Journal *of* Proceedings

of the

Senate
of
Maryland

2010 Regular Session

Volume II

Library and Information Services
and
Legislative Document Management
of the Department of Legislative Services
General Assembly of Maryland
prepared this document.

For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: (410-946-5400) Washington Area: (301-970-5400)
Other Areas: (1-800-492-7122)
TTY: (410-946-5401) (301-970-5401)
TTY users may also call the
Maryland Relay Service to contact the General Assembly.

E-Mail: libr@mlis.state.md.us
Home Page: http://mlis.state.md.us

The Department of Legislative Services does not discriminate on the basis of age, ancestry, color, creed, marital status, national origin, race, religion, gender, sexual orientation, or disability in the admission or access to its programs, services, or activities. The Department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at the telephone numbers shown above.

2010 SENATE JOURNAL
INDEX OF DAYS

Legislative Day	Page
January 13	1
January 14	96
January 15	111
January 18	126
January 19	145
January 20	155
January 21	179
January 22	201
January 26	253
January 27	258
January 28	285
January 29	331
February 1	364
February 2	405
February 3	434
February 4	464
February 5	507
February 9	597
February 10	611
February 11	723
February 12	754
February 15	776
February 16	813
February 17	824
February 18	856
February 19	881
February 22	954
February 23	986
February 24	1010
February 25	1044
February 26	1071
March 1	1131
March 2	1160
March 3	1175
March 4	1227
March 5	1253
March 8	1330
March 9	1351
March 10	1421
March 11	1444
March 12	1486
March 15	1541
March 16	1552
March 17	1611
March 18	1677
March 19	1715
March 22	1781
March 23	1878
March 24	2081
March 25	2135
March 26	2305
March 27	2557
March 28	2651
March 29	2706
March 30	2759
March 31	2823
April 1	2905
April 2	3039
April 3	3099
April 4	3194
April 5	3345
April 6	3423
April 7	3641
April 8	3806
April 9	3851
April 10	4015

Annapolis, Maryland
Friday, February 19, 2010
10:00 A.M. Session

The Senate met at 10:11 A.M.

Prayer by Reverend Martha Bonwitt, Trinity Episcopal Church, guest of the President.

(See Exhibit A of Appendix III)

The Journal of February 18, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 200)

MESSAGE FROM THE EXECUTIVE

The Secretary of State appeared and delivered a Message from the Executive.

February 19, 2010

The Honorable Thomas V. Mike Miller, Jr.
President
Maryland State Senate
State House
Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, § 13 of the Constitution of Maryland, I am pleased to submit the following appointment nominations for confirmation by the Maryland State Senate. These individuals bring exceptional knowledge and ability to the offices for which they have been nominated. I am confident they will provide the strength of experience and leadership to instill confidence among our citizens and ensure we succeed in our goals for Marylanders.

I look forward to your favorable approval of these nominees. Thank you for your assistance and support.

Sincerely,

Governor

AIRPORT ZONING APPEALS, BOARD OF	
Henry A. Mack, Jr. 311 Chestnut Road Linthicum, Maryland 21090 Anne Arundel/32	Reappointment Anne Arundel County Term of 4 years from July 1, 2010
Michael P. Ertel, Sr. 505 West Joppa Road Towson, Maryland 21204 Baltimore County/42	Reappointment Baltimore County Term of 4 years from July 1, 2010
John T. Hierholzer 10325 Wilde Lake Terrace Columbia, Maryland 21044 Howard/12	Reappointment Howard County Term of 4 years from July 1, 2010
Douglas E. Moore 3714 Garand Road Ellicott City, Maryland 21042 Howard/09	Reappointment Howard County Term of 4 years from July 1, 2010
AMUSEMENT RIDE SAFETY ADVISORY BOARD, STATE	
Ralph E. Shaw 600 Shaw Road P.O. Box 456 Severn, Maryland 21144 Anne Arundel/32	Reappointment Carnival Owner Term of 4 years from July 1, 2010
Michael H. Jones 25 Willow Way Berlin, Maryland 21811 Worcester/38	Reappointment Amusement Park Owner Term of 4 years from July 1, 2010
Curtis G. Collins, Sr. 9221 Old Court Road Windsor Mill, Maryland 21244 Baltimore County/10	Reappointment Consumer Term of 4 years from July 1, 2010
Glenn Dale Fishack, Sr. 13434 Bikle Road P.O. Box 118 Smithsburg, Maryland 21783 Washington/02	Reappointment Consumer Term of 4 years from July 1, 2010
APPRENTICESHIP AND TRAINING COUNCIL	

Robert F. Yeatman, Jr. 5872 Swamp Circle Road P.O. Box 232 Deale, Maryland 20751 Anne Arundel/33	Appointment Employee Organization Term of 4 years from July 1, 2008
David W. Norfolk 583 Pasture Brook Road Severn, Maryland 21144 Anne Arundel/32	Reappointment Employee Organization Term of 4 years from July 1, 2010
Christopher F. Kelly, Sr. 3441 Blandford Way Davidsonville, Maryland 21035 Anne Arundel/33	Reappointment Employer Representative Term of 4 years from July 1, 2010
Grant Blake Shmelzer 4977 Battery Lane, Apt. 1019N Bethesda, Maryland 20814 Montgomery/16	Appointment Employer Representative Term of 4 years from July 1, 2009
James A. Williams, Sr. 803 Old County Road Severna Park, Maryland 21146 Anne Arundel/33	Reappointment General Public Term of 4 years from July 1, 2010
ARCHAEOLOGY, ADVISORY COMMITTEE ON	
Marian Craig Creveling 1707 Forestville Road Edgewater, Maryland 21037 Anne Arundel/30	Reappointment Member Term of 3 years from July 1, 2010
Robert D. Wall, Ph.D. 1602 Beechwood Avenue Catonsville, Maryland 21228 Baltimore County/12	Reappointment Member Term of 3 years from July 1, 2010
ARTS COUNCIL, MARYLAND STATE	
Lora Bottinelli 110 Walston Avenue Salisbury, Maryland 21804 Wicomico/37	Appointment Member Term of 3 years from July 1, 2010
William Mandicott 28 Beall's Lane Frostburg, Maryland 21532 Allegany/01	Reappointment Member Term of 3 years from July 1, 2010
David T. Terry, Ph.D. 8212 River Park Road Bowie, Maryland 20715 Prince George's/23	Reappointment Member Term of 3 years from July 1, 2010

Margaret M. Footner 18329 Peters Avenue White Hall, Maryland 21161 Baltimore County/05	Appointment Member Term of 3 years from July 1, 2010
David W. Harp 11571 Riverton Wharf Road Mardela Springs, Maryland 21837 Wicomico/37	Reappointment Member Term of 3 years from July 1, 2010
AVIATION COMMISSION, MARYLAND	
Betty Hager Francis 12603 Spriggs Request Road Mitchellville, Maryland 20721 Prince George's/23	Reappointment Member Term of 3 years from October 1, 2010
Raymond C. Nichols, Sr. 11801 Porfin Drive Berlin, Maryland 21811 Worcester/38	Reappointment Member Term of 3 years from October 1, 2010
BLIND, BOARD OF DIRECTORS OF THE MARYLAND SCHOOL FOR THE	
Hon. Cheryl D. Glenn 314 House Office Building Annapolis, Maryland 21401 Baltimore City/45	Reappointment House Term of 3 years from July 1, 2010
Craig D. Borne, Esq. 14 Bellfalls Way Baltimore, Maryland 21236 Baltimore County/08	Reappointment Member Term of 3 years from July 1, 2010
Kimberley G. Alfonso 7500 Woodmont Avenue, #616 Bethesda, Maryland 20814 Montgomery/16	Reappointment Member Term of 3 years from July 1, 2010
Lorraine A. Costella, Ph.D. 5387 Graywing Court Columbia, Maryland 21045 Howard/13	Reappointment Member Term of 3 years from July 1, 2010
BLIND INDUSTRIES AND SERVICES OF MARYLAND, BOARD OF TRUSTEES	
Millicent Morris 4611 Marble Hall Road Baltimore, Maryland 21239 Baltimore City/43	Reappointment Blind Member Term of 3 years from July 1, 2010
George H. Littrell, Jr. 5209 Reel's Mill Road Frederick, Maryland 21704 Frederick/03	Reappointment Member Term of 3 years from July 1, 2010

Walter A. Brown, Ed.D. 2156 Mt. Royal Terrace Baltimore, Maryland 21217 Baltimore City/40	Reappointment Member Term of 3 years from July 1, 2010
James R. Berens 12920 Wexford Park Clarksville, Maryland 21029 Howard/13	Reappointment Member Term of 3 years from July 1, 2010
CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY	
Andrew L. Vick 12 South Mechanic Street Cumberland, Maryland 21502 Allegany/01	Reappointment Chair Term of 4 years from June 1, 2010
Frederick A. Thayer, IV 208 Washington Street Cumberland, Maryland 21502 Allegany/01	Reappointment Member Term of 4 years from June 1, 2010
CHILD CARE PROGRAM ADMINISTRATORS, STATE BOARD FOR CERTIFICATION OF RESIDENTIAL	
Mary Giovanni Rode 102 Westdale Court Timonium, Maryland 21093 Baltimore County/42	Reappointment Program Administrator Term of 4 years from July 1, 2010
Ada P. Thomas 5320 Dorsey Hall Drive Ellicott City, Maryland 21042 Howard/12	Reappointment Consumer Term of 4 years from July 1, 2010
CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS, STATE BOARD OF	
Michael Fedorczyk, D.C. 4004 Lakeview Turn Dunkirk, Maryland 20754 Calvert/27	Reappointment Chiropractor Term of 4 years from July 1, 2010
Ernestine Jones Jolivet 9802 Mendoza Road Randallstown, Maryland 21133 Baltimore County/10	Appointment Consumer Term of 4 years from July 1, 2010
CLEAN ENERGY CENTER, BOARD OF DIRECTORS	
Jill A. T. Sorensen 5804 Stony Run Drive Baltimore, Maryland 21210 Baltimore City/41	Reappointment Non-Profit Clean Energy Research Term to expire June 30, 2014
Carol Collins 152 Mike Court Elkton, Maryland 21921 Cecil/36	Appointment Clean Energy Industry Term to expire June 30, 2014

COLLECTION AGENCY LICENSING BOARD	
Susan K. Hayes 1156 Ramblewood Drive Annapolis, Maryland 21409 Anne Arundel/30	Reappointment Debt Collection Term of 4 years from July 1, 2010
Joanne Young 611 N. Pinehurst Avenue Salisbury, Maryland 21801 Wicomico/38	Reappointment Debt Collection Term of 4 years from July 1, 2010
Eric S. Friedman 8604 Maryland Avenue Bethesda, Maryland 20814 Montgomery/16	Appointment Consumer Protection Term of 4 years from July 1, 2010
CORRECTIONAL STANDARDS, COMMISSION ON	
Delores Alexander 9905 Shoshone Way Randallstown, Maryland 21133 Baltimore County/10	Reappointment Citizen Unrelated Field Term of 3 years from July 1, 2010
Walter B. Ridley 8301 Arden Lane Fort Washington, Maryland 20744 Prince George's/26	Reappointment Citizen Unrelated Field Term of 3 years from July 1, 2010
Maria T. Elmo, M.D. 5605 Greenspring Avenue Baltimore, Maryland 21209 Baltimore City/41	Reappointment Mental Health/Medical Professional Term of 3 years from July 1, 2010

CORRECTIONAL TRAINING COMMISSION	
Deborah J. Richardson 3927 Susanna Road Randallstown, Maryland 21133 Baltimore County/10	Reappointment Correctional Official Term of 3 years from July 1, 2010
DEAF AND HARD OF HEARING, MARYLAND ADVISORY COUNCIL FOR THE	
Marian V. Bland 2 Lydia Court Pikesville, Maryland 21208 Baltimore County/11	Reappointment DHMH Term of 3 years from October 1, 2009
DIETETIC PRACTICE, STATE BOARD OF	
Melanie Ann Brooks 5142 Morningside Lane Ellicott City, Maryland 21043 Howard/12	Appointment Dietitian or Nutritionist – Public Health Term of 4 years from July 1, 2009

Judith Feola Gordon 2868 Constellation Way Finksburg, Maryland 21048 Carroll/05	Reappointment Dietitian or Nutritionist – Clinical Term of 4 years from July 1, 2010
Sandra Elizabeth Kick 11 Tenby Court Timonium, Maryland 21093 Baltimore County/11	Reappointment Consumer Term of 4 years from July 1, 2010
DISTRICT COURT OF MARYLAND – DISTRICT 1 – BALTIMORE CITY	
Hon. Nathan Braverman 5701 North Charles Street Baltimore, Maryland 21210 Baltimore City/43	Reappointment Judge Term of 10 years from July 4, 2010
Hon. Miriam Brown Hutchins 6304 West Fordham Drive Baltimore, Maryland 21215 Baltimore City/41	Reappointment Judge Term of 10 years from July 4, 2010
DISTRICT COURT OF MARYLAND – DISTRICT 5 – PRINCE GEORGE'S COUNTY	
Hon. Mark T. O'Brien 4210 Ulster Road Beltsville, Maryland 20705 Prince George's/21	Reappointment Judge Term of 10 years from June 30, 2010
Hon. Hassan Ali El-Amin 4612 Brinkley Road Temple Hills, Maryland 20748 Prince George's/26	Reappointment Judge Term of 10 years from June 30, 2010
Hon. Patrice E. Lewis 11401 Kedleston Road Glenn Dale, Maryland 20769 Prince George's/22	Reappointment Judge Term of 10 years from November 22, 2010
Hon. Jean Szekeres Baron 7714 Lakecrest Drive Greenbelt, Maryland 20770 Prince George's/22	Reappointment Judge Term of 10 years from June 30, 2010
Hon. Robert Wilson Heffron 16204 Aveston Place Bowie, Maryland 20716 Prince George's/23	Reappointment Judge Term of 10 years from June 30, 2010
DISTRICT COURT OF MARYLAND – DISTRICT 7 – ANNE ARUNDEL COUNTY	
Thomas V. Miller, III 5300 Beauvoir Court West River, Maryland 20778 Anne Arundel/30	Appointment Judge Term of 10 years from January 28, 2010
DISTRICT COURT OF MARYLAND – DISTRICT 8 – BALTIMORE COUNTY	

Hon. Barbara Rae Jung 11939 Falls Road Cockeysville, Maryland 21030 Baltimore County/05	Reappointment Judge Term of 10 years from November 22, 2010
Hon. G. Darrell Russell, Jr. 505 Worcester Road Towson, Maryland 21286 Baltimore County/42	Reappointment Judge Term of 10 years from November 22, 2010
ECONOMIC DEVELOPMENT COMMISSION, MARYLAND	
Richard Bernstein 5820 Deepwater Drive Oxford, Maryland 21654 Talbot/37	Reappointment Lower Eastern Shore Term of 3 years from July 1, 2010
Ricardo Martinez 10370 Pot Spring Road Timonium, Maryland 21093 Baltimore County/42	Reappointment Member Term of 3 years from July 1, 2010
Harold S. Stinger 16147 Waterford Creek Circle Hamilton, Virginia 20158 Nonresident	Reappointment Member Term of 3 years from July 1, 2010
Steve Dubin 14240 Triadelphia Road Glenelg, Maryland 21737 Howard/13	Reappointment Co-Chair Term of 3 years from July 1, 2010
Robert N. Smelkinson 4603 Kerneway Baltimore, Maryland 21212 Baltimore City/43	Reappointment Member Term of 3 years from July 1, 2010
Timothy A. Hodge, Jr., Esq. 6423 Pratt Avenue Baltimore, Maryland 21212 Baltimore County/42	Reappointment Member Term of 3 years from July 1, 2010
Aris Mardirossian 11940 River Road Potomac, Maryland 20854 Montgomery/15	Reappointment Member Term of 3 years from July 1, 2010
ECONOMIC DEVELOPMENT CORPORATION (MEDCO) BOARD OF DIRECTORS, MARYLAND	
David H. Michael 1922 Chaparrall Court Crownsville, Maryland 21032 Anne Arundel/33	Reappointment Commercial Term of 4 years from July 1, 2010

C. Vernon Gray 8502 Dark Hawk Circle Columbia, Maryland 21045 Howard/13	Reappointment General Public Term of 4 years from July 1, 2010
ELECTRICIANS, STATE BOARD OF MASTER	
Michael W. Berg 10224 Davis Avenue Granite, Maryland 21163 Baltimore County/11	Reappointment Electrician – Central MD Term of 3 years from July 1, 2010
Michael T. Oles 3839 Dakota Road Hampstead, Maryland 21074 Carroll/05	Reappointment Electrician – Western MD Term of 3 years from July 1, 2010
ELEVATOR SAFETY REVIEW BOARD	
Albert Michael Warfield 11620 Bachelors Hope Court Swan Point, Maryland 20645 Charles/28	Reappointment Elevator Servicing/Chair Remainder of a term of 3 years from October 1, 2007 and a term of 3 years from October 1, 2010
Edward M. Hord 1220 Copper Hill Road Baltimore, Maryland 21209 Baltimore County/42	Reappointment Architectural Design Remainder of a term of 3 years from October 1, 2007 and a term of 3 years from October 1, 2010
Debra D. Wylie 2445 Lyttonsville Road Silver Spring, Maryland 20910 Montgomery/18	Reappointment Building Owner/Manager Remainder of a term of 3 years from October 1, 2007 and a term of 3 years from October 1, 2010
Robert F. Yeatman, Jr. 5872 Swamp Circle Road P.O. Box 232 Deale, Maryland 20751 Anne Arundel/33	Reappointment Labor Remainder of a term of 3 years from October 1, 2007 and a term of 3 years from October 1, 2010
Nancy Horton 704 Clopper Road, Apt. 12 Gaithersburg, Maryland 20878 Montgomery/17	Reappointment Public Remainder of a term of 3 years from October 1, 2007 and a term of 3 years from October 1, 2010
EMERGENCY NUMBER SYSTEMS BOARD	
Colleen M. O'Neill 4049 Rinehart Road Westminster, Maryland 21158 Carroll/5	Appointment Career Fire Services Term of 4 years from July 1, 2009

John S. Moulton, Jr. 50 N. Burhans Boulevard Hagerstown, Maryland 21740 Washington/02	Reappointment Police Services Term of 4 years from July 1, 2010
John L. Chew, Jr. 1273 Bugeye Court Annapolis, Maryland 21403 Anne Arundel/30	Reappointment EM Services Term of 4 years from July 1, 2010
Steven R. Marshall 124 N. Somerset Avenue Crisfield, Maryland 21817 Somerset/38	Reappointment County with population of less than 200,000 Term of 4 years from July 1, 2010
William A. Frazier 29 Willow Lane P.O. Box 492 La Plata, Maryland 20646 Charles/28	Reappointment Maryland Chapter of National Emergency Numbers Assn. Term of 4 years from July 1, 2010
ENVIRONMENTAL SANITARIAN REGISTRATION, STATE BOARD OF	
Gwendolyn John 86 Premier Court Severna Park, Maryland 21146 Anne Arundel/33	Appointment Sanitarian - DHMH Term of 5 years from July 1, 2010
Veronica S. Moore 774 Yale Avenue Baltimore, Maryland 21229 Baltimore City/44	Appointment Sanitarian - At Large Term of 5 years from July 1, 2010
Karen L. Brandt 1064 Norfolk Drive La Plata, Maryland 20646 Charles/28	Appointment Consumer Term of 5 years from July 1, 2010
FORESTERS, STATE BOARD OF	
Syed A. Karim 7107 Intrepid Lane Gaithersburg, Maryland 20879 Montgomery/19	Appointment Consumer Remainder of a term of 5 years from July 1, 2009
HANDGUN PERMIT REVIEW BOARD	
Charles M. Thomas, Jr. 4505 Kenilworth Avenue Baltimore, Maryland 21212 Baltimore City/43	Reappointment Member Term of 3 years from March 27, 2010
HEALTH CARE COMMISSION, MARYLAND	
Barbara Gill McLean 3930 St. Pauls Road Manchester, Maryland 21102 Carroll/05	Reappointment No Industry Connection Term of 4 years from October 1, 2010

Marilyn L. Moon 6817 Wilson Lane Bethesda, Maryland 20817 Montgomery/16	Reappointment No Industry Connection/Chair Term of 4 years from October 1, 2010
Darren W. Petty, Sr. 3704 Old Federal Hill Road Jarrettsville, Maryland 21084 Harford/35	Reappointment No Industry Connection Term of 4 years from October 1, 2010
HEALTH RESOURCES COMMISSION, MARYLAND COMMUNITY	
Enrique E. Martinez-Vidal 18640 Queen Elizabeth Drive Brookeville, Maryland 20833 Montgomery/14	Reappointment Expertise Term of 4 years from July 1, 2010
HIGHER EDUCATION LABOR RELATIONS BOARD, STATE	
Holly B. Fechner 7213 Spruce Avenue Takoma Park, Maryland 20912 Montgomery/20	Reappointment Higher Education Term of 6 years from July 1, 2010
Harriet E. Cooperman 1743 St. Margaret's Road Annapolis, Maryland 21401 Anne Arundel/30	Reappointment Higher Education/Labor Term of 6 years from July 1, 2010
HISTORICAL TRUST BOARD OF TRUSTEES	
Randall F. Vega 805 Glen Allen Drive Baltimore, Maryland 21229 Baltimore City/41	Reappointment Member Term of 4 years from July 1, 2010
Alvin H. Luckenbach, Ph.D. 16 Eastern Avenue Annapolis, Maryland 21403 Anne Arundel/30	Reappointment Terrestrial Archaeology Term of 4 years from July 1, 2010
Samuel J. Parker, Jr. 5601 57th Avenue Riverdale, Maryland 20737 Prince George's/22	Appointment Member Remainder of a term of 4 years from July 1, 2006 and a term of 4 years from July 1, 2010
HOUSING TRUST BOARD OF TRUSTEES, MARYLAND AFFORDABLE	
Bert J. Hash 11705 Farside Road Ellicott City, Maryland 21042 Howard/09	Reappointment Financial Institution Term of 4 years from October 1, 2010
Kenneth Banks 903 Windsor Road Baltimore, Maryland 21208 Baltimore County/11	Reappointment For Profit Developer Term of 4 years from October 1, 2010

