 3 DAYS;**";

and in lines 9 and 11, strike "**(I)**" and "**(II)**", respectively, and substitute "**(II)**" and "**(III)**", respectively.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1351)

AMENDED IN THE SENATE

House Bill 969 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Bottle Clubs

PG 316–09

Delegate Davis moved that the House concur in the Senate amendments.

HB0969/624231/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 969
(Third Reading File Bill)

On page 2, in line 5, after "**2.**" insert "**A.**"; and in line 8, after "**ESTABLISHMENT**" insert "**; OR**

B. SERVES, GIVES, DISPENSES, OR ALLOWS TO BE CONSUMED BY A PATRON PAYING ADMISSION ALCOHOLIC BEVERAGES FROM SUPPLIES PURCHASED OR OTHERWISE BROUGHT TO THE PREMISES OR ESTABLISHMENT BY AN OWNER OR OPERATOR OR AN AGENT OF AN OWNER OR OPERATOR".

The preceding amendment was read and concurred in.

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1352)

AMENDED IN THE SENATE

House Bill 1021 – Prince George's County Delegation

EMERGENCY BILL

AN ACT concerning

Prince George's County – ~~1–Day~~ 3–Day Beer, Wine and Liquor License

PG 312–09

Delegate Davis moved that the House concur in the Senate amendments.

HB1021/124333/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1021
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "in" in line 7 down through the second "County" in line 8 and substitute "at the National Harbor".

AMENDMENT NO. 2

On page 2, strike beginning with "**IN**" in line 14 down through "**COUNTY**" in line 16 and substitute "**AT THE NATIONAL HARBOR**"; and strike beginning with "**OR**" in line 21 down through "**DAYS**" in line 22.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 134 Negative – 1 (See Roll Call No. 1353)

AMENDED IN THE SENATE

House Bill 1454 – ~~Delegate Stukes~~ Delegates Stukes, Kirk, and Haynes

AN ACT concerning

Baltimore City – 44th Legislative District Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

Delegate Davis moved that the House concur in the Senate amendments.

HB1454/874234/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1454
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "44th Legislative District".

AMENDMENT NO. 2

On page 1, in line 5, strike "a"; in the same line, strike "part" and substitute "parts"; and in the same line, after "the" insert "41st Legislative District, the 43rd Legislative District, and the".

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

(1) WARD 27, PRECINCT 42 OF THE 41ST LEGISLATIVE DISTRICT OF BALTIMORE CITY;

(2) WARD 27, PRECINCT 41 OF THE 43RD LEGISLATIVE DISTRICT OF BALTIMORE CITY; AND

(3) WARD".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 133 Negative – 0 (See Roll Call No. 1354)

AMENDED IN THE SENATE

House Bill 1567 – ~~Delegate Hecht~~ Delegates Hecht, Barkley, Braveboy, Burns, Feldman, Haddaway, Harrison, Impallaria, Jameson, King, Kirk, Krysiak, Love, Manno, Mathias, McHale, Minnick, Rudolph, Stifler, Taylor, Vaughn, and Walkup

AN ACT concerning

Clean Energy Loan Programs

Delegate Davis moved that the House concur in the Senate amendments.

HB1567/237079/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1567
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "bill;" insert "requiring the surcharge to be limited to a certain amount;"; and strike beginning with "providing" in line 8 down through "property;" in line 9.

AMENDMENT NO. 2

On page 2, in line 29, after "**OWNERS**" insert "**, INCLUDING LOW INCOME RESIDENTIAL PROPERTY OWNERS,**".

On page 3, in line 4, after "**(C)**" insert "**(1)**"; after line 6, insert:

"**(2) A SURCHARGE SHALL BE LIMITED TO AN AMOUNT THAT ALLOWS THE POLITICAL SUBDIVISION TO RECOVER THE COSTS ASSOCIATED WITH ISSUING BONDS TO FINANCE THE LOAN AND COSTS ASSOCIATED WITH ADMINISTERING THE PROGRAM.**";

strike beginning with "**A**" in line 10 down through "**(F)**" in line 12 and substitute "**(1)**"; in lines 14, 16, 18, and 19, strike "**(1)**", "**(I)**", "**(II)**", and "**(2)**", respectively, and substitute "**(I)**", "**1.**", "**2.**", and "**(II)**", respectively; and after line 19, insert:

"**(2) ELIGIBILITY REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A REQUIREMENT THAT THE POLITICAL SUBDIVISION, IN A MANNER SUBSTANTIALLY SIMILAR TO THAT REQUIRED FOR A MORTGAGE LOAN UNDER §§ 12–127, 12–311, 12–409.1, 12–925, AND 12–1029 OF THE COMMERCIAL LAW ARTICLE, GIVE DUE REGARD TO THE PROPERTY OWNER'S ABILITY TO REPAY A LOAN PROVIDED UNDER THE PROGRAM.**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1355)

AMENDED IN THE SENATE

House Bill 26 – Delegate Kullen

AN ACT concerning

Public Schools – Children with Anaphylactic Allergies – Reduction of Risk

Delegate Hixson moved that the House concur in the Senate amendments.

HB0026/734334/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 26
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 5 down through "plans;" in line 7.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 26 through 30, inclusive; and in line 31, strike "**(3)**" and substitute "**(2)**".

On pages 2 through 4, strike beginning with line 33 on page 2 through line 6 on page 4, inclusive.

AMENDMENT NO. 3

On page 4, in lines 7, 12, 15, and 20, strike "**(4)**", "**(F)**", "**(G)**", and "**(H)**", respectively, and substitute "**(3)**", "**(C)**", "**(D)**", and "**(E)**", respectively; in line 7, strike "**MEET THE NEEDS OF THE CHILD, INCLUDING ESTABLISHING**" and substitute "**ESTABLISH**"; in line 23, strike the colon; in line 24, strike "**(1) THE**" and substitute "**THE**"; in the same line, after "**SCHOOL**" insert "**OR ITS EMPLOYEE**"; in line 25, strike "**; AND**" and substitute a period; and strike in their entirety lines 26 through 28, inclusive.

The preceding 3 amendments were read and concurred in.

HB0026/353426/1

BY: Senator Madaleno

AMENDMENTS TO HOUSE BILL 26
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "requiring" insert ", in consultation with a school health professional,".

AMENDMENT NO. 2

On page 2, in line 19, strike "**THE**" and substitute "**IN CONSULTATION WITH A SCHOOL HEALTH PROFESSIONAL, THE**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1356)

AMENDED IN THE SENATE

House Bill 1363 – Delegates Murphy ~~and Kipke~~, Kipke, Bartlett, Barve, Boteler, Cardin, Doory, Elmore, Frick, George, Gilchrist, Hixson, Howard, Ivey, Kaiser, Myers, Olszewski, Rice, Ross, Shank, Stukes, F. Turner, and Walker

AN ACT concerning

County Boards of Education – Procurement of Green Product Cleaning Supplies

Delegate Hixson moved that the House concur in the Senate amendments.

HB1363/104837/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1363
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "schools" insert "under certain circumstances".

AMENDMENT NO. 2

On page 4, in line 10, after "**PRACTICABLE,**" insert "**AND ECONOMICALLY FEASIBLE,**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 132 Negative – 1 (See Roll Call No. 1357)

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 145** SPONSOR: **Ch., Jud. Proceed.**

SUBJECT: **Courts – Violation of Probation or Suspension of Sentence – Notice or Warrant**

THIRD READING CALENDAR HOUSE NO. **12** SENATE NO. **23**

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

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

That the attached House Judiciary Committee Amendment (SB0145/922517/1) be adopted.

SB0145/922517/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 145
(Third Reading File Bill)

On page 2, strike beginning with "During" in line 3 down through "may" in line 8 and substitute "**ON RECEIPT OF WRITTEN CHARGES, FILED UNDER OATH, THAT**

A PROBATIONER OR DEFENDANT VIOLATED A CONDITION OF PROBATION DURING THE PERIOD OF PROBATION, THE DISTRICT COURT MAY, DURING THE PERIOD OF PROBATION OR WITHIN 30 DAYS AFTER THE VIOLATION, WHICHEVER IS LATER,".