Eric C. Brown 524 Pimlico Road Baltimore, Maryland 21209 Baltimore City/41	Reappointment Public Housing Authority Term of 4 years from October 1, 2010
Sandra E. Crewe, Ph.D. 720 Narrowleaf Drive Largo, Maryland 20774 Prince George's/25	Reappointment Social Services Provider Term of 4 years from October 1, 2010
INFANTS AND TODDLERS, INTERAGENCY COORDINATING COUNCIL FOR	
Paula D. Boykin 218 Beech View Court Towson, Maryland 21286 Baltimore County/42	Reappointment Provider Term of 3 years from July 1, 2010
Linda Ramsey 207 Northern Parkway Baltimore, Maryland 21202 Baltimore City/43	Reappointment Provider Term of 3 years from July 1, 2010
Cascelia S. Burgess, Ed.D. 5504 Daywalt Avenue Baltimore, Maryland 21206 Baltimore City/45	Reappointment Provider Term of 3 years from July 1, 2010
The Honorable Guy Guzzone 9702 Deep Smoke Columbia, Maryland 21046 Howard/13	Appointment State Legislature Term of 3 years from July 1, 2008
Erin Stauder 303 Oak Forest Avenue Catonsville, Maryland 21228 Baltimore County/12	Reappointment Personnel Preparation Term of 3 years from July 1, 2010
Brenda Wilson 6 Rhodes Place Timonium, Maryland 21093 Baltimore County/11	Appointment State Agency – Maryland Insurance Administration Term of 3 years from July 1, 2009
Curtisha Hopkins 1805 Village Square Court Severn, Maryland 21144 Anne Arundel/32	Reappointment Parent Term of 3 years from July 1, 2010
Jill Taylor 28 Murdock Road Baltimore, Maryland 21212 Baltimore County/42	Reappointment DHR Foster Care Term of 3 years from July 1, 2010
LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS OF	

Christopher L. Schein 15 Thompson Avenue Annapolis, Maryland 21401 Anne Arundel/30	Reappointment Landscape Architect Term of 3 years from July 1, 2010
Lisa S. Keir 13907 Longnecker Road Reisterstown, Maryland 21136 Baltimore County/05	Reappointment Consumer Term of 3 years from July 1, 2010
LAND SURVEYORS, STATE BOARD FOR PROFESSIONAL	
John Vernon Mettee, III 316 Ponfield Road West Forest Hill, Maryland 21050 Harford/35	Reappointment Land Surveyor Term of 5 years from July 1, 2010
Donald J. Ocker 2000 Havirland Court Lexington Park, Maryland 20653 St. Mary's/29	Reappointment Property Line Surveyor Term of 5 years from July 1, 2010
LEGAL SERVICES CORPORATION BOARD OF DIRECTORS, MARYLAND	
Nancy A. Sachitano, Esq. 772 Oldchester Road Bethesda, Maryland 20817 Montgomery/16	Reappointment Attorney Term of 3 years from July 1, 2010
Teri A. Heger 20032 Alva Court Keedysville, Maryland 21756 Washington/02	Reappointment Nonlawyer Term of 3 years from July 1, 2010
LOTTERY COMMISSION, STATE	
Matthew Thomas 7810 New Ascot Lane Clinton, Maryland 20735 Prince George's/27	Reappointment Member Term of 4 years from January 9, 2010
MORTICIANS AND FUNERAL DIRECTORS, STATE BOARD OF	
Keith R. Downey 6984 Amber Fields Court Salisbury, Maryland 21804 Wicomico/38	Appointment Mortician Term of 4 years from July 1, 2010
John T. Stewart, III 5316 Tolson Road Temple Hills, Maryland 20748 Prince George's/26	Appointment Mortician Term of 4 years from July 1, 2010
Michelle H. Huggins 5 Brie Court Randallstown, Maryland 21133 Baltimore County/10	Appointment Consumer Term of 4 years from July 1, 2010

Rev. W. Henry Green 585 Kevins Drive Arnold, Maryland 21012 Anne Arundel/30	Reappointment Consumer Term of 4 years from July 1, 2010
NURSING, STATE BOARD OF	
Meredith S. Levert 24113 Pecan Grove Lane Gaithersburg, Maryland 20882 Montgomery/14	Reappointment Consumer Term of 4 years from July 1, 2010
OPTOMETRY, STATE BOARD OF EXAMINERS IN	
Frederick J. Walsh 22 Bellchase Court Baltimore, Maryland 21208 Baltimore County/11	Reappointment Consumer Term of 4 years from June 1, 2010
PATUXENT INSTITUTION BOARD OF REVIEW	
Archie Curtis Gee, Sr. 903 Stamford Road Baltimore, Maryland 21229 Baltimore City/41	Appointment Public Term of 4 years from March 21, 2010
PATUXENT RIVER COMMISSION	
Frederick L. Tutman 18600 Queen Anne Road Upper Marlboro, Maryland 20774 Prince George's/23	Reappointment Farming Term of 4 years from October 1, 2009
Barbara Sollner-Webb 17200 Melbourne Drive Laurel, Maryland 20707 Prince George's/21	Reappointment Environmental/Citizen Term of 4 years from October 1, 2009
Mary E. Kilbourne 14706 Willoughby Road Upper Marlboro, Maryland 20772 Prince George's/23	Reappointment Environmental/Citizen Term of 4 years from October 1, 2009
F. Hamer Campbell, Jr. 6400 West Vein Road Bowie, Maryland 20720 Prince George's/23	Reappointment Developer Term of 4 years from October 1, 2009
Walter R. Boynton 2005 Henry Hutchins Road Prince Frederick, Maryland 20678 Calvert/27	Reappointment Academic Term of 4 years from October 1, 2009
Kelton L. Clark 103 First Street Annapolis, Maryland 21401 Anne Arundel/33	Reappointment Academic Term of 4 years from October 1, 2009

David G. Bourdon 3891 Plum Point Road Huntingtown, Maryland 20639 Calvert/27	Reappointment Soil Conservation District Term of 4 years from October 1, 2009
Luis Dieguez 30120 Dudley Road Mechanicsville, Maryland 20659 St. Mary's/29	Reappointment Soil Conservation District Term of 4 years from October 1, 2009
John W. Fringer, Jr. 13386 Rousby Hall Road Lusby, Maryland 20657 Calvert/29	Appointment Waterman Term of 4 years from October 1, 2009
Pamela B. King 26648 Tin Top School Road Mechanicsville, Maryland 20659 St. Mary's/29	Reappointment UMCES Term of 4 years from October 1, 2009
PHARMACY, STATE BOARD OF	
Zeno W. St. Cyr, II 601 River Bend Road Fort Washington, Maryland 20744 Prince George's/26	Appointment Consumer Term of 4 years from July 1, 2010
PLUMBING, STATE BOARD OF	
Joseph A. Radtka 3 Severndale Road Severna Park, Maryland 21146 Anne Arundel/33	Reappointment Plumber – Southern Maryland Term of 3 years from May 1, 2010
Russell A. Wiebking 2575 Sand Hill Road Ellicott City, Maryland 21042 Howard/09	Reappointment Plumber – Northern/North Central Maryland Term of 3 years from May 1, 2010

POLICE TRAINING COMMISSION	
Chief Bernadette M. DiPino 712 N. Surf Road Ocean City, Maryland 21842 Worcester/38	Reappointment Police Official Term of 3 years from June 1, 2010
PORT COMMISSION, MARYLAND	
Theodore G. Venetoulis 24 Woodward Lane Lutherville, Maryland 21093 Baltimore County/11	Reappointment Member Term of 3 years from July 1, 2010

Donald C. Fry 2726 Edwin Drive Bel Air, Maryland 21015 Harford/35	Reappointment Member Term of 3 years from July 1, 2010
PREVAILING WAGE RATES, ADVISORY COUNCIL ON	
James L. Correll 10 Timber Run Court Reisterstown, Maryland 21136 Baltimore County/11	Reappointment Labor Term of 3 years from July 1, 2010
PROFESSIONAL ENGINEERS, STATE BOARD FOR	
David G. Mongan 2341 Elderberry Lane Reisterstown, Maryland 21136 Carroll/05	Appointment Civil Engineer Remainder of a term of 5 years from July 1, 2008
Sandra J. Murphy 9602 Merikern Lane Largo, Maryland 20774 Prince George's/25	Reappointment Consumer Term of 5 years from July 1, 2010
PSYCHOLOGISTS, STATE BOARD OF	
Lydia McCargo-Redd 10217 Harvest Fields Drive Woodstock, Maryland 21163 Baltimore County/11	Appointment Consumer Term of 4 years from July 1, 2010
Jeffrey E. Barnett, Psy.D. 747 Buckeye Court Millersville, Maryland 21108 Anne Arundel/33	Appointment Psychologist – ETR Term of 4 years from July 1, 2010
Myra A. Waters, Ph.D. 4116 Maple Path Circle Nottingham, Maryland 21236 Baltimore County/08	Reappointment Psychologist – ETR Term of 4 years from July 1, 2010
PUBLIC SERVICE COMMISSION	
Lawrence Brenner, Esquire 12512 Deoudes Road Boyds, Maryland 20841 Montgomery/15	Reappointment Member Term of 5 years from July 1, 2010
RACING COMMISSION, STATE	
David Hayden 16123 Dark Hollow Road P.O. Box 68 Upperco, Maryland 21155 Baltimore County/05	Reappointment Thoroughbred Racing Term of 4 years from July 1, 2010

John B. Franzone 621 Dunloy Court Timonium, Maryland 21093 Baltimore County/42	Reappointment Member Term of 4 years from July 1, 2010
REAL ESTATE COMMISSION, STATE	
Marla S. Johnson 2762 Lynn Street Frederick, Maryland 21704 Frederick/03	Reappointment Realtor – Western Maryland Term of 4 years from June 1, 2010
Juan Munoz 5405 Tuckerman Lane, Apt. 412 Rockville, Maryland 20852 Montgomery/16	Appointment Consumer Term of 4 years from June 1, 2010
Jeff M. Thaler 607 S. Pacific Avenue Ocean City, Maryland 21842 Worcester/38	Appointment Consumer Remainder of a term of 4 years from June 1, 2007
RESIDENTIAL BOARDING EDUCATION PROGRAMS, BOARD OF TRUSTEES OF	
Morton P. Fisher, Jr. 2435 Still Forest Road Baltimore, Maryland 21208 Baltimore County/42	Reappointment Member Term of 3 years from July 1, 2010
SOCIAL WORK EXAMINERS, STATE BOARD OF	
Joyce A. Bell, Ph.D. 10740 Jones Creek Circle Princess Anne, Maryland 21853 Somerset/38	Appointment LCSW – Clinical Term of 4 years from July 1, 2010
Thomas P. Smith 329 W. Riverview Road Brooklyn, Maryland 21225 Anne Arundel/31	Reappointment LSW Term of 4 years from July 1, 2010
ST. MARY'S COLLEGE OF MARYLAND BOARD OF TRUSTEES	
Hon. Sheila E. Hixson 1008 Broadmore Circle Silver Spring, Maryland 20904 Montgomery/20	Appointment Member Term of 6 years from June 1, 2009
Hon. James A. Kenney, III 26095 Sotterley Heights Road Hollywood, Maryland 20636 St. Mary's/29	Appointment Member Term of 6 years from June 1, 2009
TECHNOLOGY DEVELOPMENT CORPORATION (TEDCO) BOARD OF DIRECTORS, MARYLAND	

Claire M. Fraser-Liggett, Ph.D. 12986 Brighton Dam Road Clarksville, Maryland 21029 Howard/09	Appointment Nonprofit Research Term of 4 years from July 1, 2008
W. Winston Chan, Ph.D. 6308 Wood Pointe Drive Glenn Dale, Maryland 20769 Prince George's/23	Reappointment Tech-based Business Term of 4 years from July 1, 2009
Dorothy E. Brunson 3419 Bancroft Road Baltimore, Maryland 21215 Baltimore City/41	Reappointment Venture Capital Financing Term of 4 years from July 1, 2010
Jay A. Steinmetz 213 Paddington Road Baltimore, Maryland 21212 Baltimore City/43	Reappointment Tech-based Business Term of 4 years from July 1, 2010
Bill Anderson 304 Brushwood Drive Owings Mills, Maryland 21117 Baltimore County/11	Appointment Tech-based Business Remainder of a term of July 1, 2008
Amita Shukla 7111 Woodmont Avenue, Apt. 503 Bethesda, Maryland 20815 Montgomery/16	Appointment Venture Capital Financing Term of 4 years from July 1, 2009
John H. Lewin, III 4607 Wilmslow Road Baltimore, Maryland 21210 Baltimore City/41	Reappointment General Public Term of 4 years from July 1, 2010
Eugene M. DeLoatch, Ph.D. 2400 Fairhill Drive P.O. Box 177 Suitland, Maryland 20752 Prince George's/24	Reappointment College or University Term of 4 years from July 1, 2010
Lynn Johnson Langer 11704 Owens Glen Way North Potomac, Maryland 20878 Montgomery/39	Appointment College or University Term of 4 years from July 1, 2009
TOURISM DEVELOPMENT BOARD, MARYLAND	
Samuel J. Parker, Jr. 5601 57th Avenue Riverdale, Maryland 20737 Prince George's/22	Reappointment Attractions Term of 3 years from July 1, 2010
Khaled M. Said Abdallah 5553 Broadwater Lane Clarksville, Maryland 21029 Howard/09	Reappointment Lodging Term of 3 years from July 1, 2010

Linda Westgate 9417 Lyonswood Drive Owings Mills, Maryland 21117 Baltimore County/11	Reappointment Lodging Term of 3 years from July 1, 2010
WATERWORKS AND WASTE SYSTEMS OPERATORS, STATE BOARD OF	
Nancy Hausrath 13610 Scofield Road Flintstone, Maryland 21530 Allegany/01	Reappointment Municipal Government Term of 4 years from July 1, 2010
Joseph D. Johnson 2850 Bethany Lane Ellicott City, Maryland 21042 Howard/09	Reappointment Waterworks Supervision Term of 4 years from July 1, 2010
William A. Shreve, Sr. 20368 Gilliam Drive Park Hall, Maryland 20667 St. Mary's/29	Reappointment Wastewater Works Supervision Term of 4 years from July 1, 2010
Hiram Tanner 12308 Longwater Drive Mitchellville, Maryland 20721 Prince George's/23	Appointment Agriculture Remainder of a term of 4 years from July 1, 2008
Dominic Deludos, Jr. 7119 Crestshire Road Baltimore, Maryland 21222 Baltimore County/06	Reappointment Industrial Wastewater Works Superintendents Term of 4 years from July 1, 2010
Jerald R. Wheeler 508 Michaelsville Road P.O. Box 67 Perryman, Maryland 21130 Harford/34	Reappointment DNR Term of 4 years from July 1, 2010
WORKERS' COMPENSATION COMMISSION, ADVISORY COMMITTEE ON THE BUDGET OF THE	
Michael J. Schreyer, Esq. 8270 Hudson Drive La Plata, Maryland 20646 Charles/28	Reappointment Member Term of 3 years from July 1, 2010
Karen L. Ebersole 10138 Garis Shop Road Hagerstown, Maryland 21740 Washington/02	Reappointment Member Term of 3 years from July 1, 2010
WORKFORCE CORPORATION, MARYLAND	
Barbara R. Denman 4318 Tuckerman Street University Park, Maryland 20782 Prince George's/22	Reappointment Member Term of 4 years from July 1, 2010

Irene M. Zoppi Rodriguez 2309 Westport Lane Crofton, Maryland 21114 Anne Arundel/33	Reappointment Member Term of 4 years from July 1, 2010
Hon. Francis Jack Russell 16127 Piney Point Road P.O. Box 134 Piney Point, Maryland 20674 St. Mary's/29	Appointment Member Term to expire June 30, 2012
H. Walter Townshend, III 1504 Pittsfield Lane Mitchellville, Maryland 20716 Prince George's/23	Appointment Member Term to expire June 30, 2011
Stuart M. Bounds 28694 Emanuel Street Easton, Maryland 21601 Talbot/37	Appointment Member Term to expire June 30, 2010 and a term of 4 years from July 1, 2010

ALLEGANY COLLEGE OF MARYLAND BOARD OF TRUSTEES	
Kim B. Leonard 801 Nemacolin Road Cumberland, Maryland 21502 Allegany/01	Reappointment Member Term of 6 years from July 1, 2010
Victor Raul Felipa, M.D. 925 Bishop Walsh Road Cumberland, Maryland 21502 Allegany/01	Reappointment Member Term of 6 years from July 1, 2009
ANNE ARUNDEL COMMUNITY COLLEGE BOARD OF TRUSTEES	
Arthur D. Ebersberger 51 Boone Trail Severna Park, Maryland 21146 Anne Arundel/33	Reappointment Member Term of 6 years from July 1, 2010
Morgan O'Brien 1100 Broadview Drive Annapolis, Maryland 21409 Anne Arundel/30	Appointment Student Term of 1 year from July 1, 2010
BALTIMORE COUNTY, COMMUNITY COLLEGE TRUSTEES FOR	
Warren C. Hayman, Ed.D. 3603 ½ Patterson Avenue Baltimore, Maryland 21207 Baltimore County/10	Reappointment 4th Councilmanic District Term of 5 years from July 1, 2010
Hon. Barbara Kerr Howe	Reappointment

8 Hampshire Woods Court Towson, Maryland 21204 Baltimore County/42	5th Councilmanic District Term of 5 years from July 1, 2010
FREDERICK COMMUNITY COLLEGE BOARD OF TRUSTEES	
Doris J. White 6004 Lundgren Drive Frederick, Maryland 21701 Frederick/03	Reappointment Member Term of 5 years from July 1, 2010
HAGERSTOWN COMMUNITY COLLEGE BOARD OF TRUSTEES	
Merle S. Elliott 13237 Fountain Head Road Hagerstown, Maryland 21742 Washington/02	Reappointment Member Term of 6 years from July 1, 2010
HARFORD COUNTY BOARD OF ELECTIONS	
Maria A. Terry 333 Oak Street Aberdeen, Maryland 21001 Harford/34	Appointment Majority Party – Substitute Remainder of a term of 4 years from June 4, 2007

MONTGOMERY COLLEGE BOARD OF TRUSTEES	
Kenneth J. Hoffman, M.D. 1511 Auburn Avenue Rockville, Maryland 20850 Montgomery/17	Appointment Member Remainder of a term of 6 years from July 1, 2005
Marsha S. Smith 2204 Eaglesham Court Olney, Maryland 20832 Montgomery/14	Reappointment Member Term of 6 years from July 1, 2010
PRINCE GEORGE'S COMMUNITY COLLEGE BOARD OF TRUSTEES	
William Dean Frazier 10509 Water Point Way Mitchellville, Maryland 20721 Prince George's/25	Reappointment Member Term of 5 years from July 1, 2010
Lynn Loughlin Skerpon 2101 Bermondsey Drive Mitchellville, Maryland 20721 Prince George's/23	Appointment Member Remainder of a term of 5 years from July 1, 2009

The Message from the Executive, being of an Executive nature, was referred to the Committee on Executive Nominations.

INTRODUCTION OF BILLS

Senate Bill 962 – Senators Raskin and Madaleno

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Montgomery County – Old Blair High School Auditorium

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2005 to extend the date by which the Board of Directors of the Old Blair Auditorium Project, Inc. must present evidence that a matching fund will be provided.

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 65 of the Acts of the General Assembly of 2007, Chapter 219 of the Acts of the General Assembly of 2008, and Chapter 707 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA01(AR) and Item ZA02(AV)

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

Senate Bill 963 – Senator Muse

AN ACT concerning

Creation of a State Debt – Prince George's County – Hope Institute

FOR the purpose of authorizing the creation of a State Debt not to exceed $100,000, the proceeds to be used as a grant to the Board of Directors of Community Builders, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.
Read the first time and referred to the Committee on Rules.

Senate Bill 964 – Senator Muse

AN ACT concerning

State Government – Sickle Cell Anemia Awareness Month

FOR the purpose of requiring the Governor to proclaim the month of September to be "Sickle Cell Anemia Awareness Month".

BY adding to
Article – State Government
Section 13–503
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 965 – Senator Muse

AN ACT concerning

Creation of a State Debt – Prince George's County – Evangel Assembly Family Life Center

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

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

Senate Bill 966 – Senators Pugh, Harrington, Lenett, Madaleno, McFadden, Muse, and Raskin

AN ACT concerning

Education – High School Diploma by Examination

FOR the purpose of altering the eligibility requirement for obtaining a high school diploma by examination by repealing a certain waiting period; repealing the authority of the Secretary of Labor, Licensing, and Regulation to waive a certain withdrawal requirement; and generally relating to the eligibility requirements for an individual to obtain a high school diploma by examination.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 11–808
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 967 – Senator Astle

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Entertainment Complex License

FOR the purpose of creating in Anne Arundel County an alcoholic beverages entertainment complex license; specifying the type of facility for which a license may be issued; specifying the privileges of the license; specifying the persons to whom a license may be issued; declaring that the holder of the license may obtain another alcoholic beverages license; stating that the license allows the playing of music and dancing; providing for a fee; defining a certain term; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY adding to
Article 2B – Alcoholic Beverages
Section 8–202(k)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Senate Bill 968 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – William Paca House

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

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

Senate Bill 969 – Senator Reilly

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Carroll Field Puglise Stadium Field Lights

FOR the purpose of authorizing the creation of a State Debt not to exceed $125,000, the proceeds to be used as a grant to the Board of Directors of the Arundel Boosters Club, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 970 – Senators Conway and McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Long–Term Care at Stadium Place

FOR the purpose of authorizing the creation of a State Debt not to exceed $350,000, the proceeds to be used as a grant to the Board of Directors of the Govans Ecumenical Development Corporation, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 971 – Senators Klausmeier, Astle, Della, Exum, Madaleno, Munson, Pinsky, Pipkin, Pugh, and Rosapepe

EMERGENCY BILL

AN ACT concerning

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

FOR the purpose of requiring the Public Service Commission to adopt regulations to limit the authority of a public service company to terminate gas or electric service to a residential customer in arrears under certain circumstances; requiring certain regulations to require a public service company to offer customers the option of entering into a certain alternative payment agreement under certain circumstances; requiring public service companies to provide certain notice to residential customers related to certain alternative payment agreement options; requiring 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; requiring 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; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the termination of gas and electric service by a public service company to residential customers.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–307
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 972 – Senator Klausmeier

AN ACT concerning

Department of State Police – Collective Bargaining – Police Employees

FOR the purpose of establishing collective bargaining rights for certain police employees in the Department of State Police; specifying which police employees are eligible to participate in the collective bargaining process; requiring certain individuals or entities to designate one or more representatives to participate as a party in collective bargaining; requiring the parties to meet at reasonable times and engage in collective bargaining in good faith; requiring the exclusive representative to make a certain notification of the intent to commence negotiations on or before a certain date; requiring the parties to begin negotiations on or before a certain date; requiring the parties to conclude negotiations on or before a certain date for inclusion in a certain budget request; requiring the parties to conclude negotiations on or before a certain date for certain items; requiring the Governor to include certain amounts in the budget bill; authorizing a party under certain circumstances to provide written notice that an impasse has been reached and request that a fact finder be employed to resolve the issues; providing for the employment of a fact finder; establishing the powers and duties of the fact finder; authorizing the fact finder to receive and consider certain evidence; requiring the written recommendations of the fact finder to be delivered to certain parties; establishing that, under certain circumstances, certain written recommendations of the fact finder are binding on certain parties; authorizing a party to file a motion to vacate or modify the fact finder's recommendation in a certain manner under certain circumstances; authorizing a court to vacate or modify the fact finder's recommendation in a certain manner under certain circumstances; authorizing the parties to modify certain terms by mutual agreement; authorizing the fact finder to stop or delay

impasse procedures under certain circumstances; providing that impasse procedures may not be stopped or delayed because of certain acts; authorizing the parties to reach a certain voluntary settlement; prohibiting a party from altering certain conditions of employment during a certain period of time except under certain circumstances; requiring a memorandum of understanding to be executed in a certain manner; requiring certain matters to be recommended to the General Assembly for approval or appropriation of funds; providing that negotiations for a memorandum of understanding are considered closed sessions; providing for the application of this Act; defining a certain term; and generally relating to collective bargaining of police employees in the Department of State Police.

BY adding to
Article – Public Safety
Section 2–419
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

Senate Bill 973 – Senator Madaleno

AN ACT concerning

Criminal Law – Flavored Cigars – Prohibition on Sale

FOR the purpose of prohibiting a person from selling or distributing or offering to sell or distribute a cigar or component part of a cigar that contains a certain constituent; providing for the scope of the Act; establishing penalties for a violation of this Act; authorizing the Comptroller to deny a license to a certain applicant, reprimand a certain licensee, or suspend or revoke a certain license if the applicant or licensee sells or distributes cigars in violation of a certain provision of this Act; providing that certain cigars may continue to be sold until a certain date, notwithstanding the provisions of this Act; and generally relating to the sale and distribution of tobacco products.

BY adding to
Article – Criminal Law
Section 10–106.1
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 16–210
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

Senate Bill 974 – Senators Colburn and Kittleman

AN ACT concerning

Optional Retirement Program – State and Participating Governmental Unit Employees – Participation

FOR the purpose of providing that only certain individuals serving as Governor are eligible for a certain defined benefit retirement allowance; providing that, on or after a certain date, certain individuals are not eligible to join the Employees' Pension System, the Teachers' Pension System, the State Police Retirement System, the Correctional Officers' Retirement System, the Law Enforcement Officers' Pension System, or the Judges' Retirement System; requiring that, on or after a certain date, certain individuals are required to join the optional retirement program as a condition of employment; providing that certain supervising employers are not responsible for the payment of certain benefits payable under the optional retirement program; requiring certain supervising employers to administer certain aspects of the participation of certain employees participating in the optional retirement program; providing that certain employees are eligible to participate in the optional retirement program; requiring that certain employees who elect to participate in the optional retirement program make such an election within a certain period of time and in a certain manner; requiring certain participating governmental units that elect to participate in the State Retirement and Pension System on or after a certain date to participate in the optional retirement program; requiring certain participating governmental units that elect to participate in the optional retirement program to make such an election in a certain manner; providing for the effective date of participation for certain participating governmental units that elect to participate in the optional retirement program; prohibiting a participating governmental unit from transferring certain service credit of certain employees of the participating governmental unit to the optional retirement program; providing that a legislative body of certain participating governmental units may withdraw from the optional retirement program in a certain manner; defining certain terms; making a stylistic change; and generally relating to providing State employees and employees of participating governmental units with a defined contribution retirement benefit.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 22–405, 23–203, 23–204(c) and (d), 23–208, 24–202, 24–203, 25–202, 26–202(a), 30–101, 30–201, 30–202, 30–207, 30–210, 30–301, 30–302, 30–303, 30–305, 30–307(e), 31–101(c), (d), and (h), 31–102, 31–109, 31–113, 31–2A–01(b) and (c), 31–2A–02, 31–2A–03, 31–2A–05,

31–2B–01(b) and (c), 31–2B–02, 31–2B–03, 31–2B–05, 31–301, 31–302, 31–304, and 31–306
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 27–201.1, 31–109.2, 31–109.3, 31–111.7, 31–112.1, 31–2A–03.2, 31–2A–03.3, 31–2A–04.1, 31–2B–03.1, and 31–2B–04.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 31–101(a), 31–2A–01(a), and 31–2B–01(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 975 – Senator Dyson

AN ACT concerning

Task Force to Study Erosion in Areas of Puritan Tiger Beetle Habitat

FOR the purpose of establishing the Task Force to Study Erosion in Areas of Puritan Tiger Beetle Habitat; providing for the membership and duties of the Task Force; requiring the Task Force to designate a chair from among its members; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to report its findings and recommendations to the Governor and certain committees of the General Assembly by a certain date; providing for the termination of this Act; and generally relating to the establishment of the Task Force to Study Erosion in Areas of Puritan Tiger Beetle Habitat.

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

Senate Bill 976 – Senator Colburn

AN ACT concerning

Income Tax – Film Production Activity Credit

FOR the purpose of repealing the Film Production Rebate Program; allowing certain film production entities to claim a credit against the State income tax for

certain costs incurred for certain film production activities within the State; requiring a film production entity to apply with the Department of Business and Economic Development to be a qualified film production entity; requiring the Secretary of Business and Economic Development to determine if the film production entity qualifies for the credit; requiring that the estimated total direct costs incurred in the State exceed a certain amount; authorizing the Secretary to require the entity to provide certain information; authorizing the Secretary to require that certain information be verified by an independent auditor; requiring a qualified film production entity to apply for a tax credit certificate from the Department; authorizing the Secretary to provide for the form of the application; requiring the application to include certain information; requiring the Secretary to determine the total direct costs that qualify for the tax credit and issue a tax credit certificate for a certain percentage of the total direct costs; requiring the Secretary to notify the Comptroller of the amount of any tax credit certificate issued; providing that the total direct costs for a film production activity may not include the wages of an employee if the employee's wages exceed a certain amount; requiring that each year the Department report to the Governor and the General Assembly certain information regarding the tax credit; requiring the Department and the Comptroller to jointly adopt certain regulations; defining certain terms; providing for the application of this Act; and generally relating to an income tax credit for certain film production activities.

BY repealing
Article – Economic Development
Section 4–401 through 4–407 and the subtitle "Subtitle 4. Film Production Rebate Fund"
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY adding to
Article – Tax – General
Section 10–728
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

Senate Bill 977 – Senator Colburn

AN ACT concerning

Caroline County – Bay Restoration Fee – Lien Against Property

FOR the purpose of establishing in Caroline County that an unpaid Bay Restoration Fee is a lien against the property on which the wastewater facility, onsite sewage disposal system, or holding tank is located; requiring a notice of lien to

be recorded in the land records of Caroline County; and generally relating to the Bay Restoration Fee.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.2(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 978 – Senator Colburn

AN ACT concerning

Talbot County – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in Talbot County to hunt for deer on private property with a bow and arrow on certain Sundays during certain months; and generally relating to deer hunting in Talbot County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 74 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Maryland Uniform Interstate Family Support Act – Revision

FOR the purpose of revising the Maryland Uniform Interstate Family Support Act; altering the circumstances under which a tribunal of this State is authorized to exercise personal jurisdiction over a nonresident individual in a proceeding to establish or enforce a child support order or to determine parentage; specifying who is required to give notice of a request for a determination of the controlling support order; authorizing the Attorney General to provide certain services to

certain individuals; altering certain rules of evidence and procedure; altering the circumstances under which a support enforcement agency or tribunal of this State is required to redirect certain payments; altering a certain provision governing the recognition of a support order modified in another state; and generally relating to the revision of the Maryland Uniform Interstate Family Support Act.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 10–304(a), 10–310, 10–320, 10–328, 10–331, and 10–351
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 75 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Criminal Law – Escape from Juvenile Facility

FOR the purpose of altering the elements of the crimes of escape in the first degree and escape in the second degree to include a prohibition against escape from a privately operated, ~~physically~~ hardware secure facility for juveniles committed to the Department of Juvenile Services; defining a certain term; altering a certain definition; and generally relating to escape from a juvenile facility.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 9–401, 9–404, and 9–405
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Human Services
Section 9–226
Annotated Code of Maryland
(2007 Volume and 2009 Supplement)

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

House Bill 77 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claims by Victims Outside the United States

FOR the purpose of altering the definition of "crime" for purposes of the Criminal Injuries Compensation Board to make certain residents of the State against whom certain acts are committed in certain other countries eligible for an award from the Board; and generally relating to the eligibility for awards from the Criminal Injuries Compensation Board.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–801
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 122 – Delegates Anderson, Barnes, Benson, Bronrott, Burns, Carter, Conaway, Conway, George, Glenn, Gutierrez, Guzzone, Harrison, Haynes, Hucker, Ivey, Kirk, Levi, McComas, McIntosh, Murphy, Nathan–Pulliam, O'Donnell, Oaks, Pena–Melnyk, Proctor, Ramirez, Robinson, Rosenberg, Ross, Schuler, Shank, Smigiel, Stukes, Tarrant, V. Turner, and Vallario

AN ACT concerning

Criminal Procedure – Board of Trustees of the Office of the Public Defender – Modification

FOR the purpose of repealing a provision of law requiring that the Public Defender serve at the pleasure of the Board of Trustees of the Office of the Public Defender; specifying that the ~~Governor~~ Board of Trustees, by a certain vote, may remove the Public Defender for certain reasons~~, only on the recommendation of the Board of Trustees~~; increasing the number of members of the Board of Trustees; altering the method of selection of the members and chair of the Board of Trustees; requiring each member of the Board of Trustees to have demonstrated commitment to indigent defense; increasing the number of members of the Board of Trustees who are required to be active attorneys admitted to practice before the Court of Appeals of Maryland; prohibiting a prosecutor, judge, or law enforcement officer from being a member of the Board of Trustees; providing for the staggering of terms of the Board of Trustees; specifying that at the end of a term a member of the Board of Trustees continues to serve until a successor is appointed and qualifies; authorizing the reappointment to the Board of Trustees of a member whose term has expired; increasing the quorum of the Board of Trustees; repealing provisions of law relating to regional advisory boards of the Office of the Public Defender; requiring that the initial members of the Board of Trustees be appointed on or

before a certain date; specifying the terms of the initial members of the Board of Trustees; providing that a member of the Board of Trustees who is serving on the effective date of this Act shall continue to serve until a successor is appointed and qualifies; and generally relating to the Office of the Public Defender.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 16–203(a) and 16–301
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing
Article – Criminal Procedure
Section 16–303 and 16–304
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 138 – Delegates Waldstreicher, Vallario, Anderson, Barnes, Carter, Conaway, Dumais, Dwyer, Frank, Jennings, Kelly, Kramer, Lee, Levi, McComas, McConkey, Ramirez, Rosenberg, Schuler, Simmons, Smigiel, and Valderrama

AN ACT concerning

Criminal Injuries Compensation Board – Right to Hearing

FOR the purpose of providing that a claim filed with the Criminal Injuries Compensation Board is subject to certain provisions of the Administrative Procedure Act; providing that if a claimant requests a hearing after the Board has issued proposed findings of fact, conclusions of law, or orders, the Board shall hold a hearing before the Board issues final findings of fact, conclusions of law, or orders; and generally relating to the Criminal Injuries Compensation Board.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–815
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 161 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Family Law – ~~Permanency Planning and~~ Guardianship Review Hearings – Consultation with Child

FOR the purpose of requiring the juvenile court, in certain ~~permanency planning and~~ guardianship review hearings, to ~~place on the record a certain consultation with the child~~ consult on the record with the child in a certain manner at certain intervals; and generally relating to certain ~~permanency planning and~~ guardianship review hearings.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–823(b), (c), ~~and~~ (h)(1), and (k)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Courts and Judicial Proceedings~~
~~Section 3–823(k)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2009 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–326(a)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Family Law
Section 5–326(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 168 – Delegates Rosenberg, Anderson, and Dumais

AN ACT concerning

Architectural ~~or~~, Engineering, Inspecting, or Surveying Services – ~~Construction Industry –~~ Indemnity Agreements – Void

FOR the purpose of providing that certain indemnity agreements relating to certain architectural ~~or~~, engineering, inspecting, or surveying services are against

public policy and are void and unenforceable under certain circumstances; providing that certain provisions of law do not affect the validity of a certain indemnity agreement; clarifying language; making stylistic changes; providing for the application of this Act; and generally relating to certain ~~construction industry~~ indemnity agreements.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–401(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 208 – Delegates Schuler, Anderson, Barnes, Cardin, Carter, Conaway, Ramirez, Rosenberg, Simmons, Smigiel, Stein, and Valderrama

AN ACT concerning

Courts – County Administrative Judge – Responsibilities

FOR the purpose of establishing that the date for trial of a criminal matter in the circuit court shall be set by the county administrative judge or a designee of the judge; authorizing a county administrative judge to delegate to any judge, committee of judges, or officer or employee of the Judicial Branch of State government any of the administrative responsibilities, duties, and functions of the county administrative judge; and generally relating to the responsibilities of county administrative judges.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–103
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

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

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

Senate Bill 103 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Examiners of Landscape Architects – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 104 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 145 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Examiners in Optometry – Sunset Extension and Program Evaluation

SB0145/714735/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 145
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "law)" insert "by extending".

AMENDMENT NO. 2

On page 2, in line 25, after "issued" insert "and the trends in the renewal of previously issued licenses"; in line 26, strike "decline" and substitute "Board's findings"; strike beginning with "Track" in line 27 down through "(3)" in line 30; and in line 32, strike "(4)" and substitute "(3)".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 146 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Physical Therapy Examiners – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 147 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board for Professional Land Surveyors – Sunset Extension and Program Evaluation

SB0147/224630/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 147
(First Reading File Bill)

On page 2, in line 23, strike "Environmental" and substitute "Economic".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 148 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Pilots – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 149 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Plumbing – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 164 – Senator Conway

AN ACT concerning

Advisory Committee on the Naming of State Facilities, Roads, and Bridges – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 217 – Senator Stone

AN ACT concerning

Maryland Locksmiths Act – Exemptions – Repossession of Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Senate Bill 20 – Senator Colburn

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses

SB0020/354930/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 20
(First Reading File Bill)

On page 5, in line 2, strike "**AND**"; and in line 6, after "**ARTICLE**" insert "**; AND**

5. THE RECIPIENT OF FUNDING UNDER THIS SUBPARAGRAPH HAS TAKEN ADEQUATE STEPS TO GUARANTEE THAT ANY FUTURE CONNECTION TO THE EXISTING MUNICIPAL WASTEWATER FACILITY CONSTRUCTED WITH FUNDING PROVIDED UNDER THIS SUBPARAGRAPH MEETS ALL OF THE REQUIREMENTS OF THIS SUBPARAGRAPH".

The preceding amendment was read only.

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

The motion was adopted.

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

Senate Bill 92 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

EMERGENCY BILL

AN ACT concerning

Department of Natural Resources – Boating Safety Requirements

SB0092/934130/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 92
(First Reading File Bill)

On page 1, in line 7, strike "obtain" and substitute "possess"; in line 8, strike "under certain circumstances and" and substitute "or"; and in line 9, after "requirements" insert "under certain circumstances".

On page 3, in line 3, strike "**BE**" and substitute "**1. IF OPERATING A VESSEL UNDER 11 FEET IN LENGTH, BE UNDER THE SUPERVISION OF A PERSON WHO HAS OBTAINED A CERTIFICATE OF BOATING SAFETY EDUCATION AND IS ABOARD THE VESSEL; OR**

2. IF OPERATING A VESSEL 11 FEET IN LENGTH OR GREATER, BE".

The preceding amendment was read only.

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

The motion was adopted.

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

Senate Bill 96 – The President (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Washington Suburban Sanitary Commission

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 249 – The President (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Public Utilities and Washington Suburban Sanitary Commission – Cross–References

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #8

CONSENT CALENDAR #52

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

Senate Bill 122 – Senators Brochin and Stone

AN ACT concerning

Baltimore County – Towson Commercial Revitalization District – Alcoholic Beverages Licenses – Restaurants – Minimum Capital Investment and Transfers

SB0122/454735/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 122
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "– Minimum" in line 3 down through "Transfers" in line 4; in line 5, strike "lowering" and substitute "altering"; in line 6, strike "minimum"; in line 8, after "issued;" insert "altering the food sales and seating capacity requirements for certain restaurants;"; strike beginning with "reducing" in line 8 down through "circumstances;" in line 9; and in line 13, strike "and (b)(1)" and substitute ", (b)(1), and (f)".

On page 2, in line 1, strike "8-204.3(f)" and substitute "8-204.3(d)(3) and (5)".

AMENDMENT NO. 2

On page 2, after line 18, insert:

"(d) (3) **[**The**] EXCEPT AS PROVIDED IN SUBSECTION (E)(2)(II) OF THIS SECTION, THE** restaurant operation shall maintain average daily receipts from the sale of food at least 65% of the total daily receipts of the restaurant.

(5) **[**The**] EXCEPT AS PROVIDED IN SUBSECTION (E)(2)(III) OF THIS SECTION, THE** area dedicated to the restaurant operation shall have a minimum seating capacity of 100 persons.";

in line 27, strike "**SIX**" and substitute "**SEVEN**"; in line 31, strike "**FOUR**" and substitute "**THREE**"; in the same line, strike "**, APPLICANTS**" and substitute "**:**

(I) APPLICANTS";

in line 32, strike "**MINIMUM**"; and in line 34, strike "**$50,000.**" and substitute "**NOT LESS THAN $50,000 OR MORE THAN $400,000;**

(II) THE RESTAURANT OPERATION MAINTAIN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD AT LEAST 70% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND

(III) THE AREA DEDICATED TO THE RESTAURANT OPERATION HAVE:

1. A MAXIMUM SEATING CAPACITY OF 100 PERSONS, WITH THE SEATING CAPACITY IN THE BAR AREA NOT EXCEEDING 15% OF THE TOTAL SEATING CAPACITY OF THE RESTAURANT; AND

2. A MINIMUM SEATING CAPACITY OF 40 PERSONS.".

On page 3, in line 3, strike the brackets; and in the same line, strike "**1 YEAR**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 173 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City Police Department Death Relief Fund – Procedures and Benefit Amount

SB0173/134037/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 173
(First Reading File Bill)

On page 1, strike beginning with "requiring" in line 7 down through "office;" in line 10; and in line 24, strike "and (d)".

On page 2, strike in their entirety lines 31 through 36, inclusive.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #5

Senator Middleton, Chair, for the Committee on Finance moved the following Bill be re–referred to the Committee on Finance and the Committee on Education, Health, and Environmental Affairs:

Senate Bill 741 – Senators Jacobs, Brinkley, Colburn, Haines, Harris, Kittleman, Mooney, Pipkin, Reilly, and Stoltzfus

AN ACT concerning

Charter Schools – Certificated Professional Employees – Exemption from Collective Bargaining Agreements

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

THE COMMITTEE ON RULES REPORT #4

Senator Klausmeier, Chair, for the Committee on Rules reported favorably:

Senate Bill 469 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Curative Bill

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Klausmeier, Chair, for the Committee on Rules reported favorably:

Senate Bill 470 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Corrective Bill

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 854 – The President (By Request – Administration) and Senators DeGrange, Haines, King, Muse, Robey, and Stone

AN ACT concerning

Criminal Procedure – Sex Offenders – Notification and Registration

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

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

Senate Bill 855 – The President (By Request – Administration) and Senators Astle, Conway, Forehand, Frosh, Harrington, Kelley, King, Kramer, Lenett, Madaleno, Middleton, Muse, Peters, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Patient Centered Medical Home Program

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

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

Senate Bill 856 – The President (By Request – Administration) and Senators Brochin, Haines, Muse, Robey, and Stone

AN ACT concerning

Public Safety – Sexual Offender Advisory Board

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

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

Senate Bill 858 – Senators Conway, Astle, Brinkley, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, McFadden, Middleton, Miller, Munson, Peters, Pinsky, Pipkin, Pugh, Raskin, Reilly, Robey, Rosapepe, Simonaire, Stone, and Zirkin

AN ACT concerning

Maryland Winery Modernization Act

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

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

Senate Bill 859 – Senator Pinsky

AN ACT concerning

Agriculture – Commercial Feed – Arsenic Prohibition

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

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

Senate Bill 860 – Senator Pinsky

AN ACT concerning

Creation of a State Debt – Prince George's County – SEED Recreation Center

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

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

Senate Bill 861 – Senator Pinsky

AN ACT concerning

Creation of a State Debt – Prince George's County – La Vida Sana (Healthy Living Farm)

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

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

Senate Bill 862 – Senators Lenett and Harrington

AN ACT concerning

Public Pension Fund Protection Act

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

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

Senate Bill 863 – Senators Lenett, Harrington, King, Madaleno, Pugh, Raskin, and Rosapepe

AN ACT concerning

Credit Regulation – Loans Secured by Residential Real Property – Late or Delinquency Charges and Crediting of Payments

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

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

Senate Bill 864 – Senator McFadden

AN ACT concerning

Income Tax – Subtraction Modification – Maryland Civil Air Patrol

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

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

Senate Bill 865 – Senators Lenett and Zirkin

AN ACT concerning

Education – Student–Athletes – Concussions

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

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

Senate Bill 866 – Senators King, Conway, Forehand, Frosh, Garagiola, Kramer, Lenett, and Raskin

AN ACT concerning

Education – Enrollment – Average Daily Attendance

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

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

Senate Bill 867 – Senators Muse, Conway, Exum, Forehand, King, Lenett, Peters, Pugh, Raskin, Robey, and Rosapepe

AN ACT concerning

Domestic Violence – Protective Order – Extension

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

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

Senate Bill 868 – Senator Muse

AN ACT concerning

Creation of a State Debt – Prince George's County – Youth Fitness Facility

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

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

Senate Bill 869 – Senator Muse

AN ACT concerning

Creation of a State Debt – Prince George's County – Daughter for the Day

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

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

Senate Bill 870 – Senators Haines, Forehand, Harris, Jacobs, Reilly, Simonaire, and Stone