Senate Members:		House Members:	
Chair,	**Lisa A. Gladden**	Chair,	**Susan C. Lee**
	Norman R. Stone, Jr.		**Jill P. Carter**
	James Brochin		**Michael D. Smigiel, Sr.**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	( ) Chief Clerk (X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 1358)

The Bill was then returned to the Senate.

QUORUM CALL

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

(See Roll Call No. 1359)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #41

Senate Bill 500 – Senators Muse, Exum, Harrington, Peters, and Rosapepe

AN ACT concerning

Prince George's County – Board of Education – Financial Literacy ~~Curriculum Content~~ Pilot Program Course

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1360)

The Bill was then returned to the Senate.

Senate Bill 538 – Senator Zirkin

AN ACT concerning

Property Tax Assessment – Home Improvements

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

Affirmative – 134 Negative – 4 (See Roll Call No. 1361)

The Bill was then returned to the Senate.

Senate Bill 637 – Senators Garagiola, Astle, DeGrange, Glassman, Kelley, King, Kittleman, and Klausmeier

AN ACT concerning

Health Insurance – Small Group Market Regulation – Modifications

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

Affirmative – 136 Negative – 1 (See Roll Call No. 1362)

The Bill was then returned to the Senate.

Senate Bill 964 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County Board of Education – Election and Appointment of Members – Referendum

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

Affirmative – 134 Negative – 3 (See Roll Call No. 1363)

The Bill was then returned to the Senate.

CONCURRENCE CALENDAR #16

AMENDED IN THE SENATE

House Bill 1192 – Delegates Conway, Aumann, Bohanan, Branch, G. Clagett, DeBoy, Gaines, Griffith, Haynes, James, Jones, Levy, Malone, Mathias, McIntosh, O'Donnell, Proctor, Robinson, Rudolph, Shank, and Wood

AN ACT concerning

State Funding Accountability Act

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

HB1192/479038/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1192
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "grantees that receive" and substitute "grantors that provide"; in line 5, strike "Information Technology" and substitute "Budget and Management"; strike beginning with "requiring" in line 5 down through "date;" in line 8; in line 9, after "Department" insert "of Information Technology"; and in line 16, after "reporting" insert "of certain grantors".

AMENDMENT NO. 2

On page 2, in line 13, strike "**INFORMATION TECHNOLOGY**" and substitute "**BUDGET AND MANAGEMENT**"; in line 18, after "**(4)**" insert "**"GRANTOR" MEANS A UNIT OF STATE GOVERNMENT OR OTHER STATE ENTITY THAT PROVIDES STATE AID TO A GRANTEE.**

(5)";

in line 24, strike "**GRANTEE**" and substitute "**GRANTOR**"; in line 26, strike "**GRANTEE RECEIVES**" and substitute "**GRANTOR PROVIDED**"; and in line 27, after "**AID**" insert "**TO A GRANTEE**".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 29 on page 2 through line 27 on page 3, inclusive, and substitute:

"**1. THE NAME, ADDRESS, AND ZIP CODE OF EACH GRANTEE THAT RECEIVED STATE AID FROM THE GRANTOR DURING THE PREVIOUS FISCAL YEAR;**

2. THE AMOUNT OF ANY STATE AID PROVIDED TO THE GRANTEE; AND

3. A DESCRIPTION OF THE STATE AID PROVIDED TO THE GRANTEE.".

On page 3, in line 28, strike "**(3)**" and substitute "**(2)**"; strike beginning with "**BUDGET**" in line 30 down through "**AND MANAGEMENT**" in line 31 and substitute "**INFORMATION TECHNOLOGY**"; and in line 32, after "**DEPARTMENT**" insert "**OF INFORMATION TECHNOLOGY**".

AMENDMENT NO. 4

On page 4, strike beginning with "**CONTAIN**" in line 1 down through "**AID**" in line 4 and substitute "**CONTAIN:**

(I) THE NAME OF THE GRANTOR THAT PROVIDED THE STATE AID;

(II) THE NAME OF THE GRANTEE THAT RECEIVED THE STATE AID;

(III) THE AMOUNT OF THE STATE AID THAT WAS PROVIDED TO THE GRANTEE;

(IV) THE ZIP CODE OF THE GRANTEE THAT RECEIVED THE STATE AID; AND

(V) A DESCRIPTION OF THE STATE AID THAT WAS PROVIDED TO THE GRANTEE.

(3) THE SEARCHABLE WEBSITE SHALL ALLOW A USER TO SEARCH BY THE FOLLOWING DATA FIELDS:

(I) THE GRANTEE THAT RECEIVED THE STATE AID;

(II) THE GRANTOR THAT PROVIDED THE STATE AID; AND

(III) THE ZIP CODE OF ANY GRANTEE THAT RECEIVED STATE AID".

The preceding 4 amendments were read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1364)

AMENDED IN THE SENATE

House Bill 1465 – Chair, Appropriations Committee (By Request – Departmental – Military)

AN ACT concerning

Maryland National Guard Tuition Assistance Program

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

HB1465/744837/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1465
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "Guard;" insert "requiring certain members to remain active members for a certain period of time under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 20, after "(b)" insert "**(1)**"; and after line 25, insert:

"**(2) A MEMBER WHO RECEIVES ASSISTANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR AN UNDERGRADUATE CREDIT, VOCATIONAL–TECHNICAL, OR TRADE COURSE SHALL REMAIN AN ACTIVE MEMBER FOR AT LEAST 2 YEARS FOLLOWING THE COMPLETION OF THE COURSE.**

(3) A MEMBER WHO RECEIVES ASSISTANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR A GRADUATE OR PROFESSIONAL CREDIT COURSE SHALL REMAIN AN ACTIVE MEMBER FOR AT LEAST 4 YEARS FOLLOWING THE COMPLETION OF THE COURSE.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1365)

AMENDED IN THE SENATE

House Bill 1382 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Law – Juvenile Records – Disclosure

Delegate Vallario moved that the House concur in the Senate amendments.

HB1382/678173/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1382
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "State" and substitute "state"; in line 4, after "child" insert "under certain circumstances"; and strike beginning with "authorizing" in line 4 down through "circumstances" in line 7 and substitute "authorizing access to certain court records by the Department of Human Resources under certain circumstances; providing that the Department of Human Resources shall be liable for the unauthorized release of certain information".

AMENDMENT NO. 2

On page 2, strike beginning with the comma in line 10 down through "**ARTICLE**" in line 13; strike beginning with "**AN**" in line 14 down through "**PROGRAMS**" in line 18 and substitute "**AN AGENCY IN THE DISTRICT OF COLUMBIA OR A STATE AGENCY IN VIRGINIA IF THE AGENCY:**

A. PERFORMS THE SAME FUNCTIONS IN ITS JURISDICTION AS DESCRIBED IN § 9–216(A) OF THE HUMAN SERVICES ARTICLE; AND

B. HAS A RECIPROCAL AGREEMENT WITH THE STATE".

AMENDMENT NO. 3

On page 3, after line 25, insert:

"**(6) (I) THIS SUBSECTION DOES NOT PROHIBIT ACCESS TO AND CONFIDENTIAL USE OF A COURT RECORD BY THE DEPARTMENT OF HUMAN RESOURCES FOR THE PURPOSE OF CLAIMING FEDERAL TITLE IV–E FUNDS.**

(II) THE DEPARTMENT OF HUMAN RESOURCES SHALL BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A COURT RECORD UNDER THIS PARAGRAPH.".

The preceding 3 amendments were read and concurred in.

HB1382/483428/1

BY: Senator Kelley

AMENDMENTS TO HOUSE BILL 1382, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments (HB1382/678173/1), strike in their entirety Amendments No. 1 and 2.