AN ACT concerning

Criminal Law – Manslaughter by Vehicle or Vessel – Criminal Negligence

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

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

Senate Bill 871 – Senator Jones

AN ACT concerning

Creation of a State Debt – Baltimore City – Academy of Success Community Empowerment Center

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

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

Senate Bill 872 – Senator Currie

AN ACT concerning

Creation of a State Debt – Prince George's County – Largo High School PTSA Track Renovation

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

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

Senate Bill 873 – Senator Middleton

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2007 – Charles County – Old Waldorf School Community Center

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

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

Senate Bill 874 – Senators Frosh, Currie, and Miller

AN ACT concerning

Judgeships – Circuit Courts and District Court – Creation in Areas of Greatest Certified Need

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

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

Senate Bill 875 – Senator Zirkin

AN ACT concerning

Criminal Procedure – Sexual Offender Registry – Written Notice of New Electronic Identity Information

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

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

Senate Bill 876 – Senator Dyson

AN ACT concerning

St. Mary's County – Certificated Public School Employees – Service or Representation Fee

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

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

Senate Bill 877 – Senator Brinkley

AN ACT concerning

Property Tax Assessments – Exterior Physical Inspection of Property – Waiver

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

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

Senate Bill 878 – Senators Kramer, Astle, DeGrange, Della, Forehand, Garagiola, Harrington, Kelley, King, Klausmeier, Madaleno, Peters, and Pugh

AN ACT concerning

Reverse Mortgage Homeowners Protection Act

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

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

Senate Bill 879 – Senator Klausmeier

AN ACT concerning

Public Safety – Pool Personnel – Regulation (Connor's Law)

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

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

Senate Bill 880 – Senators Forehand and Muse

AN ACT concerning

Department of Juvenile Services – Redirection Pilot Program and Plan

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

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

Senate Bill 881 – Senator Brinkley

AN ACT concerning

Frederick County – Municipalities – Water and Sewer Classifications

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

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

Senate Bill 882 – Senators Edwards and Miller

AN ACT concerning

Gaming – Video Lottery Terminals

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

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

Senate Bill 883 – Senators Peters and Currie

AN ACT concerning

Maryland Small Business Investment Companies

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

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

Senate Bill 884 – Senators Klausmeier and Stone

AN ACT concerning

Baltimore County – Bargaining Unit for Public School Employees

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

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

Senate Bill 885 – Senators Klausmeier and Astle

AN ACT concerning

Health – Administrative Service Provider Contracts – Contracting Provider Definition

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

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

Senate Bill 886 – Senator Klausmeier

AN ACT concerning

Financial Institutions – Authority to Conduct Savings Promotion Raffles

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

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

Senate Bill 887 – Senators Munson, Astle, Edwards, Exum, Kelley, Klausmeier, and Robey

AN ACT concerning

Correctional Services – State Correctional Officers' Bill of Rights

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

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

Senate Bill 888 – Senator Middleton

AN ACT concerning

Office of Student Financial Assistance – Public Service Scholarships – Student Members of County Boards of Education

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

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

Senate Bill 889 – Senator Della

AN ACT concerning

Baltimore City – Property Taxes – Vacant and Uninhabitable Real Property

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

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

Senate Bill 890 – Senator King

AN ACT concerning

Correctional Services – Limitation on Total Number of Diminution Credits – Primary Drug, Violent, and Sexual Offenders

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

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

Senate Bill 891 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Annapolis High School Booster Club Concession Stand

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

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

Senate Bill 892 – Senator Kelley

AN ACT concerning

Child Abuse and Neglect – Reports and Records – Disclosure to Division of Parole and Probation

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

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

Senate Bill 893 – Senator Garagiola

AN ACT concerning

Maryland Clean Energy Center – Miscellaneous Provisions

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

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

Senate Bill 894 – Senator McFadden

AN ACT concerning

State Police Retirement System – Special Disability Retirement Allowance – Forfeiture

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

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

Senate Bill 895 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

Employees' Retirement and Pension Systems – Employer Contributions – Baltimore City Sheriff's Department

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

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

Senate Bill 896 – Senator McFadden

AN ACT concerning

State Police Retirement System – Special Disability Retirees – Reemployment

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

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

Senate Bill 897 – Chair, Budget and Taxation Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

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

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

Senate Bill 898 – Senator Glassman

AN ACT concerning

Credit Regulation – Installment Loans Secured by Motor Vehicle Lien – Balloon Payments

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

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

Senate Bill 899 – The President (By Request – Administration)

AN ACT concerning

Education Reform Act of 2010

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

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

Senate Bill 900 – Senator Astle

AN ACT concerning

Title Insurers – Required Reserves

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

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

Senate Bill 901 – Senator McFadden

AN ACT concerning

Inmates – Life Imprisonment – Parole Approval and In Banc Review

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

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

Senate Bill 903 – Senator Della

AN ACT concerning

Creation of a State Debt – Baltimore City – Southeast Neighborhood Development Center

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

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

Senate Bill 904 – Senator Dyson

AN ACT concerning

St. Mary's County – Alcoholic Beverages – Off–Sale License Quota

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

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

Senate Bill 905 – Senator Edwards

AN ACT concerning

Alcoholic Beverages – Maximum Alcohol Content

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

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

Senate Bill 906 – Senator Stone

AN ACT concerning

Homeowner's Insurance – Offer of Coverage for Loss Caused by Discharge of Water

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

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

Senate Bill 907 – Senators Stone and Della

AN ACT concerning

Motor Vehicles – Salvage – Standards and Requirements

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

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

Senate Bill 908 – Senator Stone

AN ACT concerning

Health Insurance – Coverage for the Treatment of Bleeding Disorders

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

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

Senate Bill 909 – Senator Stone

AN ACT concerning

Correctional Services – Repeat Violent Offenders – Diminution Credits and Parole Eligibility

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

SPECIAL ORDERS

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

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #2

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

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #2
February 18, 2010

Transportation, Department of

1. Beverley K. Swaim-Staley District 33
960 Stable Court
Davidsonville, MD 21035

Secretary of Department of Transportation; appointed to serve to serve at the pleasure of the Governor

Chiropractic and Massage Therapy Examiners, State Board of

2. Daniel J. Kraus District 16
7502 Leesburg Place
Bethesda, MD 20817

Member of the State Board of Chiropractic and Massage Therapy Examiners; appointed to serve remainder of four years from October 1, 2008

Community Health Resources Commission, Maryland

3. Enrique E. Martinez-Vidal District 14
18640 Queen Elizabeth Drive
Brookeville, MD 20833

Member of the Maryland Community Health Resources Commission; appointed to serve a term to expire June 30, 2010

Economic Development Commission, Maryland

4. Richard Bernstein District 37
5820 Deepwater Drive
Oxford, MD 21654

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2007

5. William E. Kirwan District 11
3112 Old Court Road
Baltimore, MD 21208

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2009

6. Ronald R. Peterson District 35
1403 Lytham Court
Bel Air, MD 21015

Member of the Maryland Economic Development Commission; appointed to serve remainder of the term of three years from July 1, 2009

7. Alan D. Wilson District 5
18 Loveton Circle
Sparks, MD 21152

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2009

Environmental Sanitarian Registration, State Board of

8. Juan Gutierrez District 8
4 Tameron Place
Rosedale, MD 21237

Member of the State Board of Environmental Sanitarian Registration; appointed to serve remainder of a term of five years from July 1, 2007

Higher Education Commission, Maryland

9. Eyituoyo V. Ebigbeyi District 11
6 Christian Llynn Court Road
Randallstown, MD 21133

Member of the Maryland Higher Education Commission; appointed to serve a term of one year from July 1, 2009

10. Patrice Alexander Ficklin District 23
13201 Martha's Choice Circle
Bowie, MD 20720

Member of the Maryland Higher Education Commission; appointed to serve remainder of a five year term from July 1, 2006

Higher Education Labor Relations Board, Maryland

11. Benfred B. Alston District 10
1220 Redcliffe Road
Catonsville, MD 21228

Member of the Maryland Higher Education Labor Relations Board; appointed to serve remainder of a six year term from July 1, 2009

12. Holly Fechner District 20
7213 Spruce Avenue
Takoma Park, MD 20912

Member of the Maryland Higher Education Labor Relations Board; appointed to serve remainder of a six year term from July 1, 2004

Industrial Development Financing Authority, Maryland

13. Sean W. Glynn, Esq. District 15
11723 Split Tree Circle
Potomac, MD 20854

Member of the Maryland Industrial Development Financing Authority; appointed to serve remainder of a term of five years from July 1, 2008

Infants and Toddlers, Interagency Coordinating Council for

14. Brenda H. Gardner, Ph.D. District 13
12208 Linden Linthicum Lane
Clarksville, MD 21029

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2009

15. Amy Tetteh Griffin District 26
5800 Rayburn Drive
Temple Hills, MD 20748

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2009

16. Rosemary King Johnston District 8
8 White Spruce Court
Baltimore, MD 21234

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve remainder of a term of three years from July 1, 2007

Judicial Disabilities, Commission on

17. Julie R. Rubin District 46
2327 Boston Street, Unit 14
Baltimore, MD 21224

Member of the Commission on Judicial Disabilities; appointed to serve remainder of a term of four years from February 12, 2009

Maryland Economic Development Corporation Board of Directors

18. Scott E. Dorsey District 7
10631 Pot Spring Road
Cockeysville, MD 21030

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

Maryland School for the Blind, Board of Directors of the

19. Lorraine A. Costella, Ph.D. District 13
5387 Graywing Court
Columbia, MD 21045

Member of the Board of Directors of the Maryland School for the Blind; appointed to serve remainder of a term of three years from July 1, 2007

Morgan State University Board of Regents

20. Franklin L. Edmonds District 99
10414 Samaga Drive
Oakton, VA 22124

Member of the Morgan State University Board of Regents; reappointed to serve a term of six years from July 1, 2009

21. Dallas R. Evans District 30
P.O. Box 4543
Annapolis, MD 21403

Member of the Morgan State University Board of Regents; reappointed to serve a term of six years from July 1, 2009

22. Linda J. Gilliam, D.M.D. District 99
Brandywine Plaza West, 1521 Concord Pike, Suite 303
Wilmington, DE 19803

Member of the Morgan State University Board of Regents; reappointed to serve a term of six years from July 1, 2009

Morticians and Funeral Directors, State Board of

23. Robert H. Bradshaw, Jr. District 38
4435 Beechwood Place
Crisfield, MD 21817

Member of the State Board of Morticians and Funeral Directors; reappointed to serve a term of four years from July 1, 2009

24. Jeelani Gulam District 24
4234 Glenn Dale Road
Bowie, MD 20720

Member of the State Board of Morticians and Funeral Directors; appointed to serve a term of four years from July 1, 2009

Parole Commission, Maryland

25. David R. Blumberg District 41
5405 Falls Road Terrace
Baltimore, MD 21210

Member of the Maryland Parole Commission; reappointed to serve a term of six years from January 1, 2010

26. Mattie R. Meehan District 36
P.O. Box 92
Still Pond, MD 21667

Member of the Maryland Parole Commission; appointed to serve a term of six years from January 1, 2010

27. William Chappelle Simpson, Sr. District 25
4600 Keppler Place
Temple Hills, MD 20748

Member of the Maryland Parole Commission; appointed to serve remainder of a six year term from January 1, 2009

Psychologists, State Board of

28. Robert A. Brown, Ph.D. District 12
10069-4 Windstream Drive
Columbia, MD 21044

Member of the State Board of Psychologists; reappointed to serve a term of four years from July 1, 2009

29. Alan L. Marcus, Ph.D. District 14
2805 Fountain Grover Terrace
Olney, MD 20832

Member of the State Board of Psychologists; appointed to serve a term of four years from July 1, 2009

STATEWIDE NOMINEES

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

Indian Affairs, Commission on

S-1. Auriel A. Fenwick District 23
2008 Clearwood Drive
Mitchellville, MD 20721

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2009

S-2. Wanda Y. Lee District 6
1702 Bayard Avenue
Baltimore, MD 21222

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2009

Infants and Toddlers, Interagency Coordinating Council for

S-3. Elizabeth Kelley District 4
7687 Anvil Drive
Frederick, MD 21701

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2009

S-4. Joyce C. Pollard District 45
2030 E. Lanvale Street
Baltimore, MD 21213

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

Morgan State University Board of Regents

S-5. Laurence Levitan District 15
11426 Georgetown Drive
Potomac, MD 20854

Member of the Morgan State University Board of Regents; reappointed to serve a term of six years from July 1, 2009

Occupational Therapy Practice, State Board of

S-6. Jocelind Julien District 12
5142 Homecoming Lane
Columbia, MD 21044

Member of the State Board of Occupational Therapy Practice; reappointed to serve a term of four years from July 1, 2009

Parole Commission, Maryland

S-7. Obie Patterson District 26
2502 Kingsway Road
Fort Washington, MD 20744-3323

Member of the Maryland Parole Commission; reappointed to serve a term of six years from January 1, 2010

Local Nominees

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

Baltimore City Community College, Board of Trustees for

L-1. Charmaine V. Pope District 10
2107 Meadowview Drive
Baltimore, MD 21207

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of one year from July 1, 2009

Baltimore County Community College, Board of Trustees

L-2. Stephen J. Nolan, Esq. District 12
303 Ivy Church Road
Timonium, MD 21093

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2009

Calvert County Board of License Commissioners

L-3. Marshall S. Gibson, Jr. District 29
13620 Kersey Way, P.O. Box 1264
Solomons, MD 20688

Member of the Calvert County Board of License Commissioners; reappointed to serve a term of two years from June 6, 2009

L-4. J. Allen Swann District 27
7742 Swan Lane
Owings, MD 20736

Member of the Calvert County Board of License Commissioners; reappointed to serve a term of two years from June 1,2009

L-5. Maurice E. Wood District 29
5050 Hallowing Point Road
Prince Frederick, MD 20678

Member of the Calvert County Board of License Commissioners; reappointed to serve a term of two years from June 1, 2009

Frederick County Board of County Commissioners

L-6. Blaine R. Young District 4
3922 Millstone Circle
Monrovia, MD 21770

Member of the Frederick County Board of County Commissioners; appointed to serve remainder of a term of four years from the General Election of November, 2006

Montgomery Community College Board of Trustees

L-7. Gloria Aparicio Blackwell District 17
53 Appleseed Lane
Gaithersburg, MD 20878

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

L-8. Leslie S. Levine, Ph.D. District 16
7401 Helmsdale Road
Bethesda, MD 20817

Member of the Montgomery Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2009

L-9. Marsha S. Smith District 14
2204 Eaglesham Court
Olney, MD 20832

Member of the Montgomery Community College Board of Trustees; appointed to serve remainder of a six year term from July 1, 2004

Somerset County Board of License Commissioners

L-10. Van B. Muir, Jr. District 38
30742 Perry Road
Princess Anne, MD 21853

Member of the Somerset County Board of License Commissioners; reappointed to serve a term of two years from June 1, 2009

L-11. Robert W. Murphey District 38
12010 Sherree Lane
Princess Anne, MD 21853

Member of the Somerset County Board of License Commissioners; appointed to serve remainder of a term of two years from June 1, 2009

St. Mary's County Alcoholic Beverage Board

L-12. Linda Palchinsky District 29
45866 Beechwood Place
Lexington Park, MD 20653

Member of the St. Mary's County Alcoholic Beverage Board; reappointed to serve a term of four years from January 1, 2010

Wicomico County Board of Elections

L-13. Marva P. Greene District 38
630 Terrapin Lane
Salisbury, MD 21804

Member of the Wicomico County Board of Elections; appointed to serve remainder of four years from June 4, 2007

Worcester County Liquor Control Board

L-14. William L. Wilkinson District 38
102 South Church Street
Snow Hill, MD 21863

Member of the Worcester County Liquor Control Board; reappointed to serve a term of four years from June 1, 2009

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nominations of the Executive?"

<u>The above nominations of the Executive, with the exception of Nominees No. 1 and 12, were confirmed by roll call vote as follows:</u>

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

Senator Muse moved, duly seconded, that the confirmation vote on Nominee No. 1, Beverley K. Swaim–Staley, Secretary of the Department of Transportation, be special ordered until February 26, 2010.

The motion was adopted.

Nominee No. 12, Holly Fechner, member of the Maryland Higher Education Labor Relations Board, was confirmed by roll call vote as follows:

Affirmative – 43 Negative – 4 (See Roll Call No. 202)

Senate Bill 27 – Senator Conway

AN ACT concerning

Health Insurance – Benefits for In Vitro Fertilization – Donor Sperm

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

Senator Middleton moved, duly seconded, to place **Senate Bill 27** back on second reading for the purpose of adding amendments.

The motion was adopted by a roll call vote as follows:

Affirmative – 44 Negative – 3 (See Roll Call No. 203)

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

FLOOR AMENDMENT

SB0027/493425/1

BY: Senator Middleton

AMENDMENT TO SENATE BILL 27
(Bill as Printed for Third Reading)

On page 2, in line 24, after "**HAS**" insert "**A HISTORY OF**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 204)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #14

Senate Bill 70 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Vessel Noise – Limitation

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

Affirmative – 43 Negative – 1 (See Roll Call No. 205)

The Bill was then sent to the House of Delegates.

Senate Joint Resolution 5 – The President ~~(By Request – General Assembly Compensation Commission)~~

A Senate Joint Resolution concerning

General Assembly Compensation Commission – Recommendations

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

Affirmative – 47 Negative – 0 (See Roll Call No. 206)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 207)

ADJOURNMENT

At 11:16 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, February 22, 2010.

Annapolis, Maryland
Monday, February 22, 2010
8:00 P.M. Session

The Senate met at 8:04 P.M.

Prayer by Reverend Mark Norman, Grace Community Church, guest of Senator Kittleman.

(See Exhibit A of Appendix III)

The Journal of February 19, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 210)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 354 – Senator C. Anthony Muse:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Oxon Hill High School Vocal Department
in recognition of
receiving the prestigious 2010 Stellar Award
for the Children's Performance of the Year under
the direction of Dr. Emory Andrews.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 22nd day of February 2010.

Read and adopted by a roll call vote as follows:

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

Recognition of Leningrad, Russia Delegation

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 377 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Dave Pietramala, Head Coach
Johns Hopkins Men's Lacrosse Team
in recognition of
your being one of only three coaches in the history of
Johns Hopkins University to win 100 games. We commend your outstanding tenure as Head Coach. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 22nd day of February 2010.

Senate Resolution No. 378 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Michael Evans
in recognition of
being the Captain of the Johns Hopkins Men's Lacrosse Team and your three time United States Intercollegiate Lacrosse Association's All–America honors. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 22nd day of February 2010.

Senate Resolution No. 379 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Paul Rabil

in recognition of
being the Captain of the Johns Hopkins Men's Lacrosse Team and your four time United States Intercollegiate Lacrosse Association's All–America honors.
Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 22nd day of February 2010.

Senate Resolution No. 380 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Kyle Harrison
in recognition of
being the Captain of the Johns Hopkins Men's Lacrosse Team and your three time United States Intercollegiate Lacrosse Association's All–America honors.
Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 22nd day of February 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 212)

Recognition of Maryland's Fallen Heroes by Senator Peters

INTRODUCTION OF BILLS

Senate Bill 979 – Senator Jones

AN ACT concerning

Public–Private Partnerships – Oversight

FOR the purpose of requiring certain State agencies to submit a report concerning a proposed public–private partnership to certain committees of the General Assembly at a certain time prior to issuing a public notice of solicitation for the public–private partnership; requiring certain State agencies to submit an annual report concerning public–private partnerships that are under consideration to certain committees of the General Assembly; requiring certain

State agencies to submit an annual report concerning existing public–private partnerships to certain committees of the General Assembly; requiring certain units of State government to submit an annual report concerning public–private partnerships for which the unit is providing conduit financing to certain committees of the General Assembly; requiring the State Treasurer to analyze the impact of a public–private partnership operating lease on the State's capital debt affordability limits; requiring the State Treasurer to submit each analysis of a public–private partnership operating lease to certain committees of the General Assembly; prohibiting the Board of Public Works from approving a public–private partnership operating lease until certain committees of the General Assembly have commented on the State Treasurer's analysis of the lease; requiring that the annual report of the Capital Debt Affordability Committee include certain information concerning the impact of public–private partnership operating leases; establishing a Joint Legislative and Executive Commission on Oversight of Public–Private Partnerships; specifying the membership of the Commission; providing for the chair and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation but authorizing a member of the Commission to receive certain reimbursements; requiring the Commission to study and make recommendations regarding certain issues; requiring the Commission to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; repealing certain provisions of law requiring the Maryland Transportation Authority to provide certain information to certain committees of the General Assembly concerning public–private partnerships; providing that certain committees of the General Assembly have a certain period of time to review and comment on reports submitted under this Act; defining certain terms; providing for the termination of certain provisions of this Act; and generally relating to oversight of public–private partnerships.

BY adding to
Article – State Finance and Procurement
Section 10A–101 and 10A–102 to be under the new title "Title 10A. Public–Private Partnerships"
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–205(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 4–406
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 980 – Senator Kittleman

AN ACT concerning

Family Law – Protective Orders – Expungement

FOR the purpose of authorizing a person to file a petition for expungement of a certain protective order under certain circumstances; requiring a court to grant a petition for expungement of a certain protective order under certain circumstances; and generally relating to the expungement of protective orders.

BY adding to
Article – Family Law
Section 4–507.1
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

Senate Bill 981 – Senator Zirkin

AN ACT concerning

Creation of a State Debt – Baltimore County – Baltimore County Humane Society

FOR the purpose of authorizing the creation of a State Debt in the amount of $150,000, the proceeds to be used as a grant to the Board of Directors of the Humane Society of Baltimore County, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 982 – Senators Zirkin and Brochin

AN ACT concerning

Baltimore County – Board of Education – Elected Members

FOR the purpose of establishing a procedure for the election of certain members of the Baltimore County Board of Education; requiring some of the members of the County Board to reside in and be elected from certain districts; establishing a certain term of office for the elected members; providing for the removal of members under certain circumstances; providing a procedure for filling a vacancy for an elected member on the County Board; providing for the election of the chair and vice chair of the County Board; providing for the compensation of the members of the County Board; and generally relating to the election of members for the Baltimore County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–108(a), 3–109, and 3–114
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Education
Section 3–2A–01 through 3–2A–04 to be under the new subtitle "Subtitle 2A. Baltimore County"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 983 – Senator Gladden

AN ACT concerning

Creation of a State Debt – Baltimore City – Glen Avenue Firehouse

FOR the purpose of authorizing the creation of a State Debt in the amount of $150,000, the proceeds to be used as a grant to the Baltimore City Fire Department for certain development or improvement purposes; providing for disbursement of the loan proceeds; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 984 – Senator Muse

AN ACT concerning

Education – Tween/Teen Dating Violence
(Kristin Marie Mitchell Law)

FOR the purpose of requiring the State Board of Education to adopt in the public schools a program to educate students about dating violence on or before a certain date; 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 to proclaim the first week in February each year "Tween/Teen Dating Violence Education and Awareness Week"; and generally relating to dating violence.

BY repealing and reenacting, without amendments,
Article – Education
Section 7–411.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Education
Section 7–411.2
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–513
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – State Government
Section 13–601 to be under the new subtitle "Subtitle 6. Commemorative Weeks"
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 985 – Senator Muse

AN ACT concerning

Alexander L. Booker Child Protection Construction Site Safety Act

FOR the purpose of requiring that certain signs that indicate the dangers that exist on a construction site be prominently displayed at the construction site at all times; requiring the signs to include certain information; requiring a construction site to have certain barricades enclosing certain dangers on a

construction site under certain circumstances; requiring the barricades to be equipped with certain warning devices and signs; requiring certain construction equipment to be equipped with certain safety equipment; and generally relating to construction site safety.

BY adding to
Article – Labor and Employment
Section 5–609
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 986 – Senators Pugh, Forehand, Harrington, Jones, King, Lenett, Madaleno, Raskin, and Rosapepe

AN ACT concerning

Education – Public High Schools and Public High School Students – Data Collection System

FOR the purpose of requiring the State Department of Education to develop a certain data collection system on or before a certain date; identifying the purpose of a certain provision of law; and generally relating to public high schools and public high school students.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–203.2
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)
(As enacted by Chapter 558 of the Acts of the General Assembly of 2006)

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

Senate Bill 987 – Senator Astle

AN ACT concerning

Natural Resources – Conservation Law Enforcement Act of 2010

FOR the purpose of authorizing the Department of Natural Resources to include certain recommendations in certain reports and to submit certain reports to the Governor and the General Assembly; stating certain findings of the General Assembly; establishing certain responsibilities of the Natural Resources Police Force; authorizing rather than requiring the Department to audit books of certain individuals who pack or deal in fish resources; authorizing the

Department to audit the books of certain individuals who sell fish resources at retail; providing that a certain audit shall be conducted for law enforcement purposes; authorizing a representative of the Department to inspect a certain area during a certain inspection; providing a certain penalty for a person who fails to produce records or permit an inspection under certain circumstances; establishing that a certain provision of law prohibiting the use of certain information in a certain manner does not prohibit the use of certain information for law enforcement purposes; providing a certain penalty for a person who unlawfully takes oysters in violation of certain bushel limits; providing that a person who violates certain provisions of law may be required as a condition of probation or continued licensure to have an electronic monitoring system on board the person's vessel to allow monitoring by the Department; authorizing the Department to adopt certain regulations; establishing and providing for a certain commemorative lifetime hunting license; authorizing the Department to file a complaint for forfeiture of property unlawfully used to violate certain provisions of law; providing for a forfeiture conducted under this Act; encouraging the Maryland Public Broadcasting Commission to help promote a certain public recognition and appreciation of the role of the Natural Resources Police Force; encouraging the Department to conduct a certain study to identify certain additional changes to existing law and present certain findings and recommendations to certain committees by a certain date; requiring the Department to conduct a certain study of certain funding policies and present certain findings and recommendations by a certain date; providing that the General Assembly encourages the Governor to increase public awareness and reliance on the Natural Resources Police Force reserve officers; providing that the General Assembly encourages the National Fish and Wildlife Foundation to distribute to the Department, for the purposes of conservation law enforcement, any funds the foundation receives from the United States Department of Justice as fines or penalties resulting from federal convictions of game violations in the State; defining a certain term; and generally relating to conservation law enforcement.

BY adding to
Article – Natural Resources
Section 1–107 and 1–201
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 1–201, 1–204, 4–206, 4–1201(f), and 4–1207
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article – Natural Resources
Section 10–301.3 and 10–1106.1

Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 988 – Senators Forehand and Raskin

AN ACT concerning

Consumer Protection – Cable Operators – Purchase of Cable Converter Box

FOR the purpose of requiring a cable operator to provide certain options to certain subscribers concerning purchase of a cable converter box; providing that a cable operator may continue to offer certain options; prohibiting a cable operator from discriminating between certain subscribers under certain circumstances; providing for the construction of this Act; making a violation of this Act an unfair or deceptive trade practice subject to certain enforcement and penalty provisions; defining certain terms; providing that existing obligations or contract rights may not be impaired by this Act; and generally relating to consumer protection and cable service subscribers.

BY renumbering
Article – Commercial Law
Section 13–301(14)(xxiv) through (xxvii), respectively
to be Section 13–301(14)(xxv) through (xxviii), respectively
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article – Commercial Law
Section 13–301(14)(xxiv) and 14–1322
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Senate Bill 989 – Senators Forehand, Madaleno, and Raskin

AN ACT concerning

Health – Clean Indoor Air Act – Electronic Smoking Devices

FOR the purpose of prohibiting a person from smoking an electronic smoking device in certain places; altering the intent of the General Assembly relating to the Clean Indoor Air Act; altering the purpose of the Clean Indoor Air Act; requiring the Department of Health and Mental Hygiene to adopt regulations that prohibit smoke from an electronic smoking device in certain indoor areas; requiring a

certain report to include certain information on certain enforcement efforts relating to smoke from electronic smoking devices; specifying that certain provisions of law do not preempt a county or municipal government from adopting certain measures regarding involuntary exposure to smoke from an electronic smoking device; altering the definition of a certain term; defining a certain term; and generally relating to the Clean Indoor Air Act.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 24–501 through 24–503, 24–505, 24–507, and 24–510
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 24–504, 24–506, 24–508, and 24–509
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 990 – Senators Forehand, Madaleno, Pinsky, and Raskin

AN ACT concerning

Courts and Judicial Proceedings – Strategic Lawsuits Against Public Participation

FOR the purpose of altering the remedies available to a defendant in an alleged strategic lawsuit against public participation (SLAPP suit); establishing certain burdens of proof and procedures in an alleged SLAPP suit; requiring a court to consider certain evidence in ruling on a motion to dismiss an alleged SLAPP suit; authorizing the Office of the Attorney General or a government body to intervene to defend or support a certain party in an alleged SLAPP suit; requiring a court to stay any discovery and pending hearings or motions in an alleged SLAPP suit on the filing of a motion to dismiss and until the court rules on the motion; requiring a court to award certain attorney's fees, costs, and other relief under certain circumstances; modifying a defined term; providing for the application of this Act; and generally relating to SLAPP suits.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–807
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

Senate Bill 991 – Senator Pipkin

AN ACT concerning

Maryland Transportation Authority – Chesapeake Bay Bridge – Tolls

FOR the purpose of requiring the Maryland Transportation Authority to temporarily stop collecting tolls for the William Preston Lane, Jr. Memorial Bridge (Chesapeake Bay Bridge) under certain congested traffic conditions; requiring the Authority to resume collecting tolls when certain congested traffic conditions no longer exist; requiring the Authority to take certain action to obtain a necessary modification of a certain trust agreement; and generally relating to a requirement that the Authority stop collecting tolls for the William Preston Lane, Jr. Memorial Bridge under certain traffic conditions.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–312(c)
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

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

Senate Bill 992 – Senator Pipkin

AN ACT concerning

Applications for Certificates of Need – Notice to and Involvement of Bordering Counties

FOR the purpose of requiring the Maryland Health Care Commission to give notice of the filing of certain applications for a certificate of need to members of the governing body of each county that borders on a certain county; requiring the Commission to define a certain term in a certain manner; and generally relating to the application process for certificates of need.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–126(a) and (d)(8)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–126(d)(7)

Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 993 – Senator Pipkin

AN ACT concerning

Nuclear Power Transparency Act of 2010

FOR the purpose of prohibiting a person from operating a nuclear generating facility in the State until the person discloses certain information to the Public Service Commission in writing; and generally relating to operating a nuclear generating facility in the State.

BY adding to
Article – Public Utility Companies
Section 7–207.2
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 994 – Senator Pipkin

AN ACT concerning

Queen Anne's County – Annual Financial Report – Filing Date

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

BY repealing and reenacting, with amendments,
Article 19 – Comptroller
Section 37
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Senate Bill 995 – Senator Pipkin

AN ACT concerning

Kent County – Sewage Sludge Utilization Permit

FOR the purpose of prohibiting the Department of the Environment from issuing a sewage sludge utilization permit to an applicant for the land application of certain sewage sludge in Kent County; and generally relating to sewage sludge and Kent County.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–236
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 996 – Senator Pipkin

AN ACT concerning

Creation of a State Debt – Queen Anne's County – Cross County Trail Phase I

FOR the purpose of authorizing the creation of a State Debt not to exceed $470,000, the proceeds to be used as a grant to the Board of County Commissioners of Queen Anne's County for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 997 – Senator Pipkin

AN ACT concerning

Creation of a State Debt – Queen Anne's County – Queen Anne's County YMCA

FOR the purpose of authorizing the creation of a State Debt not to exceed $3,000,000, the proceeds to be used as a grant to the Board of County Commissioners of Queen Anne's County for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 998 – Senators Pipkin and Brinkley

CONSTITUTIONAL AMENDMENT

AN ACT concerning

State Budget

FOR the purpose of proposing an amendment to the Maryland Constitution authorizing the General Assembly to increase or add Executive Department items in the Budget Bill, subject to a certain limitation; providing for the veto of certain Budget Bill items; providing for the reversion to original appropriations of certain vetoed items in the Budget Bill; providing that certain vetoed items in the Budget Bill shall be void; authorizing the President of the Senate and the Speaker of the House of Delegates to convene in extraordinary session to consider whether to override a vetoed item in the Budget Bill; authorizing the General Assembly to override Budget Bill item vetoes; establishing the manner in which and the time at which Budget Bill items become law; clarifying language; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution
Article II – Executive Department
Section 17

BY proposing an amendment to the Maryland Constitution
Article III – Legislative Department
Section 14 and 52(6)

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

Senate Bill 999 – Senator Pipkin

AN ACT concerning

Creation of a State Debt – Queen Anne's County – Hospice of Queen Anne's

FOR the purpose of authorizing the creation of a State Debt not to exceed $40,000, the proceeds to be used as a grant to the Board of Directors of the Hospice of Queen Anne's, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 1000 – Senator Robey

AN ACT concerning

State Employee and Retiree Health and Welfare Benefits Program – Baltimore Metropolitan Council – Eligibility

FOR the purpose of including certain employees of the Baltimore Metropolitan Council in the State Employee and Retiree Health and Welfare Benefits Program; providing that certain service accrued by certain employees of the Baltimore Metropolitan Council shall be included as part of the employee's State service; requiring the Baltimore Metropolitan Council to pay to the State a certain amount of money based on a certain subsidy; and generally relating to the employees of the Baltimore Metropolitan Council participating in the State Employee and Retiree Health and Welfare Benefits Program.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–511
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 1001 – Senator Brinkley

AN ACT concerning

Vehicle Laws – Overtaking and Passing School Vehicles – School Bus Monitoring Cameras

FOR the purpose of authorizing a county board of education, in consultation with a certain local law enforcement agency, to place school bus monitoring cameras on county school buses for the purpose of recording a motor vehicle committing a violation relating to overtaking and passing school vehicles; requiring a school bus operator to give a recording of the violation to a certain local law enforcement agency; requiring a recording made by a school bus monitoring camera to include certain images and information; providing that the driver of a motor vehicle recorded committing a certain violation is subject to a certain civil penalty; providing that a civil penalty under this Act may not exceed a certain amount; requiring the District Court to prescribe a certain uniform citation form and civil penalty; requiring a certain local law enforcement agency to mail a certain citation to the owner of a certain motor vehicle within a certain period of time; providing for the contents of a certain citation; authorizing a local law enforcement agency to mail a warning instead of a citation; authorizing a

person receiving a certain citation to pay the civil penalty or elect to stand trial; providing that a certain certificate is admissible as evidence in a proceeding concerning a certain violation; providing that a certain adjudication of liability is based on a preponderance of evidence; establishing certain defenses, and requirements for proving the defenses, for a certain violation recorded by a school bus monitoring camera; requiring the District Court to provide certain evidence to a local law enforcement agency under certain circumstances; authorizing a local law enforcement agency to mail a certain notice within a certain time period after receiving certain evidence; authorizing the Motor Vehicle Administration to refuse to register or reregister a motor vehicle or suspend the registration of a motor vehicle under certain circumstances; establishing that a violation for which a civil penalty may be imposed under this Act is not a moving violation for certain purposes, may be treated as a parking violation for certain purposes, and may not be considered for certain insurance purposes; requiring the Chief Judge of the District Court, in consultation with certain local law enforcement agencies, to adopt certain procedures; providing that a proceeding for a certain violation recorded by a school bus monitoring camera is under the exclusive original jurisdiction of the District Court; providing that a recorded image of a motor vehicle produced by a school bus monitoring camera is admissible in a certain proceeding under certain circumstances; defining certain terms; and generally relating to the use of school bus monitoring cameras to enforce offenses relating to overtaking and passing school vehicles.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(13) and 10–311
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–706
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–706.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 1002 – Senators Muse, Harrington, and Peters

AN ACT concerning

Satellite Simulcast Betting – Instant Horse Racing Machines

FOR the purpose of broadening the scope of satellite simulcast betting on horse races to include instant racing; specifying that instant racing involves a bettor viewing a self–serve totalizator machine that displays a previously run horse race in digitized form and certain information before and after the race; and generally relating to pari–mutuel betting on horse races.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–815
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

Senate Bill 1003 – Senator Pugh

AN ACT concerning

Income Tax – Subtraction Modification – Health Improvement and Disease Prevention Act of 2010

FOR the purpose of providing a subtraction modification under the Maryland income tax for certain health– and fitness–related expenses; limiting the amount and type of expenses that certain taxpayers may subtract from federal adjusted gross income; requiring the Comptroller in cooperation with the Department of Health and Mental Hygiene to adopt certain regulations; defining certain terms; requiring the Comptroller and the Department to report to the General Assembly on or before a certain date; providing for the application of this Act; and generally relating to a subtraction modification under the Maryland income tax for certain health– and fitness–related expenses.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–208(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY adding to
Article – Tax – General
Section 10–208(r)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

Senate Bill 1004 – Senators Brinkley and Pipkin

AN ACT concerning

Budget Reconciliation and Balancing Act

FOR the purpose of repealing certain required appropriations; repealing the Maryland Stem Cell Research Fund, the Stem Cell Research Commission, and certain provisions of law providing for State–funded stem cell research; repealing certain grant programs; altering or repealing certain funding requirements; repealing a certain unit in the Department of Labor, Licensing, and Regulation; altering a certain limit on the amount of certain distributions required to be made to certain counties and Baltimore City based on per capita yield of county income taxes; altering certain State aid to local jurisdictions for local expenditures for police protection for certain fiscal years; authorizing certain units of government to charge a certain fee for certain purposes; repealing certain requirements for a certain notice relating to abandoned property to be published in certain newspapers; requiring the Comptroller to maintain, or cause to be maintained, an abandoned property database containing the names and last known addresses, if any, of persons listed in certain reports; requiring the Comptroller to maintain, or cause to be maintained, a certain Internet website relating to the abandoned property database; requiring the Comptroller to publish certain notices of a certain Internet website; requiring the counties and Baltimore City to reimburse the State for certain costs to employ certain law clerks; prohibiting the use of State general funds for certain purposes; repealing certain inflation adjustments for the calculation of certain State funding requirements; limiting certain rates established under certain programs; requiring certain county boards of education to pay for certain costs of certain residential boarding education programs for certain at–risk youth; altering the calculation of certain State aid to community colleges; altering certain State aid provided to certain nonpublic institutions of higher education; authorizing the use of certain funds for certain purposes; altering the maximum aggregate amount of a certain assessment; altering certain restrictions on the use of certain funds; altering certain provisions relating to certain requirements that certain nonprofit health service plans use certain funds for certain purposes under certain circumstances; requiring the State to discontinue providing retirees a certain prescription drug benefit plan included in certain State employee health benefits; requiring counties to pay a certain portion of certain employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; providing for the method of payment each county is required to make to the Board of Trustees for the State Retirement and Pension System regarding a certain portion of employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; altering the employee contribution rate for certain members of the Employees' Pension System or the Teachers' Pension System;

altering the distribution of certain State admission and amusement tax revenues; requiring the Comptroller to make a certain distribution to the Education Trust Fund; altering the distribution of certain motor fuel tax revenue; altering the distribution of certain sales and use tax revenues from short–term rental vehicles; altering the distribution of certain sales and use tax revenue for certain fiscal years; altering certain provisions relating to the funding of a certain highway; altering certain requirements for the percentage of operating costs that must be recovered from certain revenues for certain public transit services; altering the share of the operating deficits of a certain regional transit system that the State is required to fund by certain annual grants from the Department of Transportation; clarifying and altering the authority of the Governor to implement certain employee furloughs and salary reduction days during certain years; providing that the Governor is not required to include certain appropriations in the budget for a certain fiscal year under certain circumstances; altering the amounts of certain funds required to be charged back to certain agencies for a certain purpose; altering the distribution of certain highway user revenues for certain fiscal years; authorizing the Governor to transfer to the General Fund certain amounts from certain special funds for certain fiscal years; authorizing the Governor to transfer to the General Fund certain amounts from certain special funds, subject to a certain contingency; providing that certain grants to county boards of education may be funded from the Maryland Consolidated Capital Bond Loan of 2010; requiring that certain units of local government receive a certain amount of funding for certain fiscal years for certain purposes; prohibiting the expenditure of funds in a certain fiscal year for certain rate increases; authorizing the transfer by budget amendment of certain funds for certain purposes; providing that certain proceeds from the corporate income tax for a certain fiscal year be credited to the General Fund; altering certain reporting requirements; prohibiting any new awards from being made under a certain scholarship program for a certain academic year; authorizing the transfer of certain savings and interest from certain funds into the General Fund; prohibiting the payment of certain bonuses, merit increases, or cost–of–living adjustments for certain State employees for a certain fiscal year; providing that the State is not required to make certain employer contributions for employees participating in a certain supplemental retirement plan for a certain fiscal year; clarifying the base rate for calculating overtime for certain employees under certain circumstances; requiring the State to repay certain amounts to a certain account in certain fiscal years; stating certain intent of the General Assembly regarding restraining spending in the State budget by implementation of certain actions; making the provisions of this Act severable; providing for the effective dates and application of this Act; and generally relating to the financing of State government.

BY repealing
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1104
Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

BY repealing
Article – Economic Development
Section 10–429 through 10–432 and 10–434 through 10–442 and the part "Part III. Stem Cell Research"
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY repealing
Article – Education
Section 5–202(f), 6–112, 6–306; and 18–1201 through 18–1207 and the subtitle "Subtitle 12. Private Career School Student Grant Program"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing
Article – Labor and Employment
Section 2–107(f)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing
Article – Natural Resources
Section 10–301(m)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing
Chapter 487 of the Acts of the General Assembly of 2009
Section 25 and 34

BY repealing and reenacting, without amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1101(a)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1101(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 41 – Governor – Executive and Administrative Departments
Section 4–407

Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 8–405(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 15–607 and 17–311
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–512
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 4–216(b) and 10–523(a)(3)(i)
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY adding to
Article – Economic Development
Section 10–640(g) and 10–643(g)
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–202(a)(13), 5–205(c), 5–206(f), 8–417, 8–710, 14–405(b)(2), 16–305(c)(1), 17–103, and 17–104(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 5–207(a)(4), 5–208(a)(6), 5–209(a)(7), 8–310.3(a)(4) and (b), and 8–317(a)(4), (b), and (c)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–411(f) and (g)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 2–301, 2–302, 13–1015, 13–1116(a)(1), 13–1117(a)(1), 13–1118(a)(1), 13–2206(b), 19–310.1(b), (c), and (d), and 19–14B–01(c)(1)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 13–2206(a)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing
Article – Health – General
Section 18–108(c)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–106(d)(1) and (2)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 2–107(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7–325(a)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–509.1, 21–304(a) and (b), and 23–212(c)
Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 21–309.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–202, 2–1104, 2–1302.1, and 2–1302.2
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY adding to
Article – Tax – General
Section 2–606(e)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–321(e), 7–208(b), and 10–205(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Chapter 62 of the Acts of the General Assembly of 1992
Section 4

BY repealing and reenacting, with amendments,
Chapter 503 of the Acts of the General Assembly of 2007, as amended by Chapter 200 of the Acts of the General Assembly of 2008
Section 5(c)

BY repealing and reenacting, with amendments,
Chapter 487 of the Acts of the General Assembly of 2009
Section 19, 35, 39, and 44

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–403
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)
(As enacted by Chapter 487 of the Acts of the General Assembly of 2009)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 33 – ~~Delegate Hubbard~~ Delegates Hubbard, Benson, Bronrott, Cane, Healey, Kramer, Manno, Montgomery, V. Turner, and Waldstreicher

AN ACT concerning

Child Care Articles ~~and Toys~~ Containing Bisphenol–A – Prohibition

FOR the purpose of prohibiting the manufacture, sale, or distribution of certain ~~toys or~~ child care articles containing bisphenol–A; requiring a person to use the least toxic alternative; prohibiting a person from using certain carcinogens or certain reproductive toxicants when complying with a certain provision of this Act; requiring the Department of Health and Mental Hygiene to adopt certain regulations on or before a certain date; providing for a certain penalty; defining ~~certain terms~~ a certain term; and generally relating to certain ~~toys and~~ child care articles containing bisphenol–A.

BY adding to
Article – Health – General
Section 24–304
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 67 – Chair, Health and Government Operations Committee (By Request – Departmental – Health Insurance Plan)

AN ACT concerning

Senior Prescription Drug Assistance Program – Sunset Extension

FOR the purpose of extending the termination date of the Senior Prescription Drug Assistance Program; altering the period of time during which the subsidy required under the Senior Prescription Drug Assistance Program may not exceed a certain amount; and generally relating to the Senior Prescription Drug Assistance Program.