AMENDMENT NO. 2

On page 1 of the bill, strike beginning with "a" in line 3 down through "circumstances;" in line 7, and substitute "authorizing the Department of Juvenile Services to provide access to and the confidential use of a certain treatment plan of a child by an agency in the District of Columbia or a state agency in Virginia under certain circumstances; providing that a certain shared record may only provide certain information; providing that the Department of Juvenile Services is liable for an unauthorized release of a certain court record; requiring the Department of Juvenile Services to adopt certain regulations; establishing that certain provisions do not prohibit access to certain court records by the Department of Human Resources under certain circumstances; providing that the Department of Human Resources shall be liable for the unauthorized release of certain information;"

AMENDMENT NO. 3

On page 2 of the bill, in line 9, strike the colon; and strike in their entirety lines 10 through 20, inclusive, and substitute:

"the Department of Juvenile Services or in an investigation and prosecution by a law enforcement agency.".

AMENDMENT NO. 4

On page 2 of the bill, after line 27, insert:

"**(4) (I) THE DEPARTMENT OF JUVENILE SERVICES MAY PROVIDE ACCESS TO AND THE CONFIDENTIAL USE OF A TREATMENT PLAN OF A CHILD DESCRIBED UNDER TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE BY AN AGENCY IN THE DISTRICT OF COLUMBIA OR A STATE AGENCY IN VIRGINIA, IF THE AGENCY:**

1. PERFORMS THE SAME FUNCTIONS IN THE JURISDICTION OF THE AGENCY AS DESCRIBED IN § 9–216(A) OF THE HUMAN SERVICES ARTICLE; AND

2. HAS A RECIPROCAL AGREEMENT WITH THE STATE THAT PROVIDES THAT THE SPECIFIC INFORMATION TO BE SHARED BY THE STATE IS THE SAME TYPE OF INFORMATION THAT WILL BE SHARED BY THE AGENCY; AND

3. HAS CUSTODY OF THE CHILD.

(II) A RECORD THAT IS SHARED UNDER THIS PARAGRAPH MAY ONLY PROVIDE INFORMATION THAT IS RELEVANT TO THE SUPERVISION, CARE, AND TREATMENT OF THE CHILD.

(III) THE DEPARTMENT OF JUVENILE SERVICES SHALL BE LIABLE FOR AN UNAUTHORIZED RELEASE OF A COURT RECORD UNDER THIS PARAGRAPH.

(IV) THE DEPARTMENT OF JUVENILE SERVICES SHALL ADOPT REGULATIONS TO IMPLEMENT THIS PARAGRAPH.";

and in line 28, strike "(4)" and substitute "**(5)**".

AMENDMENT NO. 5

On page 3 of the bill, in line 9, strike "(5)" and substitute "**(6)**".

On page 2 of the Judicial Proceedings Committee Amendments, in line 1 of Amendment No. 3, strike "**(6)**" and substitute "**(7)**".

The preceding 5 amendments were read and concurred in.

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

Affirmative – 135 Negative – 2 (See Roll Call No. 1366)

THE COMMITTEE ON ECONOMIC MATTERS REPORT #28

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

Senate Bill 290 – Senators Exum, Conway, Dyson, Garagiola, Glassman, Kelley, and Peters

AN ACT concerning

Assisted Living Programs – Elevator Installation – Exemption

Delegate Davis moved to make the Bill a Special Order until 11:45 p.m.

The motion was adopted.

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

Senate Bill 983 – ~~Senator Conway~~ Senators ~~Conway and Gladden~~ Conway, Gladden, and Jones

SECOND PRINTING

AN ACT concerning

Baltimore City – ~~43rd Legislative District –~~ Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 987 – Senator Exum ~~and Kittleman~~

AN ACT concerning

Workers' Compensation Commission – Authority – Employer Compliance

SB0987/803990/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 987
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 21 down through "positions;" in line 23 and substitute "stating the intent of the General Assembly to provide certain funding for a certain purpose;".

On page 8, strike beginning with "the" in line 9 down through "functions" in line 16 and substitute "it is the intent of the General Assembly that the Governor provide funding in the budget beginning in fiscal year 2011 for the Workers' Compensation Commission to carry out the requirements of this Act".

AMENDMENT NO. 2

On page 3, in line 3, strike "**BUSINESS**" and substitute "**WORKERS' COMPENSATION**"; strike in its entirety line 4; and in lines 5, 7, and 9, strike "**(5)**", "**(6)**", and "**(7)**", respectively, and substitute "**(4)**", "**(5)**", and "**(6)**", respectively.

The preceding 2 amendments were read only.

Delegate Davis moved to make the Bill and Amendments a Special Order until 11:45 p.m.

The motion was adopted.

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

Senate Bill 991 – Senators Stone, Della, Kasemeyer, Kelley, Klausmeier, Robey, and Zirkin

AN ACT concerning

Business Occupations – Crane Operators – Certificate of Competence

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #25

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

House Bill 95 – Delegates Murphy, Levy, Minnick, and Wood

AN ACT concerning

Sales and Use Tax – Exemption – Veterans' Organizations

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:

Senate Bill 44 – ~~Senator Peters~~ Senators Peters ~~and Harris~~, Harris, Astle, Brinkley, Brochin, Colburn, Conway, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Mooney, Munson, Muse, Pinsky, Pipkin, Pugh, Raskin, Robey, Rosapepe, Simonaire, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Sales and Use Tax – Exemption – Veterans' Organizations

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:

Senate Bill 572 – Senator Stoltzfus

AN ACT concerning

Worcester County – Gaming – Bingo

SB0572/815564/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 572
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 7 down through "prizes" in line 8 and substitute "repealing a prohibition against certain forms of advertising for bingo; authorizing all forms of advertising for bingo under certain circumstances"; in line 17, strike the first comma and substitute "and"; in the same line, strike ", and 13–2612"; and after line 19, insert:

"BY repealing
Article – Criminal Law
Section 13–2612
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY adding to
Article – Criminal Law
Section 13–2612
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)".

On page 3, in line 13, strike "paragraph (2)" and substitute "**PARAGRAPHS (2) AND (3)**".

AMENDMENT NO. 2

On pages 3 and 4, strike beginning with line 29 on page 3 through line 3 on page 4, inclusive, and substitute:

"**13–2612.**

UNLESS OTHERWISE PROHIBITED BY COUNTY OR MUNICIPAL LAW, ALL FORMS OF ADVERTISING FOR BINGO ARE ALLOWED.".

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:

Senate Bill 604 – Senator Currie

AN ACT concerning

Tax Credits for Qualifying Employees with Disabilities – Sunset ~~Repeal~~ Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 420	Del. Love
HB 500	Del. Tarrant
HB 706	Del. Pena–Melnyk
HB 899	Del. Kelly
HB 1453	Ch., Econ Matters Co.
HB 1475	Ch. Hlth & Govt Ops

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 292	The Speaker
HB 503	Del. Kipke

Read and ordered journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 1367)

ADJOURNMENT

At 11:40 P.M. on motion of Delegate Barve the House adjourned until 11:41 P.M. on Legislative Day, April 11, 2009, Calendar Day, Monday, April 13, 2009.

Annapolis, Maryland
Legislative Day: April 11, 2009
Calendar Day: Monday, April 13, 2009

The House met at 11:40 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 136 Members present.

(See Roll Call No. 1368)

The Journal of April 10, 2009 was read and approved.

EXCUSES:
Del. Myers – son's death
Del. Serafini – personal – Del. Myers' son's death
Del. F. Turner – illness

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 1063**
SPONSOR: Sen Pugh, et al
SUBJECT: Joint Oversight Committee on Emergency Medical Services

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

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

Senator Garagiola, Chairman
Senator Astle
Senator Glassman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 1063**
SPONSOR: Sen Pugh, et al
SUBJECT: Joint Oversight Committee on Emergency Medical Services

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Garagiola, Chair
Senator Astle
Senator Glassman

The House appoints:
Delegate Weldon, Chairman
Delegate Hammen, and
Delegate Costa.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

CONCURRENCE CALENDAR #17

AMENDED IN THE SENATE

House Bill 268 – Delegates Rosenberg, Oaks, Haynes, ~~and James~~ James, Barkley, Bronrott, Hecht, Krysiak, Mathias, Manno, McHale, Robinson, and Taylor

AN ACT concerning

Welfare to Work – Job Skills Enhancement Program – Green Jobs

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

HB0268/837174/2

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 268
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 3, strike "defining" and substitute "requiring the Secretary of Budget and Management, in consultation with the Secretary of Human Resources, to issue certain reports to certain legislative committees on or before certain dates; defining".