BY repealing and reenacting, with amendments,
Article – Insurance

Section 14–106(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Chapter 153 of the Acts of the General Assembly of 2002, as amended by Chapter 282 of the Acts of the General Assembly of 2005, Chapter 345 of the Acts of the General Assembly of 2006, Chapter 509 of the Acts of the General Assembly of 2007, and Chapter 558 of the Acts of the General Assembly of 2008
Section 13

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

House Bill 69 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Insurers – Audits, Investments, and Operations

FOR the purpose of authorizing the Maryland Insurance Commissioner to require a health maintenance organization, authorized insurer, nonprofit health service plan, dental plan organization, and managed care organization to file certain audited financial reports earlier than certain dates; prohibiting certain partners in certain accounting firms responsible for preparing certain audited financial reports from acting in that capacity for more than a certain number of consecutive years for the same insurer; requiring certain insurers to file with the Commissioner certain written plans and all changes and amendments to the written plans for use in the State on or before a certain date; authorizing the reserve investments of an insurer to include securities lending, repurchase, reverse purchase, and dollar roll transactions with business entities, subject to certain requirements; clarifying the type of information that the Commissioner may consider in determining whether the continued operation of an authorized insurer engaging in insurance business in the State would be hazardous to policyholders or creditors of the authorized insurer or the general public; authorizing the Commissioner to order certain insurers to take certain actions if the Commissioner determines that the continued operation of an authorized insurer may be hazardous to policyholders or creditors of the authorized insurer or the general public; requiring the annual statement filed by each nonprofit health service plan to be in a certain form and to contain certain additional information; requiring each nonprofit health service plan to file a certain audited financial report; requiring each nonprofit health service plan to file a certain audited financial report for each affiliate and subsidiary owned by or under the control of the nonprofit health service plan; clarifying the form and content of the annual statement filed by a dental plan organization; authorizing the Commissioner to require a dental plan organization doing business in the

State to file a certain interim statement containing certain information; requiring a dental plan organization to file a certain audited financial report; establishing certain penalties; defining certain terms; and generally relating to the audits, investments, and operations of insurers.

BY adding to
Article – Health – General
Section 19–706(cccc)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–717
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 4–116(c), 4–118(c)(1), 5–511(n), 5–608(a) and (t), 9–102, and 9–103
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY adding to
Article – Insurance
Section 4–116(d) and 5–608(t)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–121, 14–413, and 15–605(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 71 – Chair, Health and Government Operations Committee (By Request – Departmental – Health Insurance Plan) and Delegates Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Senior Prescription Drug Assistance Program – ~~Appointment of Insurance Producers~~ Training for Insurance Producers

~~FOR the purpose of prohibiting an insurance producer from marketing the Senior Prescription Drug Assistance Program or assisting a Medicare beneficiary to enroll in the Program unless the insurance producer has an appointment from the Program; authorizing the Program to require an insurance producer to receive certain training before granting an appointment to the insurance producer; authorizing the Program to terminate the appointment of an insurance producer under certain circumstances; requiring the Program to maintain a producer register in accordance with certain provisions of law; requiring an insurance producer who has been appointed by the Program to maintain documentation of the appointment in accordance with certain provisions of law; and generally relating to the Senior Prescription Drug Assistance Program.~~

FOR the purpose of requiring certain insurance producers who engage in certain activities relating to the Senior Prescription Drug Assistance Program to receive certain continuing education; authorizing the Board of Directors for the Maryland Health Insurance Plan to adopt regulations that require an insurance producer to receive training about the Program before the insurance producer may market the Program or assist a Medicare beneficiary to enroll in the Program; providing that training received about the Program qualifies as continuing education under certain provisions of law; and generally relating to training for insurance producers about the Senior Prescription Drug Assistance Program.

BY ~~adding to~~ repealing and reenacting, with amendments,
Article – Insurance
Section ~~14–515(f)~~ 10–116(a)(4) and 14–514(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 209 – Delegates Vaughn, Gutierrez, Haynes, Holmes, Hucker, Love, Oaks, ~~and Robinson~~ Robinson, Hammen, Pendergrass, Benson, Bromwell, Donoghue, Hubbard, Kullen, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

General Obligation Bonds for Capital Projects – Required Reports

FOR the purpose of requiring that an enabling act for certain projects that authorizes the creation of a State debt for at least a certain amount to be used by certain entities 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 provide 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.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 8–117
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 261 – Delegate Tarrant

AN ACT concerning

Health – Administrative Service Provider Contracts – Contracting Provider Definition

FOR the purpose of excluding a medical laboratory, as defined by a certain provision of law, from the definition of "contracting provider" as it concerns provisions of law relating to health maintenance organizations and certain administrative service provider contracts; and generally relating to administrative service provider contracts.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–713.2(a)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 292 – ~~Delegate Morhaim~~ Delegates Morhaim, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Health Insurance – Uniform Consultation Referral Form – Electronic Transmission

FOR the purpose of authorizing a health care provider to transmit the uniform consultation referral form electronically; requiring the Maryland Insurance Commissioner, in consultation with the Maryland Health Care Commission, to adopt by regulation standards for the electronic transmission of the data elements contained in the uniform consultation referral form; and generally relating to the uniform consultation referral form.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–119 and 15–120
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

LAID OVER BILLS

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

Senate Bill 20 – Senator Colburn

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0020/354930/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 20
(First Reading File Bill)

On page 5, in line 2, strike "**AND**"; and in line 6, after "**ARTICLE**" insert "**; AND**

5. THE RECIPIENT OF FUNDING UNDER THIS SUBPARAGRAPH HAS TAKEN ADEQUATE STEPS TO GUARANTEE THAT ANY FUTURE CONNECTION TO THE EXISTING MUNICIPAL WASTEWATER FACILITY CONSTRUCTED WITH FUNDING PROVIDED UNDER THIS SUBPARAGRAPH MEETS ALL OF THE REQUIREMENTS OF THIS SUBPARAGRAPH".

The preceding amendment was read only.

Senator Pinsky moved, duly seconded, to recommit the Bill.

The motion was adopted.

Senate Bill 92 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

EMERGENCY BILL

AN ACT concerning

Department of Natural Resources – Boating Safety Requirements

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0092/934130/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 92
(First Reading File Bill)

On page 1, in line 7, strike "obtain" and substitute "possess"; in line 8, strike "under certain circumstances and" and substitute "or"; and in line 9, after "requirements" insert "under certain circumstances".

On page 3, in line 3, strike "**BE**" and substitute "**1. IF OPERATING A VESSEL UNDER 11 FEET IN LENGTH, BE UNDER THE SUPERVISION OF A PERSON WHO HAS OBTAINED A CERTIFICATE OF BOATING SAFETY EDUCATION AND IS ABOARD THE VESSEL; OR**

2. IF OPERATING A VESSEL 11 FEET IN LENGTH OR GREATER, BE".

The preceding amendment was read and adopted.

Senator Stoltzfus moved, duly seconded, to make the Bill and Report a Special Order for February 23, 2010.

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #3

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

Senate Bill 454 – Senator Pinsky

AN ACT concerning

State Licensing Agencies – Justification Statements Required for Fee Increases Proposed by Regulations

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

QUORUM CALL

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

(See Roll Call No. 214)

QUORUM CALL

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

(See Roll Call No. 215)

ADJOURNMENT

At 8:56 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, February 23, 2010.

Annapolis, Maryland
Tuesday, February 23, 2010
10:00 A.M. Session

The Senate met at 10:07 A.M.

Prayer by Reverend Tracy Davenport, Harundale Presbyterian Church, guest of Senator DeGrange.

(See Exhibit A of Appendix III)

The Journal of February 22, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 217)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 68 – Senator Paul G. Pinsky:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
NASA's Goddard Space Flight Center
in recognition of
the 20th Anniversary of the Hubble Space Telescope. Goddard has successfully managed and operated Hubble, bringing unprecedented images of the universe to light and inspiring millions of
scientists, students and members of the general public.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 23rd day of February 2010.

Read and adopted by a roll call vote as follows:

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

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #3

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

Senate Bill 68 – Chair, Judicial Proceedings Committee (By Request – Departmental – Deaf and Hard of Hearing, Office of the)

AN ACT concerning

State Government – Human Relations – Closed–Captioning Activation Required

SB0068/878975/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 68
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "captioning" insert "on request".

AMENDMENT NO. 2

On page 2, in line 2, strike "**TELEVISION THAT HAS A BUILT–IN DECODER TO DISPLAY CLOSED CAPTIONING**" and substitute "**RECEIVER OF TELEVISION PROGRAMMING THAT HAS THE ABILITY TO DISPLAY CLOSED CAPTIONING, INCLUDING A TELEVISION, DIGITAL SET TOP BOX, AND ANY OTHER TECHNOLOGY CAPABLE OF DISPLAYING CLOSED CAPTIONING**".

AMENDMENT NO. 3

On page 2, in line 8, strike "**A**" and substitute "**ON REQUEST, A**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 355 – Senator Brian E. Frosh and Senator Richard S. Madaleno, Jr.:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Trees for the Future
in recognition of
two decades of global activity restoring degraded lands, providing sustainable livelihoods, and cutting
carbon emissions through the planting of more
than 65 million trees in 30 countries.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 23rd day of February 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 219)

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #3

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

Senate Bill 118 – Senators Zirkin and Stone

AN ACT concerning

Courts – Jury Trials in Civil Actions – Amount in Controversy

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 119 – Senators Zirkin and Stone

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Civil Jury Trials – Amount in Controversy

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 125 – Senators Brochin, Frosh, and Stone

AN ACT concerning

Criminal Procedure – Strip Search or Body Cavity Search of an Arrestee – Restrictions

SB0125/368874/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 125
(First Reading File Bill)

On page 1, in line 12, strike the first "certain".

On page 5, strike beginning with "**THE**" in line 17 down through "**HIGHEST-RANKING**" in line 18 and substitute "**A**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 231 – Senators Kelley and Forehand

AN ACT concerning

Maryland Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

SB0231/538170/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 231
(First Reading File Bill)

On page 29, in line 14, strike the second "**OR**" and substitute "**AND**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 251 – Senator Astle

AN ACT concerning

Anne Arundel County – Motorcycle Dealers – Sunday Operations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings recommended the following Bill be re–referred to the Committee on Judicial Proceedings and the Committee on Finance:

Senate Bill 585 – Senators Kelley, Astle, Conway, Della, Exum, Forehand, Garagiola, Haines, Harrington, Kramer, Middleton, Pipkin, Pugh, and Raskin

AN ACT concerning

Commission on Surrogate Parenting

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

THE COMMITTEE ON BUDGET AND TAXATION REPORT #4

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

Senate Bill 106 – The President (By Request – Administration) and Senators Miller, Currie, Kasemeyer, Astle, Brinkley, Colburn, DeGrange, Forehand, Garagiola, Jones, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Mooney, Munson, Peters, Pugh, Robey, Rosapepe, and Zirkin

EMERGENCY BILL

AN ACT concerning

Labor and Employment – Job Creation and Recovery Tax Credit

SB0106/489731/2

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 106
(First Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 12, strike "**11-1103**" and substitute "**11-1102**".

AMENDMENT NO. 2

On page 5, in line 7, strike "**$3,000**" and substitute "**$5,000**".

On page 7, in line 18, strike "**$250**" and substitute "**$416.67**".

AMENDMENT NO. 3

On page 6, in line 30, after "**(A)**" insert "**(1)**".

On page 7, in line 1, strike "**(1)**" and substitute "**(I)**"; in line 4, strike "**(2) (I)**" and substitute "**(II)**"; in line 7, strike "**(II) 1.**" and substitute "**(2)**"; and in line 11, strike "**2.**" and substitute "**(3)**".

The preceding 3 amendments were read only.

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

The motion was adopted.

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

Senate Bill 112 – Senator Stone

AN ACT concerning

Baltimore County – Property Tax Credit – Rosewald Beach Civic League

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 139 – Senators Madaleno and Miller

AN ACT concerning

Property Tax – Exemption for Disabled Veterans and Surviving Spouses – Definition

SB0139/539334/2

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 139
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Miller" and substitute "Miller, and Jones"; and strike beginning with "Veterans" in line 2 down through "Definition" in line 3 and substitute "Public Health Service and NOAA Officers and Surviving Spouses".

The preceding amendment was read only.

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

The motion was adopted.

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

Senate Bill 179 – Senator McFadden

AN ACT concerning

Baltimore City Public School System – Exclusion from Amount of Bonds Outstanding

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 223 – Senator Colburn

AN ACT concerning

Dorchester County – County Transfer Tax – Repeal of Sunset Provision

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 476 – Senators Currie, King, Peters, and Exum

AN ACT concerning

Maintenance of Effort – Penalty

Favorable report adopted.

FLOOR AMENDMENT

SB0476/773629/1

BY: Senator King

AMENDMENT TO SENATE BILL 476
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Exum" and substitute "Exum, Forehand, and Garagiola".

The preceding amendment was read only.

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

The motion was adopted.

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

House Joint Resolution 3 – The Speaker (By Request – Governor's Salary Commission)

A House Joint Resolution concerning

Governor's Salary Commission – Salary Recommendations for Governor and Lieutenant Governor

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #6

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

Senate Bill 129 – Senators Pugh, Conway, Forehand, Jacobs, Jones, Kelley, King, and Kramer

AN ACT concerning

International Marriage Brokers – Regulation

SB0129/627278/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 129
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Kramer" and substitute "Kramer, Middleton, Astle, Exum, Garagiola, and Klausmeier"; in line 7, strike "request" and substitute "conduct a"; strike beginning with "checks" in line 7 down through "fees" in line 10 and substitute "check"; in line 14, after "information;" insert "authorizing an international marriage broker to disclose certain information only after obtaining certain written consent;"; in line 17, after "penalty;" insert "requiring the Department of Labor, Licensing, and Regulation, in consultation with the Department of Public Safety and Correctional Services, to report on and make certain recommendations relating to registering and licensing international marriage brokers;"; and in line 21, strike "19-606" and substitute "19-607".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 8 through 11; in lines 12, 15, and 18, strike "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively; in line 17, strike "**THAT IS OBTAINED FROM THE CENTRAL REPOSITORY**"; in line 27, strike "**A COUNTRY OTHER THAN THE UNITED STATES**" and substitute "**PERSON**"; and strike beginning with "**OF**" in line 29 down through "**NATURE**" in line 30.

On page 3, in line 15, after "**(A)**" insert "**(1)**"; in line 17, after "**BASIC**" insert "**HUMAN**"; after line 18, insert:

"**(2) THE HUMAN RIGHTS INFORMATION PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE PREPARED BY AN ORGANIZATION THAT IS NOT AFFILIATED WITH THE INTERNATIONAL MARRIAGE BROKER.**";

and in line 30, strike "**A**" and substitute "**IN ACCORDANCE WITH FEDERAL LAW, A**".

On page 4, strike beginning with "**THAT**" in line 2 down through "**SUBTITLE**" in line 3; in line 3, strike "**AND**"; in line 5, after "**BROKER**" insert "**;**

(3) PROVIDE THE CLIENT'S OWN STATE AND FEDERAL CRIMINAL HISTORY TO THE INTERNATIONAL MARRIAGE BROKER; AND

(4) NOTIFY THE INTERNATIONAL MARRIAGE BROKER IF THE CLIENT HAS PREVIOUSLY SPONSORED AN INTERNATIONAL SPOUSE";

in line 15, strike "**REQUESTED CRIMINAL HISTORY RECORD**"; in line 16, strike "**IN ACCORDANCE WITH**" and substitute "**FROM THE CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER**"; in line 24, strike "**(A) THE**" and substitute "**AT THE TIME AN INTERNATIONAL MARRIAGE BROKER CONTRACTS FOR SERVICES WITH A CLIENT, THE**"; strike beginning with "**REQUEST**" in line 24 down through "**CLIENT**" in line 25 and substitute "**CONDUCT A**"; strike beginning with "**CHECKS**" in line 26 down through "**REPOSITORY**" in line 27 and substitute "**CHECK OF THE CLIENT, INCLUDING A SEARCH OF THE SEX OFFENDER REGISTRY**"; and strike in their entirety lines 28 through 33, inclusive.

On page 5, strike in their entirety lines 1 through 14, inclusive; after line 14, insert:

"**19-605.**

AN INTERNATIONAL MARRIAGE BROKER MAY DISCLOSE INFORMATION ON A RECRUIT ONLY AFTER OBTAINING CONSENT FROM THE RECRUIT, WRITTEN IN THE RECRUIT'S NATIVE LANGUAGE.";

in lines 15 and 20, strike "**19-605.**" and "**19-606.**", respectively, and substitute "**19-606.**" and "**19-607.**", respectively; and in line 23, after "**BOTH**" insert "**, IN ADDITION TO ANY PENALTY IMPOSED UNDER FEDERAL LAW**".

AMENDMENT NO. 3

On page 6, in line 1, after "That" insert ", on or before December 1, 2010, the Department of Labor, Licensing, and Regulation, in consultation with the Department of Public Safety and Correctional Services, shall:

(a) report on the feasibility of registering or licensing international marriage brokers;

(b) recommend whether to implement a registration or licensing scheme through legislation; and

(c) provide draft legislation to implement any recommended registration or licensing scheme.

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

The preceding 3 amendments were read only.

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

The motion was adopted.

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

Senate Bill 144 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Examiners of Nursing Home Administrators – Sunset Extension and Program Evaluation

SB0144/787875/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 144
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Services)" insert "and Senators Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Klausmeier, and Pugh"; in line 7, after "Board;" insert "altering the membership of the Board;"; and in line 14, after "Section" insert "9-202 and".

AMENDMENT NO. 2

On page 2, after line 3, insert:

"9–202.

(a) (1) The Board consists of **[**13**] 14** members.

(2) Of the **[**13**] 14** Board members:

(i) Six members shall be licensed nursing home administrators who are practicing actively and have at least 5 years experience as licensed nursing home administrators, one of whom has experience with the Eden Alternative Green House or a similar program, if practicable;

(ii) Two shall be individuals who are not nursing home administrators but who are engaged actively in professions that are concerned with the care of chronically ill, infirm, or aged individuals;

(iii) One shall be a physician or a nurse practitioner who specializes in geriatrics;

(iv) One shall be a geriatric social worker;

(V) ONE SHALL BE THE MARYLAND LONG-TERM CARE OMBUDSMAN DESIGNATED UNDER § 10-213 OF THE HUMAN SERVICES ARTICLE; and

[(v)**]** **(VI)** Two shall be consumer members.

(3) Not more than **[**two**]** **THREE** members may be officials or full–time employees of this State or of any of its political subdivisions.

(4) A representative of the Office of Health Care Quality shall serve as an ex officio member.

(b) (1) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

(2) (i) Except for the consumer members **AND THE MARYLAND LONG-TERM CARE OMBUDSMAN**, the Governor shall appoint each Board member, with the advice of the Secretary.

(ii) The Secretary shall make each recommendation after consulting with the associations and societies appropriate to the disciplines and professions representative of the vacancy to be filled.

(c) Each Board member shall:

(1) Be a United States citizen or have declared an intent to become a United States citizen; and

(2) Have resided in this State for at least 1 year before appointment to the Board.

(d) (1) Each consumer member of the Board:

(i) Shall be a member of the general public;

(ii) May not be or ever have been a nursing home administrator or in training to become a nursing home administrator;

(iii) May not have a household member who is a nursing home administrator or in training to become a nursing home administrator;

(iv) May not participate or ever have participated in a commercial or professional field related to the practice of a nursing home administrator;

(v) May not have a household member who participates in a commercial or professional field related to the practice of a nursing home administrator; and

(vi) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

(2) One consumer member shall have presently or have had a family member living in a nursing home.

(e) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

(f) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(g) **(1) THIS SUBSECTION DOES NOT APPLY TO THE MEMBERSHIP OF THE MARYLAND LONG-TERM CARE OMBUDSMAN.**

[(1)**] (2)** The term of a member is 4 years.

[(2)**] (3)** The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1981.

[(3)**] (4)** At the end of a term, a member continues to serve until a successor is appointed and qualifies.

[(4)**] (5)** A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

[(5)**] (6)** A member may not serve more than 2 consecutive full terms.

[(6)**] (7)** To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.

(h) (1) The Governor may remove a member for incompetence, misconduct, incapacity, or neglect of duty.

(2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.";

strike beginning with "a" in line 27 down through "(3)" in line 29; and in lines 31 and 32, strike "(4)" and "(5)", respectively, and substitute "(3)" and "(4)", respectively.

On page 3, in lines 1 and 5, strike "(6)" and "(7)", respectively, and substitute "(5)" and "(6)", respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 213 – Senators Frosh, Dyson, Exum, Garagiola, Gladden, Harrington, Jones, Kelley, Lenett, Madaleno, Peters, Pinsky, Pugh, Raskin, and Rosapepe

AN ACT concerning

Child Care Articles and Toys Containing Bisphenol–A – Prohibition

SB0213/747770/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 213
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Middleton, Astle, Della, Glassman, and Klausmeier"; in line 2, strike "and Toys"; in line 3, strike "toys or"; in line 6, after "Act;" insert "requiring the Department of Health and Mental Hygiene to adopt certain regulations on or before a certain date;"; in line 7, strike "certain terms" and substitute "a certain term"; and in line 8, strike "toys and".

AMENDMENT NO. 2

On page 1, in line 18, after "**SECTION**" insert a comma; strike beginning with the first "**THE**" in line 18 down through "**(2)**" in line 20; in line 20, strike "**CHILD**" and substitute "**CHILD**"; strike beginning with "**A**" in line 20 down through "**TEETHING**" in line 23 and substitute "**AN EMPTY BOTTLE OR CUP TO BE FILLED WITH FOOD OR LIQUID THAT IS DESIGNED OR INTENDED BY A MANUFACTURER TO BE USED BY A CHILD UNDER THE AGE OF 4 YEARS.**

(2) IF A FEDERAL LAW REGULATING THE USE OF BISPHENOL-A IN CHILD CARE ARTICLES IS ENACTED, "CHILD CARE ARTICLE" SHALL BE DEFINED AS SPECIFIED IN THE FEDERAL LAW".

On page 2, strike in their entirety lines 1 through 3, inclusive.

AMENDMENT NO. 3

On page 2, in line 4, strike "**JANUARY 10, 2011**" and substitute "**JANUARY 1, 2012**"; in line 5, after "**MANUFACTURE,**" insert "**KNOWINGLY**"; and in the same line, strike "**CHILDREN'S TOY OR**".

AMENDMENT NO. 4

On page 2, after line 19, insert:

"**(E) ON OR BEFORE JANUARY 1, 2011, THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**".