AMENDMENT NO. 2

On page 4, in line 4, strike "**ON OR BEFORE NOVEMBER 1 OF EACH YEAR AND IN**" and substitute "**IN**"; in line 8, strike "**, ON**"; in line 9, after "**(I)**" insert "**ON OR BEFORE JANUARY 1, 2010, ON**"; in line 12, after "**(II)**" insert "**ON OR BEFORE NOVEMBER 1 OF EACH YEAR, ON**"; and in the same line, strike "**CURRENT AND FORMER**".

On page 8, in line 31, strike "**(B)(2)**" and substitute "**(C)(2)**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 122 Negative – 13 (See Roll Call No. 1369)

AMENDED IN THE SENATE

House Bill 735 – Delegates Jones ~~and Bronrott~~, G. Clagett, Bronrott, Aumann, Bates, DeBoy, Stocksdale, Bohanan, Gaines, Sophocleus, and Guzzone

AN ACT concerning

State Personnel – At–Will Employment – Reforms and Reports

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

HB0735/257270/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 735
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 8 down through "information" in line 9 and substitute "altering the information that the Secretary of Budget and Management must provide"; in line 10, strike "on certain"; in the same line, strike "positions" and substitute "; providing for the application of certain provisions of law"; in line 16, after "appointments;" insert "establishing that certain staff members in the Office of the Attorney General are special appointments who may not be determined to be political special appointments under certain provisions of State personnel law;"; and in line 23, after "recruitment;" insert "requiring the Secretary of Budget and Management to determine position categories for special appointments in the Department of Business and Economic Development;".

On page 2, in line 13, after "dates;" insert "providing that certain at–will positions that are encumbered on a certain date shall remain at–will positions until they are vacant;"; and in line 17, strike "6–405(a)" and substitute "6–405".

On page 3, after line 23, insert:

"BY repealing and reenacting, with amendments,
Article – State Government
Section 6–105(a)
(2004 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 3, after line 26, insert:

"Preamble

WHEREAS, It is the intent of the General Assembly to provide additional merit system protections to State employees while allowing State agencies to maintain recruitment flexibility; and

WHEREAS, The General Assembly recognizes that a streamlined and efficient hiring process is essential for the State to effectively compete with the private sector for highly qualified applicants; now, therefore,".

AMENDMENT NO. 3

On page 5, in line 11, after "(a)" insert "**THIS SECTION DOES NOT APPLY TO THE UNIVERSITY SYSTEM OF MARYLAND.**

(B)".

On page 6, in line 8, strike "(b)" and substitute "**(C)**".

AMENDMENT NO. 4

On page 9, after line 2, insert:

"(b) **[**A**]** **EXCEPT AS PROVIDED UNDER § 6–105(A) OF THE STATE GOVERNMENT ARTICLE, A** position that is a special appointment may be filled with regard to political affiliation, belief, or opinion if the Secretary determines that the position:

(1) relates to political interests or concerns so as to warrant that political affiliation be a requirement for the position; and

(2) (i) requires the provision of meaningful direct or indirect input into the policy–making process; or

(ii) provides access to confidential information and:

1. requires substantial intervention or collaboration in the formulation of public policy; or

2. requires the provision of direct advice or the rendering of direct services to an appointing authority.".

On page 17, after line 10, insert:

"6–105.

(a) (1) The Attorney General may employ a staff in accordance with the State budget.

(2) Staff members appointed under this subsection:

(i) **NOTWITHSTANDING ANY OTHER LAW, AND EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,** are deemed special appointments within the meaning of **[**§ 6–405**] § 6–405(A)** of the State Personnel and Pensions Article; **[**and**]**

(II) MAY NOT BE DETERMINED TO BE SPECIAL APPOINTMENTS UNDER § 6–405(B) OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND

[(ii)**] (III)** serve at the pleasure of the Attorney General.

(3) THE FOLLOWING POSITIONS ARE SPECIAL APPOINTMENTS UNDER § 6–405(B) OF THE STATE PERSONNEL AND PENSIONS ARTICLE:

(I) DEPUTY ATTORNEY GENERAL;

(II) SPECIAL ASSISTANT TO THE ATTORNEY GENERAL;

(III) EXECUTIVE COUNSEL TO THE ATTORNEY GENERAL;

(IV) DIRECTOR OR CHIEF OF A DIVISION OR UNIT IN THE OFFICE; AND

(V) PRINCIPAL COUNSEL TO A STATE UNIT.

[(3)**]** **(4)** (i) Staff appointed under this subsection is entitled to compensation as provided in the State budget.

(ii) Unless the State budget provides otherwise, the salary of a Deputy Attorney General, assistant Attorney General, or special attorney appointed under this subsection is payable from the funds of the Office.

[(4)**]** **(5)** Staff is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.".

AMENDMENT NO. 5

On page 9, in line 21, after "**(III)**" insert "**1.**"; and after line 22, insert:

"**2. THE REGULATIONS ADOPTED UNDER THIS SUBPARAGRAPH SHALL PROVIDE, AT A MINIMUM, THAT FOR POSITIONS DESIGNATED AS SPECIAL APPOINTMENTS ON JANUARY 1, 2009, AN APPOINTING AUTHORITY SHALL RETAIN THE SAME RECRUITMENT AUTHORITY THAT THE APPOINTING AUTHORITY POSSESSED ON JANUARY 1, 2009.**".

On page 10, in line 9, after "recruitment;" insert "or"; and strike beginning with "**; OR**" in line 12 down through "**SUBTITLE**" in line 14.

AMENDMENT NO. 6

On page 12, in line 14, after "(c)**]**" insert "**(A)**"; and after line 15, insert:

"**(B) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL DETERMINE POSITION CATEGORIES FOR SPECIAL APPOINTMENTS IN THE DEPARTMENT.**".

AMENDMENT NO. 7

On page 19, after line 3, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That an at–will position in the executive service or management service or that is designated as a special appointment that is encumbered on the effective date of this Act and the status of which would change as a result of Section 1 of this Act shall remain an at–will position until the position becomes vacant.";

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

The preceding 7 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 1370)

AMENDED IN THE SENATE

House Bill 644 – Delegates Manno, Davis, Braveboy, McHale, Ali, Barnes, Benson, Burns, Feldman, Frush, Gaines, Glenn, Gutierrez, Guzzone, Harrison, Haynes, Holmes, Howard, Hubbard, Hucker, Ivey, Kirk, Levi, Levy, Mizeur, Niemann, Pena–Melnyk, Proctor, Ramirez, Rice, Ross, Schuler, Taylor, V. Turner, Valderrama, and Vaughn

AN ACT concerning

Procurement – Apprenticeship Training Programs

Delegate Davis moved that the House concur in the Senate amendments.

HB0644/637077/2

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 644
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "circumstances;" insert "requiring organizations that have registered apprenticeship programs and receive certain funds to certify to the Secretary that the funds are used solely for the purpose of improving or expanding apprenticeship training in the State; requiring the Secretary to adopt regulations that establish a process for auditing organizations that have registered apprenticeship programs to ensure that certain funds received are used solely to improve and expand apprenticeship programs in the State;".

AMENDMENT NO. 2

On page 4, in line 2, after "**PROGRAM**" insert "**FOR EACH COVERED CRAFT**"; in line 5, after "**PAYMENTS**" insert "**IN AMOUNTS DETERMINED UNDER § 17–605 OF**

THIS SUBTITLE"; in line 7, after "**PROGRAMS**" insert "**FOR THE PURPOSE OF SUPPORTING THESE PROGRAMS**";

after line 11, insert:

"**(C) ORGANIZATIONS THAT HAVE REGISTERED APPRENTICESHIP PROGRAMS AND RECEIVE FUNDS FROM CONTRACTORS UNDER SUBSECTION (A)(3) OF THIS SECTION SHALL CERTIFY TO THE SECRETARY THAT ALL FUNDS RECEIVED ARE USED SOLELY FOR THE PURPOSE OF IMPROVING OR EXPANDING APPRENTICESHIP TRAINING IN THE STATE.**

(D) THE SECRETARY SHALL ADOPT REGULATIONS TO ESTABLISH A PROCESS FOR AUDITING ORGANIZATIONS THAT PROVIDE REGISTERED APPRENTICESHIP PROGRAMS TO ENSURE THAT ALL FUNDS RECEIVED UNDER SUBSECTION (A)(3) OF THIS SECTION ARE USED SOLELY TO IMPROVE AND EXPAND APPRENTICESHIP PROGRAMS IN THE STATE.";

in line 17, after "**PROGRAM**" insert "**FOR EACH COVERED CRAFT**"; in line 21, after "**PAYMENTS**" insert "**IN AMOUNTS DETERMINED UNDER § 17–605 OF THIS SUBTITLE**"; in line 23, after "**PROGRAMS**" insert "**FOR THE PURPOSE OF SUPPORTING THESE PROGRAMS**";

and after line 27, insert:

"**(C) ORGANIZATIONS THAT HAVE REGISTERED APPRENTICESHIP PROGRAMS AND RECEIVE FUNDS FROM CONTRACTORS UNDER SUBSECTION (A)(3) OF THIS SECTION SHALL CERTIFY TO THE SECRETARY THAT ALL FUNDS RECEIVED ARE USED SOLELY FOR THE PURPOSE OF IMPROVING OR EXPANDING APPRENTICESHIP TRAINING IN THE STATE.**

(D) THE SECRETARY SHALL ADOPT REGULATIONS TO ESTABLISH A PROCESS FOR AUDITING ORGANIZATIONS THAT PROVIDE REGISTERED APPRENTICESHIP PROGRAMS TO ENSURE THAT ALL FUNDS RECEIVED UNDER SUBSECTION (A)(3) OF THIS SECTION ARE USED SOLELY TO IMPROVE AND EXPAND APPRENTICESHIP PROGRAMS IN THE STATE.".

On page 5, in line 29, after "**FUND**" insert "**, REGISTERED APPRENTICESHIP PROGRAM, OR AN ORGANIZATION THAT HAS REGISTERED APPRENTICESHIP PROGRAMS**".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 119 Negative – 17 (See Roll Call No. 1371)

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 498** SPONSOR: **Delegate Feldman**

SUBJECT: **Professional Service Corporations – Corporate Names – Approval by Professional Organizations**

THIRD READING CALENDAR HOUSE NO. **3** SENATE NO. **32**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached Judicial Proceedings Committee Amendments (HB0498/348475/1) be adopted.

HB0498/348475/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 498
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "a" in line 4 down through "change" in line 9 and substitute "the name of a professional corporation be approved by the appropriate

licensing unit under certain circumstances"; in line 11, strike "without" and substitute "with"; and in line 16, strike "with" and substitute "without".

AMENDMENT NO. 2

On page 2, in line 3, before "The" insert "**(A) THIS SECTION DOES NOT APPLY TO A PROFESSIONAL CORPORATION IN WHICH A MAJORITY OF STOCKHOLDERS ARE PHYSICIANS LICENSED BY THE STATE BOARD OF PHYSICIANS.**

(B)";

in line 23, strike the brackets; strike beginning with "**EXCEPT**" in line 23 down through "**ON**" in line 24; and strike in their entirety lines 31 through 33, inclusive.

Senate Members:		House Members:	
Chair,	**Jennie M. Forehand**	Chair,	**Brian J. Feldman**
	Jamie Raskin		**Charles Barkley**
	Nancy Jacobs		**Donna Stifler**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	(X) Chief Clerk ( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 1372)

The Bill was then sent to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 265** SPONSOR: **Delegate G. Clagett**

SUBJECT: **Emer Med Servs – Emer Med Servs Bd and Jt Oversight Com on Emer Med Servs**

THIRD READING CALENDAR HOUSE NO. **34** SENATE NO. **31**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That Amendment Nos. 1, 2, and 4 of the attached Finance Committee Amendments (HB0265/587276/1) be adopted.

(2) That Amendment No. 3 of the Finance Committee Amendments (HB0265/587276/1) be rejected.

(3) That the attached Conference Committee Amendment (HB0265/753428/1) be adopted.

HB0265/587276/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 265
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Emergency" in line 2 down through "and" in line 3; strike beginning with "altering" in line 5 down through "Command;" in line 9; strike beginning with "emergency" in line 13 down through "and" in line 14; and strike in their entirety lines 16 through 20, inclusive.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 8 on page 2 through line 2 on page 4, inclusive.

AMENDMENT NO. 3

On page 4, in lines 7 and 8, in each instance, strike "**12**" and substitute "**EIGHT**"; strike in their entirety lines 9 through 12, inclusive, and substitute:

"**(I) THREE SHALL BE MEMBERS OF THE SENATE FINANCE COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;**

(II) ONE SHALL BE A MEMBER OF THE SENATE BUDGET AND TAXATION COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;

(III) THREE SHALL BE MEMBERS OF THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE; AND

(IV) ONE SHALL BE A MEMBER OF THE HOUSE APPROPRIATIONS COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE.";

in line 13, after "**(C)**" insert "**(1)**"; and after line 16, insert:

"**(2) THE SENATE CHAIR AND THE HOUSE CHAIR SHALL ALTERNATE ANNUALLY AS PRESIDING CHAIRS AND COCHAIRS OF THE COMMITTEE.**".

AMENDMENT NO. 4

On page 6, in line 16, strike "3." and substitute "2."; in line 17, strike "Section 2 of this Act" and substitute "It"; and in line 19, strike "Section 2 of".

HB0265/753428/1

BY: Conference Committee

AMENDMENT TO HOUSE BILL 265
(Third Reading File Bill)

On page 4, in lines 7 and 8, in each instance, strike "**12**" and substitute "**EIGHT**"; in lines 9 and 11, in each instance, strike "**SIX**" and substitute "**FOUR**"; in line 13, after "**(C)**" insert "**(1)**"; and after line 16, insert:

"**(2) THE SENATE CHAIR AND THE HOUSE CHAIR SHALL ALTERNATE ANNUALLY AS PRESIDING CHAIRS AND COCHAIRS OF THE COMMITTEE.**".

Senate Members:	House Members:
Chair, **Rob Garagiola**	Chair, **Richard B. Weldon, Jr.**
John C. Astle	**Peter A. Hammen**
Barry Glassman	**Robert A. Costa**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	(X) Chief Clerk ( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 1373)

The Bill was then sent to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 151** SPONSOR: **Senator Mooney**

SUBJECT: **Hate Crimes – Prohibitions and Protected Classes – Homeless Persons and Groups**

THIRD READING CALENDAR HOUSE NO. **27** SENATE NO. **18**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the House Judiciary Committee Amendments (SB0151/892813/2) be rejected.

(2) That the attached Conference Committee Amendments (SB0151/493226/1) be adopted.

SB0151/493226/1

BY: Conference Committee

AMENDMENTS TO SENATE BILL 151
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Classes –" insert "Expansion to"; in line 3, after "Groups" insert "and Gender"; in line 4, after "persons" insert "and a person's gender"; in line 9, after "group;" insert "prohibiting the attempt to commit a crime against a certain person because of the race, color, religious beliefs, sexual orientation, gender, or national origin of that person, or because the person is homeless; establishing that a certain penalty applies to certain offenses;"; in line 10, strike "against homeless persons"; and after line 15, insert:

"BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–306
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, in line 16, after "orientation," insert "**GENDER,**"; and in line 18, after "crime" insert "**OR ATTEMPT TO COMMIT A CRIME**".

AMENDMENT NO. 3

On page 3, in lines 6 and 9, in each instance, after "orientation," insert "**GENDER,**"; and after line 10, insert:

"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.".