AMENDMENT NO. 5

On page 2, in line 21, strike "October" and substitute "July".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 302 – Senator Glassman

AN ACT concerning

Commercial Law – Equipment Dealer Contract Act – Outdoor Power Sports Equipment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 313 – Senators King, Miller, Harrington, Conway, Currie, Exum, Forehand, Frosh, Garagiola, Gladden, Jones, Kasemeyer, Kelley, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, and Stone

AN ACT concerning

Health Insurance – Annual Preventive Care

SB0313/187179/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 313
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and Middleton"; strike beginning with "prohibiting" in line 3 down through "occurred;" in line 6; in line 7, strike "the" and substitute "certain"; in line 8, strike "the" and substitute "certain types of"; and in line 11, after "term;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 7, after "**INCLUDES**" insert "**, IF THE SERVICE IS A COVERED BENEFIT**"; in line 9, strike "**AND**"; in line 12, after "**CANCER**" insert "**; AND**

(IV) AN ANNUAL VISION VISIT THAT INCLUDES A VISION EXAMINATION";

strike beginning with the colon in line 22 down through "**(2)**" in line 26; in line 28, strike "**(I)**" and substitute "**(1)**"; and strike beginning with "**45**" in line 29 down through "**CARE**" in line 30 and substitute "**ONCE AT ANY TIME DURING THE PLAN YEAR ESTABLISHED IN THE POLICY OR CONTRACT**".

AMENDMENT NO. 3

On page 3, in line 1, strike "**(II)**" and substitute "**(2)**"; after line 8, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after October 1, 2010, or, for policies, contracts, and health benefit plans in effect in the State on October 1, 2010, but not subject to renewal before October 1, 2011, no later than October 1, 2011.";

and in line 9, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 408 – Senators Peters, Astle, Colburn, Garagiola, Klausmeier, Pugh, Raskin, Robey, Rosapepe, Simonaire, Stone, and Zirkin

AN ACT concerning

Public Health – Disposition of Remains – Armed Forces Members

SB0408/257676/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 408
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Zirkin" and substitute "Zirkin, Middleton, Della, Exum, Glassman, Kelley, Kittleman, and Pipkin".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 431 – Senators Conway, Exum, Klausmeier, and Pugh

AN ACT concerning

Infant Formula and Baby Food – Auction Sales – Prohibition – Exception

Senator Harris moved, duly seconded, to make the Bill and Report a Special Order for February 24, 2010.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 220)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #16

Senate Bill 27 – Senator Conway

SECOND PRINTING

AN ACT concerning

Health Insurance – Benefits for In Vitro Fertilization – Donor Sperm

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

Affirmative – 25 Negative – 20 (See Roll Call No. 221)

The Bill was then sent to the House of Delegates.

Senate Bill 96 – The President (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Washington Suburban Sanitary Commission

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

Affirmative – 47 Negative – 0 (See Roll Call No. 222)

The Bill was then sent to the House of Delegates.

Senate Bill 164 – Senator Conway

AN ACT concerning

Advisory Committee on the Naming of State Facilities, Roads, and Bridges – Repeal

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

Affirmative – 46 Negative – 0 (See Roll Call No. 223)

The Bill was then sent to the House of Delegates.

Senate Bill 217 – Senator Stone

AN ACT concerning

Maryland Locksmiths Act – Exemptions – Repossession of Property

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

Affirmative – 47 Negative – 0 (See Roll Call No. 224)

The Bill was then sent to the House of Delegates.

Senate Bill 249 – The President (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Public Utilities and Washington Suburban Sanitary Commission – Cross–References

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

Affirmative – 47 Negative – 0 (See Roll Call No. 225)

The Bill was then sent to the House of Delegates.

Senate Bill 469 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Curative Bill

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

Affirmative – 47 Negative – 0 (See Roll Call No. 226)

The Bill was then sent to the House of Delegates.

Senate Bill 470 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Corrective Bill

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

Affirmative – 47 Negative – 0 (See Roll Call No. 227)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #17

Senate Bill 103 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Examiners of Landscape Architects – Sunset Extension and Program Evaluation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 228)

The Bill was then sent to the House of Delegates.

Senate Bill 104 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – Sunset Extension and Program Evaluation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 229)

The Bill was then sent to the House of Delegates.

Senate Bill 145 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Examiners in Optometry – Sunset Extension and Program Evaluation

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

Affirmative – 45 Negative – 0 (See Roll Call No. 230)

The Bill was then sent to the House of Delegates.

Senate Bill 146 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Physical Therapy Examiners – Sunset Extension and Program Evaluation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 231)

The Bill was then sent to the House of Delegates.

Senate Bill 147 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board for Professional Land Surveyors – Sunset Extension and Program Evaluation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 232)

The Bill was then sent to the House of Delegates.

Senate Bill 148 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Pilots – Sunset Extension and Program Evaluation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 233)

The Bill was then sent to the House of Delegates.

Senate Bill 149 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Plumbing – Sunset Extension and Program Evaluation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 234)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 235)

ADJOURNMENT

At 11:10 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, February 24, 2010.

Annapolis, Maryland
Wednesday, February 24, 2010
10:00 A.M. Session

The Senate met at 10:11 A.M.

Prayer by Reverend John Mohan, St. Michael Lutheran Church, guest of Senator Klausmeier.

(See Exhibit A of Appendix III)

The Journal of February 23, 2010 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Dyson, Edwards and Zirkin be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 236)

Recognition of the Baltimore Leadership School for Young Women

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 363 – Senator Nathaniel J. McFadden:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Robert Bonnell
in recognition of
your outstanding and dedicated service to the
students of the Baltimore City Public Schools
as the Chairman of the Board for the
Educational Opportunity Program.
The entire membership extends best wishes on
this memorable occasion and directs this resolution

be presented on this 24th day of February 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 237)

Senate Resolution No. 201 – Senator John C. Astle:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Genesis HealthCare – Spa Creek Center
in recognition of
receiving the American Health Care Association's
National Step II Quality Award for quality care
in the long–term care profession.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 24th day of February 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 238)

Senate Resolution No. 390 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Pat Owen, Head, Men's Golf Coach
U.S. Naval Academy
in recognition of
receiving the 2009 Labron Harris, Sr., Award for support of men's golf through
teaching, coaching and involvement
in the community. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 24th day of February 2010.

Senate Resolution No. 391 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Glad Gladchuck
Athletic Director, U.S. Naval Academy
in recognition of
your support of the Academy's Athletic
Programs, including men's golf.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 24th day of February 2010.

INTRODUCTION OF BILLS

Senate Bill 1005 – Senator Pugh

AN ACT concerning

Health Services Cost Review Commission – Podiatric Medical Examiners Residency Program

FOR the purpose of authorizing an accredited hospital to apply to the Health Services Cost Review Commission for funding to establish a certain podiatric medical examiners residency program; requiring the Commission to select one accredited hospital that applied for funding and transfer funds sufficient for the accredited hospital to provide a certain residency program to a certain number of podiatric medical residents each year for a certain number of years; requiring the accredited hospital to repay certain funds to the Commission within a certain period of time; providing for the termination of this Act; and generally relating to the funding of a podiatric medical examiners residency program by the Health Services Cost Review Commission.

BY adding to
Article – Health – General
Section 19–209.1
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 1006 – Senator Pugh

AN ACT concerning

Baltimore City – Sale of Motor Fuel for Dirt Bikes – Prohibition

FOR the purpose of requiring a retail service station dealer in Baltimore City to post a certain sign in a conspicuous location at a retail service station that states certain prohibitions relating to dispensing motor fuel into a dirt bike; requiring the Comptroller, in consultation with a certain organization, to adopt guidelines for the design of the sign; requiring a court, in making a disposition on a finding that a child has committed a certain violation of this Act, to order the Motor Vehicle Administration to suspend the driving privilege of the child for a certain period of time; prohibiting, in Baltimore City, a person who is not an owner or employee of a service station who is subject to certain prohibitions under local law from dispensing motor fuel into a dirt bike from a retail pump at a service station; requiring the court to notify the Administration if a person is convicted of a certain violation of this Act; authorizing the Administration to suspend a person's driver's license for a certain period of time under certain circumstances; requiring the Administration to suspend a person's driver's license for a certain period of time under certain circumstances; establishing certain penalties; authorizing the court to order a minor's parent or guardian to pay a certain fine under certain circumstances; providing for the application of certain provisions of this Act; defining certain terms; and generally relating to the sale of motor fuel for dirt bikes.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 10–101(k)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY adding to
Article – Business Regulation
Section 10–503
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–8A–19(e)(5)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 16–206(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to

Article – Transportation
Section 21–1128 and 27–101(dd)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 1007 – Senator Pugh

AN ACT concerning

Public Schools – Law Enforcement Officers – Cultural Competency Training Program

FOR the purpose of requiring the State Department of Education, in consultation with the Maryland Police Training Commission, to develop and implement a cultural competency training program for certain law enforcement officers; providing for the contents of the cultural competency training program; requiring certain law enforcement officers employed by a county board of education to complete the cultural competency training program before beginning a certain assignment; and generally relating to a cultural competency training program for law enforcement officers in public schools.

BY adding to
Article – Education
Section 7–430
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 1008 – Senator Exum

AN ACT concerning

Wireless Telephone Service – Trial Periods and Termination of Service

FOR the purpose of requiring wireless telephone service providers to provide customers with a certain trial period during which the customer may terminate service without incurring certain fees, charges, or penalties; requiring wireless telephone service providers to reduce by a certain amount certain fees and penalties related to the termination of service after the lapse of the trial period; providing that a violation of this Act is an unfair or deceptive trade practice under the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; defining certain terms; and generally relating to the protection of customers of wireless telephone service providers.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxvi)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 13–301(14)(xxvii)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article – Commercial Law
Section 13–301(14)(xxviii) and 14–1322
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Senate Bill 1009 – Senator Dyson

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2007 – St. Mary's County – St. Mary's Agriculture Service Center

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2007 to expand the authorized purposes of a certain grant to include acquisition, planning, and design.

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

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

Senate Bill 1010 – Senator Exum

AN ACT concerning

Creation of a State Debt – Prince George's County – Glenarden Senior Center

FOR the purpose of authorizing the creation of a State Debt in the amount of $50,000, the proceeds to be used as a grant to the Mayor and City Council of the City of Glenarden for certain development or improvement purposes; providing for disbursement of the loan proceeds; establishing a deadline for the encumbrance

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

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

Senate Bill 1011 – Senator Gladden

AN ACT concerning

Creation of a State Debt – Baltimore City – Swann Avenue Firehouse

FOR the purpose of authorizing the creation of a State Debt in the amount of $150,000, the proceeds to be used as a grant to the Baltimore City Fire Department for certain development or improvement purposes; providing for disbursement of the loan proceeds; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 1012 – Senator Stoltzfus

AN ACT concerning

Employees' Pension System – Eligibility Service Credit – Early Service Retirement Allowance

FOR the purpose of requiring the Board of Trustees of the State Retirement and Pension System to apply certain overtime earned by certain individuals in certain employment during a certain period of time to the individual's eligibility service credit in the Employees' Pension System if the individual applies for a certain early service retirement allowance; providing for the termination of this Act; and generally relating to eligibility service credit for early service retirement allowances in the Employees' Pension System.

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

Senate Bill 1013 – Senator Jacobs

AN ACT concerning

Harford County Property Tax Credit – Homes near a Refuse Disposal System – Extension to Additional Properties

FOR the purpose of extending the property tax credit in Harford County for certain residential real property in proximity to certain refuse disposal systems to certain additional residential real property; providing for the application of this

Act; and generally relating to a certain authorization for Harford County to grant a property tax credit for certain residential real property in proximity to certain refuse disposal systems.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–314(a)(1)(x)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)
(As enacted by Chapters 228 and 229 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9–314(a)(4)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 1014 – Senator Stoltzfus

EMERGENCY BILL

AN ACT concerning

Education – Maintenance of Effort Requirement – Waiver and Appeal Process

FOR the purpose of altering the date by which a county governing body must make a request to the State Board of Education for a waiver from the maintenance of effort requirement; clarifying the maintenance of effort requirement for which a county may apply for a waiver; requiring the State Board to grant a waiver, subject to certain limitations, under certain circumstances; requiring the State Board to consider certain factors when making a decision whether to grant a waiver; altering the date by which the State Board must inform the county governing body whether the waiver application has been granted or denied; requiring the State Board to inform certain county boards of education of a certain decision within a certain time frame; authorizing certain parties to appeal the decision of the State Board to the Office of Administrative Hearings within a certain time frame; requiring the Office of Administrative Hearings to conduct a hearing and issue a decision within a certain time frame and according to certain provisions of law; requiring a certain decision to be based on substantive grounds; providing that the decision of the Office of Administrative Hearings is final; prohibiting the assessment of a certain penalty until the Office of Administrative Hearings has issued a decision; waiving the maintenance of effort provisions in law for certain fiscal years for

certain counties and Baltimore City; providing for the calculation of certain levels of appropriations by the counties and Baltimore City for a certain fiscal year; making this Act an emergency measure; and generally relating to the maintenance of effort requirement for primary and secondary education.

BY repealing and reenacting, with amendments,
Article – Education
Section 5–202(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 1015 – Senator Jones

AN ACT concerning

Creation of a State Debt – Baltimore City – Everyman Theatre

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

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

Senate Bill 1016 – Senator Robey

AN ACT concerning

Tattooing, Branding, and Body Piercing – Parental Consent

FOR the purpose of prohibiting the tattooing, branding, or body piercing of a minor without the prior written informed consent of the minor's parent or legal guardian; requiring the consent of a parent or legal guardian to be executed in a certain manner; providing that an individual who violates this Act is subject to certain civil penalties under certain circumstances; providing for the construction of certain provisions of this Act; and generally relating to the tattooing, branding, or body piercing of a minor.

BY adding to
Article – Criminal Law
Section 10–112.1
Annotated Code of Maryland

(2002 Volume and 2009 Supplement)

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

Senate Bill 1017 – Senators Kasemeyer, Astle, Della, Edwards, Exum, Forehand, Garagiola, Gladden, Haines, Jacobs, King, Madaleno, McFadden, Muse, Pinsky, and Rosapepe

AN ACT concerning

Child Welfare Training Act of 2010

FOR the purpose of requiring the Department of Human Resources to identify State funds that are used for the training of the child welfare workforce, in the public and private sector, in order to receive the maximum amount of federal matching funds available to the Department under Title IV–E of the Social Security Act, in accordance with a certain federal law; and generally relating to funding for the training of the child welfare workforce.

BY adding to
Article – Family Law
Section 5–1312
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

Senate Bill 1018 – Senator DeGrange

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

FOR the purpose of amending certain prior Acts of the General Assembly that authorized the creation of State Debt through the issuance, sale, and delivery of general obligation bonds, the proceeds of which were designated for funding certain capital projects; extending the deadline by which certain loan proceeds must be expended or encumbered by the Board of Public Works; extending the deadline by which certain grantees must present evidence to the Board of Public Works that certain matching funds will be provided; altering and expanding the authorized uses of certain grants; altering the purpose of certain grants; altering the grantees under certain projects; altering the location of certain grants; reducing the amount of certain grants and increasing the amount of certain grants; repealing a requirement that a certain grantee grant and convey a certain easement; repealing the requirement that certain grantees provide a certain matching fund; altering the matching fund requirements of certain

grants; and generally relating to amending prior authorizations of State Debt by the General Assembly to fund certain capital projects.

BY repealing and reenacting, with amendments,
Chapter 163 of the Acts of the General Assembly of 2001, as amended by Chapter 219 of the Acts of the General Assembly of 2008
Section 1

BY repealing and reenacting, with amendments,
Chapter 326 of the Acts of the General Assembly of 2001, as amended by Chapter 30 of the Acts of the General Assembly of 2003, Chapter 188 of the Acts of the General Assembly of 2005, and Chapter 219 of the Acts of the General Assembly of 2008
Section 1

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 432 of the Acts of the General Assembly of 2004, Chapter 94 of the Acts of the General Assembly of 2005, and Chapter 488 of the Acts of the General Assembly of 2007
Section 13(3)(ii) Item (T–2)

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 65 of the Acts of the General Assembly of 2007, Chapter 219 of the Acts of the General Assembly of 2008, and Chapter 707 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA01(AR) and Item ZA02(AV)

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

BY adding to
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA02(BZ–1)

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006, as amended by Chapter 219 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA01(R) and (AC) and Item ZA02(W) and (AC)

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

BY adding to

Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA02(BO–1)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 219 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA02(BO)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA01(BG), (BY), and (CA) and Item ZA02(J), (AA), (AQ), (BC), (BI), (BM), (BQ), and (BV)

BY adding to
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item (ZA02)(BV–1) and (BV–2)

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA00(AB), Item ZA02(C), (M), (O), and (AB), and Item ZA03(C), (AE), and (AH)

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

Senate Bill 1019 – Senator Kelley

AN ACT concerning

Real Property – Real Estate Settlements – Disclosures

FOR the purpose of requiring a person who has a connection with the settlement of real estate transactions involving land in the State to comply with certain federal disclosure requirements; and generally relating to real estate settlements.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 14–127
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Senate Bill 1020 – Senator Dyson

AN ACT concerning

Natural Resources – Incidental Taking Permit for Endangered Puritan Tiger Beetle – Requirements

FOR the purpose of requiring the Secretary of Natural Resources to issue a permit to an applicant that authorizes an incidental taking of the endangered Puritan Tiger Beetle under certain circumstances; requiring the Secretary to adopt certain regulations relating to an incidental taking permit for the endangered Puritan Tiger Beetle; and generally relating to an incidental taking permit for the endangered Puritan Tiger Beetle.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–2A–05.1
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 1021 – Senator McFadden

AN ACT concerning

Baltimore City – Alcoholic Beverages – License Fees

FOR the purpose of requiring certain establishments in Baltimore City for which certain alcoholic beverages licenses have been issued to pay additional fees if live entertainment or certain services are provided; altering certain license fees for establishments according to seating capacity; altering certain 1–day license fees under certain circumstances; and generally relating to alcoholic beverages licenses fees in Baltimore City.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 5–201(a)(1), 5–401(a)(1), 6–401(a)(1), 7–101(d)(1), and 8–203(a) and (d)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 5–201(d), 5–401(d), 6–401(d), 7–101(d)(3), and 8–203(d)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Senate Bill 1022 – Senator McFadden

AN ACT concerning

Baltimore City Charter – Community Benefits District – East Baltimore

FOR the purpose of authorizing the Mayor and City Council of Baltimore to establish by ordinance a Community Benefits District in the East Baltimore section to be a special tax district and provide certain services; authorizing the Mayor and City Council to establish a Community Benefits District Authority to provide certain services; requiring a certain ordinance to include certain provisions; requiring the Authority to establish a certain financial plan for the District under certain circumstances; requiring a certain financial plan to be subject to approval by the Baltimore City Board of Estimates; requiring the Authority to hold a public hearing on a certain financial plan; providing that certain property that is exempt from certain taxes be exempt from District taxes; authorizing the Authority to request that certain owners voluntarily contribute to the costs of the Authority; providing for a Board of Directors of the Authority; providing certain powers, duties, and limitations of the Community Benefits District Authority; providing that the District, Authority, Board of Directors, and District Administrator shall benefit from certain laws limiting liability under certain circumstances; providing that the Authority shall be subject to certain City ordinances and goals regarding minority and women's business enterprises; requiring the Mayor and City Council to take certain matters into consideration and make certain determinations when enacting certain ordinances; prohibiting the Mayor and City Council from authorizing certain reductions in services; providing for the reversion of unspent funds under a certain condition; placing a certain condition on a certain ordinance taking effect; defining certain terms; and generally relating to the establishment of a Community Benefits District in East Baltimore.

BY adding to
The Charter of Baltimore City
Article II – General Powers
Section (65)
(2007 Replacement Volume, as amended)

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

Senate Bill 1023 – Senators Harris and Mooney

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Members of the General Assembly – Limitation of Terms

FOR the purpose of proposing an amendment to the Maryland Constitution to impose a certain limit on the number of consecutive terms that a person may serve in the office of Senator or Delegate in the General Assembly; making stylistic changes; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution
Article III – Legislative Department
Section 6

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

Senate Bill 1024 – Senators Harris and Mooney

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Taxpayers' Bill of Rights

FOR the purpose of proposing an amendment to the Maryland Constitution that establishes a certain Bill of Rights for individual taxpayers in the State; requiring certain voter approval for new State or local taxes, tax rate increases, and repeal of tax exemptions; imposing certain spending limits on the State; requiring that a certain Rainy Day Fund be maintained; requiring that certain revenues received in excess of certain estimates be transferred to a certain Rainy Day Fund; prohibiting use of the Rainy Day Fund except under certain circumstances; requiring that under certain circumstances certain balances in excess of certain amounts be returned to individual taxpayers; prohibiting certain transfers from State special funds to the State General Fund; prohibiting appropriations from State special funds that supplant State General Fund appropriations or that if not made would necessitate a State General Fund appropriation; prohibiting the State from imposing certain obligations on local units of government under certain circumstances; providing for the severability of certain provisions of this Act; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an addition to the Maryland Constitution
Declaration of Rights
Article 15A

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

Senate Bill 1025 – Senator Garagiola

AN ACT concerning

Vehicle Laws – Required Security – Increase in Minimum Amounts

FOR the purpose of increasing the minimum amounts of required security for the payment of certain claims for bodily injury or death arising from a motor vehicle accident; and generally relating to the minimum required security for motor vehicles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 17–103
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 1026 – Senator Rosapepe

AN ACT concerning

Maryland–Washington Regional District – Boundaries – City of Laurel

FOR the purpose of altering a certain provision of law to provide that the boundaries of the Maryland–Washington Regional District include all of Prince George's County except the City of Laurel as its boundaries are defined as of a certain date; and generally relating to the boundaries of the Maryland–Washington Regional District.

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 7–103
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 239)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #15

CONSENT CALENDAR #2

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 122	Sen. Brochin	Balt Co – Towson Cml Revitalization Dist – Alc Bevs Lics – Restrs – Min Capital Invsmt and Transfs	EHE
SB 173	Sen. McFadden	Baltimore City Police Department Death Relief Fund – Procedures and Benefit Amount	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 2 were read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 240)

The Bills were then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 62 – ~~**Delegate V. Turner**~~ **Delegates V. Turner and Beidle**

AN ACT concerning

Environment – Payment of Cost Differential – Nitrogen Removal Technology

FOR the purpose of ~~repealing a certain contingency on the requirement~~ requiring that the Department of the Environment pay for certain costs associated with the installation of on–site sewage disposal systems utilizing nitrogen removal technology with money from the Bay Restoration Fund under certain circumstances in certain calendar years; ~~requiring the Department to make payment with money from certain General Fund appropriations if certain funding is unavailable; giving priority for certain funding to certain homeowners installing on–site sewage disposal systems utilizing nitrogen removal technology~~ declaring the intent of the General Assembly; and generally relating to on–site sewage disposal systems utilizing nitrogen removal technology.