Senate Members:		House Members:	
Chair,	**Alexander X. Mooney**	Chair,	**Benjamin F. Kramer**
	Jamie Raskin		**Frank M. Conaway, Jr.**
	Jennie M. Forehand		**Susan C. Lee**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	( ) Chief Clerk (X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 103 Negative – 33 (See Roll Call No. 1374)

The Bill was then returned to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 4** SPONSOR: **Delegate Manno**

SUBJECT: **Small Business Health Insurance Expansion Act**

THIRD READING CALENDAR HOUSE NO. **24** SENATE NO. **31**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Finance Committee Amendments (HB0004/577973/1) be rejected.

(2) That the attached Conference Committee Amendments (HB0004/213025/1) be adopted.

HB0004/213025/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 4
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "employer;" insert "requiring the Maryland Health Care Commission to prioritize subsidies for certain small employers; requiring the Commission to cap the number of new subsidies for certain small employers under certain circumstances; providing for the termination of certain provisions of this Act; authorizing, notwithstanding the termination of certain provisions of this Act, certain small employers to continue to receive a subsidy under certain circumstances; providing for the effective dates of this Act;".

AMENDMENT NO. 2

On page 5, in line 4, after "Commission" insert "**:**

(1)";

and in line 6, after "employer" insert "**;**

(2) AT THE TIME OF INITIAL APPLICATION FOR A SUBSIDY, SHALL PRIORITIZE SUBSIDIES FOR SMALL EMPLOYERS THAT HAVE AT LEAST TWO BUT NOT MORE THAN NINE ELIGIBLE EMPLOYEES; AND

(3) IF FUNDING FOR SUBSIDIES IS INSUFFICIENT TO MEET THE ANTICIPATED DEMAND, SHALL CAP THE NUMBER OF NEW SUBSIDIES FOR SMALL EMPLOYERS THAT, AT THE TIME OF INITIAL APPLICATION FOR THE SUBSIDY, HAVE AT LEAST 10 BUT NOT MORE THAN 19 ELIGIBLE EMPLOYEES".

AMENDMENT NO. 3

On page 5, after line 8, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the changes to § 15–12A–03(a)(1) of the Insurance Article, as enacted by Section 1 of this Act, shall take effect July 1, 2009. The changes to § 15–12A–03(a)(1) shall remain effective for a period of 3 years and, at the end of June 30, 2012, with no further action required by the General Assembly, the changes to § 15–12A–03(a)(1) shall be abrogated and of no further force and effect.

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding Section 2 of this Act, any small employer that is receiving a subsidy under the Small Employer Health Benefit Plan Premium Subsidy Program on June 30, 2012, and, at the time of initial application for the subsidy, had at least 10 but not more than 19 eligible employees, may continue to receive a subsidy if all other requirements of § 15–2A–03 of the Insurance Article are met.";

in line 9, strike "2." and substitute "4."; and in the same line, after "That" insert ", subject to Section 2 of this Act,".

Senate Members:		House Members:	
Chair,	**Thomas M. Middleton**	Chair,	**Shane E. Pendergrass**
	Delores G. Kelley		**Sue Kullen**
	Allan H. Kittleman		**Wade Kach**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: (X) Chief Clerk
( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 1375)

The Bill was then sent to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 1030** SPONSOR: **Delegate Shank**

SUBJECT: **Criminal Procedure – Offender Registry – Retroactivity**

THIRD READING CALENDAR HOUSE NO. **38** SENATE NO. **30**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Judicial Proceedings Committee Amendments (HB1030/658271/1) be rejected.

(2) That the attached Conference Committee Amendments (HB1030/293020/1) be adopted.

HB1030/293020/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 1030
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "convicted" insert "on or after a certain date"; in line 6, strike "on or"; in the same line, after "certain" insert "date;"; and strike beginning with "date" in line 6 down through "date;" in line 8 and substitute "requiring the Department of Public Safety and Correctional Services to contact and notify certain individuals of the registration requirements under this Act;".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 20, inclusive, and substitute:

"(a) Notwithstanding any other provision of law to the contrary, except as provided in subsection (b) of this section, this subtitle shall be applied retroactively to include a registrant convicted of an offense committed before July 1, 1997, and who is under the custody or supervision of a supervising authority on October 1, 2001.

(b) Notwithstanding any other provision of law to the contrary, this subtitle shall be applied retroactively to a child sexual offender who committed the sexual offense on or before October 1, 1995, and who is under the custody or supervision of a supervising authority on October 1, 2001.

(C) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THIS SUBTITLE SHALL BE APPLIED RETROACTIVELY TO INCLUDE:

(I) A PERSON CONVICTED ON OR AFTER JULY 1, 1997, OF AN OFFENSE COMMITTED BEFORE JULY 1, 1997, FOR WHICH REGISTRATION AS A SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT OFFENDER IS REQUIRED UNDER THIS SUBTITLE; AND

(II) A PERSON CONVICTED ON OR AFTER OCTOBER 1, 1995, OF AN OFFENSE COMMITTED BEFORE OCTOBER 1, 1995, FOR WHICH REGISTRATION AS A CHILD SEXUAL OFFENDER IS REQUIRED UNDER THIS SUBTITLE.

(2) THE DEPARTMENT SHALL CONTACT AND NOTIFY EACH PERSON WHO IS NOT UNDER THE CUSTODY OR SUPERVISION OF A SUPERVISING AUTHORITY ON OCTOBER 1, 2009, FOR WHOM REGISTRATION IS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.".

Senate Members:		House Members:	
Chair,	**Norman R. Stone, Jr.**	Chair,	**Jeff Waldstreicher**
	Nancy Jacobs		**Gerron S. Levi**
	C. Anthony Muse		**William J. Frank**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	(X) Chief Clerk ( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 1376)

The Bill was then sent to the Senate.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0561**
SPONSOR: Del Kramer, et al
SUBJECT: Crim Procedure – Sentencing or Disposition Hearing – Appearance of Victim or Victim's Representative

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Waldstreicher, Chair
Delegate Schuler
Delegate Smigiel

The Senate appoints:
Senator Stone, Chairman
Senator Simonaire
Senator Forehand.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 1377)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #44

Senate Bill 44 – ~~Senator Peters~~ Senators Peters ~~and Harris~~, Harris, Astle, Brinkley, Brochin, Colburn, Conway, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Mooney, Munson, Muse, Pinsky, Pipkin, Pugh, Raskin, Robey, Rosapepe, Simonaire, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Sales and Use Tax – Exemption – Veterans' Organizations

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 1378)

The Bill was then returned to the Senate.

Senate Bill 572 – Senator Stoltzfus

AN ACT concerning

Worcester County – Gaming – Bingo

Read the third time and passed by yeas and nays as follows:

Affirmative – 130 Negative – 3 (See Roll Call No. 1379)

The Bill was then returned to the Senate.

Senate Bill 604 – Senator Currie

AN ACT concerning

Tax Credits for Qualifying Employees with Disabilities – Sunset ~~Repeal~~ Extension

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 1380)

The Bill was then returned to the Senate.

Senate Bill 983 – ~~Senator Conway~~ Senators ~~Conway and Gladden~~ Conway, Gladden, and Jones

SECOND PRINTING

AN ACT concerning

Baltimore City – ~~43rd Legislative District –~~ Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 1381)

The Bill was then returned to the Senate.

Senate Bill 991 – Senators Stone, Della, Kasemeyer, Kelley, Klausmeier, Robey, and Zirkin

AN ACT concerning

Business Occupations – Crane Operators – Certificate of Competence

Read the third time and passed by yeas and nays as follows:

Affirmative – 113 Negative – 23 (See Roll Call No. 1382)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #43

Senate Bill 609 – Senator Brinkley

AN ACT concerning

Frederick County – Deer Hunting on Private Property – Sundays

Read the third time and passed by yeas and nays as follows:

Affirmative – 123 Negative – 13 (See Roll Call No. 1383)

The Bill was then returned to the Senate.

Senate Bill 1045 – Senator Harrington

AN ACT concerning

DHCD – Community Development Administration – Financing Instruments – Mortgage Loans Guaranteed by Government–Sponsored Enterprises

Read the third time and passed by yeas and nays as follows:

Affirmative – 128 Negative – 9 (See Roll Call No. 1384)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #42

Senate Bill 72 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Institutions of Postsecondary Education – Exempt Institutions

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 1 (See Roll Call No. 1385)

The Bill was then returned to the Senate.

Senate Bill 177 – Senators Glassman, Colburn, Edwards, Jacobs, Klausmeier, Pugh, and Robey

AN ACT concerning

Emergency Responders – Death Benefits and Funeral Expenses

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 1 (See Roll Call No. 1386)

The Bill was then returned to the Senate.

Senate Bill 226 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Participating Governmental Units

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 1 (See Roll Call No. 1387)

The Bill was then returned to the Senate.

Senate Bill 230 – Senators Kasemeyer and Frosh

EMERGENCY BILL

AN ACT concerning

Maryland Uniform Prudent Management of Institutional Funds Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 128 Negative – 9 (See Roll Call No. 1388)

The Bill was then returned to the Senate.

Senate Bill 373 – Senators Currie, Colburn, Conway, DeGrange, Greenip, Harrington, King, Madaleno, McFadden, Peters, and Robey

AN ACT concerning

Higher Education – ~~Maryland National Guard Members~~ Public Institutions of Higher Education – Nonresident Tuition Exemption

Read the third time and passed by yeas and nays as follows:

Affirmative – 118 Negative – 16 (See Roll Call No. 1389)

The Bill was then returned to the Senate.

Senate Bill 905 – Senator Muse

AN ACT concerning

Orphans' Court – Minors – Guardianship of Person

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 4 (See Roll Call No. 1390)

The Bill was then returned to the Senate.

Senate Bill 933 – Senator Kelley

AN ACT concerning

Family Law – State Citizens Review Board for Children and Local Boards of Review – Duties

Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 5 (See Roll Call No. 1391)

The Bill was then returned to the Senate.

Senate Bill 974 – Senators Raskin and Rosapepe

AN ACT concerning

Local Government Tort Claims Act – Notice of Claim

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 4 (See Roll Call No. 1392)

The Bill was then returned to the Senate.

Senate Bill 989 – Senator Stone

AN ACT concerning

Criminal Procedure – Concurrent Court Jurisdiction – Second or Subsequent Offense of Failure to Register with Sex Offender Registry

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 1393)

The Bill was then returned to the Senate.

Senate Bill 992 – Senator Kelley

AN ACT concerning

Welfare to Work – Job Skills Enhancement Program – Green Jobs

Read the third time and passed by yeas and nays as follows:

Affirmative – 121 Negative – 14 (See Roll Call No. 1394)

The Bill was then returned to the Senate.

Senate Bill 1033 – Senators Madaleno ~~and Raskin~~, Raskin, and Lenett

EMERGENCY BILL

AN ACT concerning

Special Election – Absentee Voting – Late Applications

Delegate Cardin moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

Senate Bill 1035 – Senators Peters, Muse, Harrington, Currie, Exum, Miller, Pinsky, and Rosapepe

AN ACT concerning

Education – Prince George's Community College Board of Trustees

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 2 (See Roll Call No. 1395)

The Bill was then returned to the Senate.

CONCURRENCE CALENDAR #11

AMENDED IN THE SENATE

House Bill 455 – Caroline County Delegation

AN ACT concerning

Caroline County ~~– Elected School Board~~ Board of Education – Election of Members – Referendum

Delegate Hixson moved that the House concur in the Senate amendments.

HB0455/594339/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 455
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Election" insert "and Appointment"; in line 4, strike the second "the" and substitute "certain"; in line 5, after "elected;" insert "requiring that certain members of the Caroline County Board of Education be appointed;"; in the same line, after the first "of" insert "certain"; in line 16, after "the" insert "certain"; in line 17, after "specifying" insert "elected"; in the same line, after "qualifications;" insert "establishing qualifications for certain student members; providing that certain high schools in Caroline County have representation through a student member of the county board; providing for the appointment of certain members by the Governor; specifying certain criteria for the Governor with regard to the appointment of certain members; providing for the nomination and selection of certain student members;"; in line 18, after the first "the" insert "elected"; in the same line, after the third "the" insert "elected"; in line 19, strike "a vacancy" and substitute "certain vacancies"; in line 21, after "of" insert "certain"; and in line 24, strike the first "the" and substitute "certain".

On page 2, in line 3, after "election" insert "and appointment".

On page 2, in line 6, strike "3–114(a)" and substitute "3–108(a) and 3–114".

AMENDMENT NO. 2

On page 2, after line 17, insert:

"3–108.

(a) **(1)** Except **[**for the Baltimore City Board of School Commissioners established under § 3–108.1 of this subtitle, counties listed in § 3–114 of this subtitle, and subject to the provisions of § 3–110 of this subtitle with respect to the Anne Arundel County Board of Education**]** **AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, the Governor shall appoint the members of each county board from the residents of that county.

(2) THE MEMBERS OF THE FOLLOWING COUNTY BOARDS OF EDUCATION SHALL BE SELECTED AS FOLLOWS:

(I) THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS IN ACCORDANCE WITH § 3–108.1 OF THIS SUBTITLE;

(II) THE CAROLINE COUNTY BOARD OF EDUCATION IN ACCORDANCE WITH § 3–3A–02 OF THIS TITLE;

(III) THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION IN ACCORDANCE WITH § 3–110 OF THIS SUBTITLE; AND

(IV) THE COUNTY BOARDS OF EDUCATION IN THE COUNTIES LISTED IN § 3–114 OF THIS SUBTITLE IN ACCORDANCE WITH THE PROVISIONS OF THAT SECTION.".

On pages 2 and 3, strike beginning with line 23 on page 2 through line 11 on page 3, inclusive, and substitute:

"(3) Carroll;

(4) Cecil;

(5) Charles;

(6) Dorchester;

(7) Frederick;

(8) Garrett;

(9) Howard;

(10) Kent;

(11) Prince George's;

(12) Montgomery;

(13) Queen Anne's;

(14) St. Mary's;

(15) Somerset;

(16) Talbot;

(17) Washington; and

(18) Worcester.

(B) IN CAROLINE COUNTY, IN ACCORDANCE WITH SUBTITLE 3A OF THIS TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF MEMBERS WHO ARE ELECTED AND APPOINTED.

[(b)**]** **(C)** An individual subject to the authority of the county board may not serve as a member of the county board. At the time of filing a certificate of candidacy for election to a county board, a person shall certify to the local board of supervisors of election whether or not he is subject to the authority of the county board. The Governor shall not issue a commission of election to a person who has certified affirmatively and who is elected to a county board until the member–elect offers proof that he is no longer subject to the authority of the county board.

[(c)**]** **(D)** The election of the county boards shall be held as provided in Subtitles 2 through 14 of this title and the Election Law Article.".

AMENDMENT NO. 3

On page 3, after line 15, insert:

"**(B) "APPOINTED MEMBER" MEANS ONE OF THE TWO VOTING MEMBERS APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, UNDER § 3–3A–02(B)(3)(I)1 OF THIS SUBTITLE.**";

in lines 16 and 19, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D) (1)**", respectively; in line 19, strike "**FIVE**" and substitute "**THREE**"; in line 20, after "**EDUCATION**" insert "**ELECTED BY THE VOTERS OF CAROLINE COUNTY**";

and after line 20, insert:

"**(2) "ELECTED MEMBER" DOES NOT INCLUDE THE NONVOTING STUDENT MEMBERS SELECTED UNDER § 3–3A–02(F) OF THIS SUBTITLE.**".

On page 4, in line 3, strike "**FIVE**" and substitute "**:**

(1) THREE";

in line 4, after "**MEMBERS**" insert "**;**

(2) TWO APPOINTED MEMBERS; AND

(3) TWO NONVOTING STUDENT MEMBERS";

in line 6, strike "**FIVE**" and substitute "**THREE**"; and after line 11, insert:

"**(3) (I) 1. TWO APPOINTED MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, FROM THE COUNTY AT–LARGE.**

2. EACH APPOINTED MEMBER SHALL BE A RESIDENT OF THE COUNTY.

(II) IN APPOINTING MEMBERS TO THE COUNTY BOARD, THE GOVERNOR SHALL ENSURE, TO THE EXTENT PRACTICABLE, THAT THE TOTAL MAKEUP OF THE COUNTY BOARD REFLECTS GENDER, ETHNIC, AND RACIAL DIVERSITY.".

AMENDMENT NO. 4

On page 5, after line 11, insert:

"**(F) (1) A STUDENT MEMBER OF THE COUNTY BOARD SHALL:**

(I) BE A REGULARLY ENROLLED ELEVENTH OR TWELFTH GRADE STUDENT OF GOOD CHARACTER AND IN GOOD STANDING IN A CAROLINE COUNTY PUBLIC HIGH SCHOOL DURING THE STUDENT'S TERM IN OFFICE;

(II) BE SELECTED IN THE STUDENT'S TENTH OR ELEVENTH GRADE IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION; AND

(III) 1. SERVE FOR A TERM OF 1 YEAR; AND

2. IF THE STUDENT IS IN THE TWELFTH GRADE, CONTINUE TO SERVE AFTER GRADUATION AND UNTIL A SUCCESSOR IS SELECTED AND QUALIFIES.

(2) EACH HIGH SCHOOL IN THE COUNTY SHALL BE REPRESENTED BY A STUDENT MEMBER OF THE COUNTY BOARD.

(3) (I) FOR NOMINATION TO THE COUNTY BOARD, THE STUDENT BODY SHALL SUBMIT TO THE PRINCIPAL OF THE HIGH SCHOOL A LIST OF NOMINEES THAT CONTAINS THE NAMES OF ELIGIBLE STUDENTS.

(II) THE PRINCIPAL OF THE HIGH SCHOOL SHALL SELECT THE STUDENT MEMBER FROM THE LIST OF NOMINEES SUBMITTED TO THE PRINCIPAL UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(4) IF A VACANCY IN THE POSITION OF STUDENT MEMBER OCCURS DURING THE TERM OF A STUDENT MEMBER, THE PRINCIPAL OF THE HIGH SCHOOL REPRESENTED ON THE COUNTY BOARD SHALL SELECT ANOTHER STUDENT MEMBER USING THE METHOD SET FORTH UNDER PARAGRAPH (3) OF THIS SUBSECTION.";

in lines 12 and 26, strike "**(F)**" and "**(G)**", respectively, and substitute "**(G)**" and "**(H)**", respectively; in line 22, strike "**TWO MEMBERS**" and substitute "**MEMBER**"; in line 23, strike "**RECEIVE**" and substitute "**RECEIVES**"; in line 26, after "**VACANCY**" insert "**OF AN ELECTED MEMBER**"; and in line 28, strike "**ELECTED**" and substitute "**VOTING**".

On page 6, in lines 2 and 18, in each instance, strike "**ELECTED**" and substitute "**VOTING**".

On page 8, in lines 4, 10, and 18, in each instance, strike "**ELECTED**" and substitute "**VOTING**"; and in line 20, strike "**AN ELECTED**" and substitute "**A VOTING**".

The preceding 4 amendments were read and concurred in.

HB0455/693827/1

BY: Senator Colburn

AMENDMENT TO HOUSE BILL 455
(Third Reading File Bill)

On page 9, in line 14, strike "Elected by the Voters of Caroline County" and substitute "Elected in Part by the Voters of Caroline County (3 members) and Appointed in Part by the Governor (2 members)"; and strike beginning with "Elected" in line 17 down through "County" in line 18 and substitute "Elected in Part by the Voters of Caroline County (3 members) and Appointed in Part by the Governor (2 members)".

The preceding amendment was read and concurred in.

HB0455/863828/1

BY: Senator Colburn

AMENDMENTS TO HOUSE BILL 455
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, strike "the".

AMENDMENT NO. 2

On page 6, after line 19, insert:

"**(I) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH APPOINTED MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST MONDAY IN DECEMBER 2012.**

(2) THE INITIAL TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS FOLLOWS:

(I) ONE APPOINTED MEMBER SHALL SERVE FOR A TERM OF 6 YEARS; AND

(II) ONE APPOINTED MEMBER SHALL SERVE FOR A TERM OF 4 YEARS.

(3) IN THE EVENT OF A VACANCY OF AN APPOINTED MEMBER DUE TO DEATH, RESIGNATION, DISQUALIFICATION, OR REMOVAL, THE GOVERNOR SHALL APPOINT ANOTHER INDIVIDUAL TO COMPLETE THE TERM OF THE VACATING APPOINTED MEMBER.".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 130 Negative – 5 (See Roll Call No. 1396)

AMENDED IN THE SENATE

House Bill 1184 – Washington County Delegation

AN ACT concerning

Washington County – Property Tax ~~Deferral – Seniors~~ Relief

Delegate Hixson moved that the House concur in the Senate amendments.

HB1184/769934/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1184
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "credit;" insert "requiring the county or municipal corporation to consult with the Department of Assessments and Taxation as certain provisions are developed;".

AMENDMENT NO. 2

On page 3, after line 5, insert:

"**(4) THE GOVERNING BODY OF WASHINGTON COUNTY OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN WASHINGTON COUNTY SHALL CONSULT WITH THE DEPARTMENT AS THEY DEVELOP THE PROVISIONS UNDER PARAGRAPH (3) OF THIS SUBSECTION.**".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 1397)

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 1534	Del. Pendergrass
HB 1573	Del. Kipke

Journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 146	Harford County Del.

HB 686	Calvert County Del.

Journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 635	Del. Levi

Journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 963	Prince George's Del.
HB 1221	Washington County Del.
HB 1512	Frederick County Del.
HB 1522	Del. Mathias

Journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 846	Del. Conway
HB 1460	Del. Hubbard

Journalized.

REPORT ON THE STATE OPERATING BUDGET (HOUSE BILL 100) AND THE STATE CAPITAL BUDGET (HOUSE BILL 102) AND RELATED RECOMMENDATIONS BY THE CHAIRMEN OF THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE – JOINT CHAIRMEN'S REPORT

(See Exhibit T of Appendix II)

CLERK'S OFFICE RECEIPTS FOR BILLS DELIVERED TO THE GOVERNOR

(See Exhibit U of Appendix II)

MESSAGE TO THE SENATE

APRIL 13, 2009

BY THE MAJORITY LEADER:

LADIES AND GENTLEMEN OF THE SENATE:

WE PROPOSE WITH YOUR CONCURRENCE, THAT WHEN THE GENERAL ASSEMBLY ADJOURNS APRIL 13, 2009 AT TWELVE O'CLOCK MIDNIGHT, IT STANDS ADJOURNED SINE DIE.

WE FURTHER PROPOSE THE APPOINTMENT OF A JOINT COMMITTEE, TWO ON THE PART OF THE SENATE AND TWO ON THE PART OF THE HOUSE, TO WAIT UPON HIS EXCELLENCY, THE GOVERNOR OF MARYLAND, TO INFORM HIM THAT THE GENERAL ASSEMBLY WILL ADJOURN APRIL 13, 2009, AT TWELVE O'CLOCK SINE DIE, IN ACCORDANCE WITH THE PROVISIONS OF THE CONSTITUTION AND TO INQUIRE IF HE HAS ANY FURTHER COMMUNICATIONS TO MAKE TO THE GENERAL ASSEMBLY.

WE HAVE APPOINTED ON THE PART OF THE HOUSE, DELEGATES BARVE AND O'DONNELL.

BY ORDER,

MARY MONAHAN
CHIEF CLERK

Journalized.

MESSAGE FROM THE SENATE

April 13, 2009

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

We have received your message proposing that when the General Assembly adjourns, April 13, 2009, at Twelve o'clock Midnight, it stands adjourned Sine Die.

The Senate concurs therein.

We agree to the Joint Committee to wait upon his Excellency, the Honorable Martin O'Malley, Governor of Maryland. The Senate appoints Senators Kasemeyer and Kittleman.

By Order,

William B.C. Addison, Jr.

Secretary

Journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 1398)

At 12:01 A.M. on motion of Delegate Barve the House adjourned Sine Die.