BY repealing and reenacting, without amendments,

Article – Environment
Section 9–1108(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)
(As enacted by Chapter 280 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1108(b) ~~and 9–1605.2(h)(1) and (2)~~
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1108(c) ~~and 9–1605.2(h)(3)(i)~~
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 89 – Delegate O'Donnell

AN ACT concerning

Environment – Wetlands and Waterways Program Fees – Aquaculture

FOR the purpose of exempting aquacultural activities for which the Department of Natural Resources has issued a certain permit from a requirement to pay certain fees under the Wetlands and Waterways Program; requiring the Aquaculture Coordinating Council to report certain information to the Department of the Environment and the General Assembly on or before a certain date; and generally relating to the Wetlands and Waterways Program.

BY repealing and reenacting, without amendments,
Article – Environment
Section 5–203.1(a) and (b)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 5–203.1(b)(2)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 109 – Delegate Ali

AN ACT concerning

Residential Property Tax Disclaimer Act

FOR the purpose of requiring that a certain form developed by the State Real Estate Commission contain a certain notice; and generally relating to sales of residential property.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 10–702(b) and (f)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 10–702(c)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 126 – Delegates Ramirez, Vallario, Barnes, Conaway, and Simmons

AN ACT concerning

Outstanding Arrest Warrants – Drivers' Licenses and Vehicle Registrations

FOR the purpose of altering the definition of an outstanding warrant for arrest for purposes of certain provisions of the Maryland Vehicle Law governing suspension of drivers' licenses and vehicle registrations under certain circumstances; and generally relating to suspension of drivers' licenses and vehicle registrations based on outstanding warrants for arrest under certain circumstances.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–406(8), 13–406.1(a)(1) and (b), and 16–204(a)(1) and (3) and (b)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 13–406.1(a)(3)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 149 – Chair, Calvert County Delegation

AN ACT concerning

Calvert County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Calvert County, from time to time, to borrow not more than $11,275,000 to finance the construction, improvement, or development of certain public facilities in Calvert County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

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

House Bill 307 – Cecil County Delegation

AN ACT concerning

Cecil County – Public Facilities Bond Bill

FOR the purpose of authorizing and empowering the County Commissioners of Cecil County, from time to time, to borrow not more than $11,300,000 in order to finance the cost of the construction and improvement of certain public facilities in Cecil County and to effect that borrowing by the issuance and sale at public or private sale of its general obligation bonds in like amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or

rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds, and the interest thereon and any income derived therefrom, from all State, county, municipal, and other taxation in the State of Maryland; and relating generally to the issuance and sale of the bonds by Cecil County.

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

House Bill 339 – Caroline County Delegation

AN ACT concerning

Caroline County – Orphans' Court Judges – Pensions

FOR the purpose of removing Caroline County from the list of counties that are excepted from the requirement to pay a certain pension to each judge of the Orphans' Court under certain circumstances.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 2–108(y)
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

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

House Joint Resolution 4 – The Speaker (By Request – Judicial Compensation Commission)

A House Joint Resolution concerning

Judicial Compensation Commission – Recommendations

FOR the purpose of ~~proposing an alteration to~~ establishing the compensation of the members of the Judiciary in this State in accordance with Section 1–708 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland.

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

SPECIAL ORDERS

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

Senate Bill 92 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

EMERGENCY BILL

AN ACT concerning

Department of Natural Resources – Boating Safety Requirements

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

Favorable report adopted.

FLOOR AMENDMENT

SB0092/883524/1

BY: Senator Simonaire

AMENDMENTS TO SENATE BILL 92
(First Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 9, after the first semicolon insert "clarifying language;".

AMENDMENT NO. 2
On page 1, in line 21, strike "and (4)" and substitute "**, (4), AND (5)**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

LAID OVER BILLS

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

Senate Bill 106 – The President (By Request – Administration) and Senators Miller, Currie, Kasemeyer, Astle, Brinkley, Colburn, DeGrange, Forehand, Garagiola, Jones, Klausmeier, Kramer, Lenett, Madaleno,

McFadden, Middleton, Mooney, Munson, Peters, Pugh, Robey, Rosapepe, and Zirkin

EMERGENCY BILL

AN ACT concerning

Labor and Employment – Job Creation and Recovery Tax Credit

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

SB0106/489731/2

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 106
(First Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 12, strike "**11-1103**" and substitute "**11-1102**".

AMENDMENT NO. 2

On page 5, in line 7, strike "**$3,000**" and substitute "**$5,000**".

On page 7, in line 18, strike "**$250**" and substitute "**$416.67**".

AMENDMENT NO. 3

On page 6, in line 30, after "**(A)**" insert "**(1)**".

On page 7, in line 1, strike "**(1)**" and substitute "**(I)**"; in line 4, strike "**(2) (I)**" and substitute "**(II)**"; in line 7, strike "**(II) 1.**" and substitute "**(2)**"; and in line 11, strike "**2.**" and substitute "**(3)**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0106/393625/1

BY: Senator Mooney

AMENDMENT TO SENATE BILL 106
(First Reading File Bill)

On page 5, in line 13, strike "**$20,000,000**" and substitute "**$28,000,000**".

The preceding amendment was read only.

Senator Stone moved, duly seconded, that the Bill and Amendment be laid over 1 hour under the Rules.

The motion was adopted.

Senate Bill 139 – Senators Madaleno and Miller

AN ACT concerning

Property Tax – Exemption for Disabled Veterans and Surviving Spouses – Definition

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0139/539334/2

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 139
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Miller" and substitute "Miller, and Jones"; and strike beginning with "Veterans" in line 2 down through "Definition" in line 3 and substitute "Public Health Service and NOAA Officers and Surviving Spouses".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 476 – Senators Currie, King, Peters, and Exum

AN ACT concerning

Maintenance of Effort – Penalty

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

FLOOR AMENDMENT

SB0476/773629/1

BY: Senator King

AMENDMENT TO SENATE BILL 476
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Exum" and substitute "Exum, Forehand, and Garagiola".

The preceding amendment was withdrawn.

FLOOR AMENDMENT

SB0476/639236/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 476
(First Reading File Bill)

On page 1, in the sponsor line, strike "Currie,"; in the same line, after "King," insert "Currie,"; and in the same line, strike "and Exum" and substitute "Exum, Forehand, and Garagiola".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0476/193927/1

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 476
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "a"; and in the same line, strike "year" and substitute "years".

AMENDMENT NO. 2

On page 1, in line 19, strike "year" and substitute "years"; and in the same line, after "2010" insert "and 2011".

On page 2, in line 6, after "2010" insert "or fiscal year 2011".

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

Affirmative – 11 Negative – 34 (See Roll Call No. 241)

Read the second time and ordered prepared for Third Reading.

Senate Bill 129 – Senators Pugh, Conway, Forehand, Jacobs, Jones, Kelley, King, and Kramer

AN ACT concerning

International Marriage Brokers – Regulation

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

SB0129/627278/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 129
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Kramer" and substitute "Kramer, Middleton, Astle, Exum, Garagiola, and Klausmeier"; in line 7, strike "request" and substitute "conduct a"; strike beginning with "checks" in line 7 down through "fees" in line 10 and substitute "check"; in line 14, after "information;" insert "authorizing an international marriage broker to disclose certain information only after obtaining certain written consent;"; in line 17, after "penalty;" insert "requiring the Department of Labor, Licensing, and Regulation, in consultation with the Department of Public Safety and Correctional Services, to report on and make certain recommendations relating to registering and licensing international marriage brokers;"; and in line 21, strike "19-606" and substitute "19-607".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 8 through 11; in lines 12, 15, and 18, strike "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively; in line 17, strike "**THAT IS OBTAINED FROM THE CENTRAL REPOSITORY**"; in line 27, strike "**A COUNTRY OTHER THAN THE UNITED STATES**" and substitute "**PERSON**"; and strike beginning with "**OF**" in line 29 down through "**NATURE**" in line 30.

On page 3, in line 15, after "**(A)**" insert "**(1)**"; in line 17, after "**BASIC**" insert "**HUMAN**"; after line 18, insert:

"**(2) THE HUMAN RIGHTS INFORMATION PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE PREPARED BY AN ORGANIZATION THAT IS NOT AFFILIATED WITH THE INTERNATIONAL MARRIAGE BROKER.**";

and in line 30, strike "**A**" and substitute "**IN ACCORDANCE WITH FEDERAL LAW, A**".

On page 4, strike beginning with "**THAT**" in line 2 down through "**SUBTITLE**" in line 3; in line 3, strike "**AND**"; in line 5, after "**BROKER**" insert "**;**

(3) PROVIDE THE CLIENT'S OWN STATE AND FEDERAL CRIMINAL HISTORY TO THE INTERNATIONAL MARRIAGE BROKER; AND

(4) **NOTIFY THE INTERNATIONAL MARRIAGE BROKER IF THE CLIENT HAS PREVIOUSLY SPONSORED AN INTERNATIONAL SPOUSE**";

in line 15, strike "**REQUESTED CRIMINAL HISTORY RECORD**"; in line 16, strike "**IN ACCORDANCE WITH**" and substitute "**FROM THE CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER**"; in line 24, strike "**(A) THE**" and substitute "**AT THE TIME AN INTERNATIONAL MARRIAGE BROKER CONTRACTS FOR SERVICES WITH A CLIENT, THE**"; strike beginning with "**REQUEST**" in line 24 down through "**CLIENT**" in line 25 and substitute "**CONDUCT A**"; strike beginning with "**CHECKS**" in line 26 down through "**REPOSITORY**" in line 27 and substitute "**CHECK OF THE CLIENT, INCLUDING A SEARCH OF THE SEX OFFENDER REGISTRY**"; and strike in their entirety lines 28 through 33, inclusive.

On page 5, strike in their entirety lines 1 through 14, inclusive; after line 14, insert:

"**19-605.**

AN INTERNATIONAL MARRIAGE BROKER MAY DISCLOSE INFORMATION ON A RECRUIT ONLY AFTER OBTAINING CONSENT FROM THE RECRUIT, WRITTEN IN THE RECRUIT'S NATIVE LANGUAGE.";

in lines 15 and 20, strike "**19-605.**" and "**19-606.**", respectively, and substitute "**19-606.**" and "**19-607.**", respectively; and in line 23, after "**BOTH**" insert "**, IN ADDITION TO ANY PENALTY IMPOSED UNDER FEDERAL LAW**".

AMENDMENT NO. 3

On page 6, in line 1, after "That" insert ", on or before December 1, 2010, the Department of Labor, Licensing, and Regulation, in consultation with the Department of Public Safety and Correctional Services, shall:

(a) report on the feasibility of registering or licensing international marriage brokers;

(b) recommend whether to implement a registration or licensing scheme through legislation; and

(c) provide draft legislation to implement any recommended registration or licensing scheme.

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

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0129/183120/1

BY: Senator Pugh

AMENDMENTS TO SENATE BILL 129, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 4 of the bill, strike lines 1 through 3, inclusive; and in line 4, strike "**(2)**" and substitute "**(1)**".

AMENDMENT NO. 2

On page 2 of the Finance Committee Amendments (SB0129/627278/1), in lines 4 and 6 of Amendment No. 2, strike "**(3)**" and "**(4)**", respectively, and substitute "**(2)**" and "**(3)**", respectively.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #5

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

Senate Bill 237 – Senator Zirkin

AN ACT concerning

Sales and Use Tax – Exemptions – Veterans' Organizations

SB0237/579533/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 237
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Zirkin" and substitute "Senators Zirkin, Brinkley, Currie, DeGrange, Edwards, Jones, Kasemeyer, King, Kramer, Madaleno, McFadden, Munson, Peters, Robey, and Stoltzfus".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 323 – Senator Jones (Chair, Joint Audit Committee) and Senators Currie, Haines, Kramer, McFadden, and Pugh

AN ACT concerning

Office of Legislative Audits – Auditing Local School Systems

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 348 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

Capital Debt Affordability

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 431 – Senators Conway, Exum, Klausmeier, and Pugh

AN ACT concerning

Infant Formula and Baby Food – Auction Sales – Prohibition – Exception

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

Favorable report adopted.

FLOOR AMENDMENT

SB0431/563923/1

BY: Senator Harris

AMENDMENTS TO SENATE BILL 431
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Infant Formula and Baby Food" and substitute "Food, Drugs, and Cosmetics"; in line 7, after "circumstances;" insert "providing for the application of a certain provision of law;"; and in line 8, strike "infant formula and baby food" and substitute "food, drugs, and cosmetics".

AMENDMENT NO. 2

On page 1, after line 22, insert:

"**(A) THIS SECTION DOES NOT APPLY TO ITEMS DESCRIBED IN SUBSECTION (B) OF THIS SECTION IF:**

(1) THE ITEMS ARE BEING SOLD IN A SINGLE LOT AT A CHARITY AUCTION; AND

(2) THE TOTAL VALUE OF THE ITEMS IN THE LOT IS $100 OR LESS.";

and in line 23, strike "(a)" and substitute "**(B)**".

On page 2, in line 4, strike "(b)" and substitute "**(C)**".

The preceding 2 amendments were read only.

Senator Harris moved, duly seconded, to make the Bill and Amendments a Special Order for February 25, 2010.

The motion was adopted.

LAID OVER BILLS

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

Senate Bill 106 – The President (By Request – Administration) and Senators Miller, Currie, Kasemeyer, Astle, Brinkley, Colburn, DeGrange, Forehand, Garagiola, Jones, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Mooney, Munson, Peters, Pugh, Robey, Rosapepe, and Zirkin

EMERGENCY BILL

AN ACT concerning

Labor and Employment – Job Creation and Recovery Tax Credit

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENT OFFERED FROM THE FLOOR BY SENATOR MOONEY.

FLOOR AMENDMENT

SB0106/393625/1

BY: Senator Mooney

AMENDMENT TO SENATE BILL 106
(First Reading File Bill)

On page 5, in line 13, strike "**$20,000,000**" and substitute "**$28,000,000**".

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

Affirmative – 6 Negative – 40 (See Roll Call No. 242)

Read the second time and ordered prepared for Third Reading.

RECONSIDERATION

Senator Stone moved, duly seconded, to place **Senate Bill 106** back on second reading for the purpose of adding amendments.

The motion was adopted.

Senate Bill 106 – The President (By Request – Administration) and Senators Miller, Currie, Kasemeyer, Astle, Brinkley, Colburn, DeGrange, Forehand, Garagiola, Jones, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Mooney, Munson, Peters, Pugh, Robey, Rosapepe, and Zirkin

EMERGENCY BILL

AN ACT concerning

Labor and Employment – Job Creation and Recovery Tax Credit

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

FLOOR AMENDMENT

SB0106/793628/1

BY: Senator Stone

AMENDMENT TO SENATE BILL 106
(First Reading File Bill)

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

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 243)

ADJOURNMENT

At 11:09 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, February 25, 2010.

Annapolis, Maryland
Thursday, February 25, 2010
10:00 A.M. Session

The Senate met at 10:09 A.M.

Prayer by Reverend Jim Kirk, guest of Senator DeGrange.

(See Exhibit A of Appendix III)

The Journal of February 24, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 246)

INTRODUCTION OF BILLS

Senate Bill 1027 – Senator Klausmeier

AN ACT concerning

Creation of a State Debt – Baltimore City – Port Discovery

FOR the purpose of authorizing the creation of a State Debt not to exceed $250,000, the proceeds to be used as a grant to the Board of Directors of the Baltimore Children's Museum, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 1028 – Senator Klausmeier

AN ACT concerning

Health Insurance – Coverage of Autism Spectrum Disorders

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for the diagnosis of autism spectrum disorders and certain treatment of autism spectrum disorders; requiring certain treatment of autism spectrum disorders to be prescribed and provided by certain individuals; clarifying that certain provisions of this Act may not be construed as limiting certain benefits otherwise available to an individual; prohibiting certain limits on visits to an autism services provider; requiring a certain notice; authorizing certain insurers, nonprofit health service plans, and health maintenance organizations to request an updated treatment plan at certain intervals; requiring certain insurers, nonprofit health service plans, and health maintenance organizations to pay the cost of the updated treatment plan; providing that a certain determination constitutes an adverse decision under certain provisions of law; providing that certain insurers, nonprofit health service plans, and health maintenance organizations are not required to provide reimbursement for certain services; exempting certain insurers, nonprofit health service plans, and health maintenance organizations from providing coverage for habilitative or rehabilitative care for certain years under certain circumstances; making the provisions of this Act applicable to health maintenance organizations; defining certain terms; providing for the application of this Act; providing for a delayed effective date; and generally relating to health insurance coverage of autism spectrum disorders.

BY adding to
Article – Insurance
Section 15–845
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Health – General
Section 19–706(cccc)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 1029 – Senators Klausmeier, Brochin, and Stone

AN ACT concerning

Baltimore County – Use of Public School Facilities – Games of Chance

FOR the purpose of authorizing the use of public school facilities in Baltimore County for certain games of chance; providing for the construction of this Act; and generally relating to the use of public school facilities in Baltimore County for games of chance.

BY repealing and reenacting, without amendments,
Article – Education
Section 7–108
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Education
Section 7–108.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 1030 – Senator Klausmeier

AN ACT concerning

State Board of Education – Financial Literacy Curriculum – Graduation Requirement

FOR the purpose of requiring the State Board of Education to develop curriculum content for a certain course in financial literacy; requiring certain county boards of education to implement certain curriculum content in certain high schools; requiring certain students to complete a certain course in order to graduate from high school; and generally relating to the implementation of a course in financial literacy that is required for graduation from a public high school in the State.

BY adding to
Article – Education
Section 7–205.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 1031 – Senator Middleton

AN ACT concerning

Health Insurance – Surgical Treatment of Morbid Obesity – Repeal of Reporting Requirement

FOR the purpose of repealing a certain requirement that the Maryland Insurance Administration report annually to certain committees of the General Assembly on complaints relating to the denial of coverage for the surgical treatment of

morbid obesity; and generally relating to the insurance coverage of the surgical treatment of morbid obesity.

BY repealing
Chapter 486 of the Acts of the General Assembly of 2004, as amended by Chapter 301 of the Acts of the General Assembly of 2005
Section 3

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

Senate Bill 1032 – Senator McFadden

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2008 – Baltimore City – Roberta's House

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2008 to extend the deadline by which the Board of Directors of Roberta's House, Inc. must present evidence that a certain match will be provided.

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA01(AA) and ZA02(X)

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

Senate Bill 1033 – Senator Harrington

AN ACT concerning

Veterans Affairs – Military Health Care Provider Transition Plan

FOR the purpose of requiring the Department of Veterans Affairs to develop a Military Health Care Provider Transition Plan; providing for the purpose of the Plan; requiring the Department to work in conjunction with certain entities; requiring the Plan to include certain goals; requiring the Department to address the concerns and recommendations identified in a certain report; requiring the Department to complete the Plan by a certain date; requiring the Department to submit to the Governor and General Assembly a certain report; and generally relating to the Military Health Care Provider Transition Plan.

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

Senate Bill 1034 – Senator Muse

AN ACT concerning

State Government – Office of the Juvenile Justice Monitor

FOR the purpose of renaming the Office of the Juvenile Justice Monitoring Unit to be the Office of the Juvenile Justice Monitor in the Office of the Attorney General; altering the membership of the State Advisory Board for Juvenile Services; specifying certain duties and authority of the Office of the Juvenile Justice Monitor; requiring the Department of Juvenile Services to take certain actions under certain circumstances; providing for certain access to certain records by the Office of the Juvenile Justice Monitor; providing for the confidentiality and the disclosure of certain records; making conforming changes; defining certain terms; and generally relating to the establishment of the Office of the Juvenile Justice Monitor in the Office of the Attorney General.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 1–202(c)(1)(ix), 9–212(a), 9–221(b)(1), 9–227(c)(2)(iii), and 9–230(c)
Annotated Code of Maryland
(2007 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 6–401 through 6–406 to be under the amended subtitle "Subtitle 4. Office of the Juvenile Justice Monitor"
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – State Government
Section 6–406 and 6–408
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 1035 – Senators Muse and Miller

AN ACT concerning

Card Games – Prince George's County

FOR the purpose of authorizing a certain qualified organization to operate a card games facility in Prince George's County; limiting the number of licenses that the State may issue to operate a card games facility; limiting the number of locations at which card games facilities may be located; requiring a card games facility to comply with applicable planning and zoning laws of the local jurisdiction; requiring certain legislation under certain circumstances; and

submitting this Act to a referendum of the legally qualified voters of Maryland for their adoption or rejection.

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

Senate Bill 1036 – Senator Muse

AN ACT concerning

Commissioner of Financial Regulation – Financial Education Resources Clearinghouse

FOR the purpose of requiring the office of the Commissioner of Financial Regulation to serve as a clearinghouse for information on financial education resources, services, and programs available to residents of the State; requiring the Commissioner to develop and maintain a website to make certain information available to the public; authorizing the Commissioner to designate an individual to administer the clearinghouse operations within the office of the Commissioner; and generally relating to the office of the Commissioner of Financial Regulation.

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 2–107
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY adding to
Article – Financial Institutions
Section 2–120
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Senate Bill 1037 – Senators Frosh, Forehand, Garagiola, King, Kramer, Lenett, Madaleno, and Raskin

AN ACT concerning

Creation of a State Debt – National Center for Children and Families Youth Activities Center

FOR the purpose of authorizing the creation of a State Debt not to exceed $500,000, the proceeds to be used as a grant to the Board of Directors of the National Center for Children and Families, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a

requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 1038 – Senator Jones

AN ACT concerning

Baltimore City – Public School Employees – Representation by Employee Organization

FOR the purpose of providing that, in Baltimore City, certain positions or classifications or public school employees in certain positions or classifications that on a certain date were a part of a unit represented by a certain employee organization shall remain in that unit; authorizing a certain public school employer, in negotiations with an employee organization representing both supervisory and nonsupervisory employees, to create a certain number of units to be represented by the same employee organization; and generally relating to the representation of certain public school employees and the status of certain employee organizations in Baltimore City.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–505
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 1039 – Senator Brinkley

AN ACT concerning

Creation of a State Debt – Frederick County – Way Station

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

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

Senate Bill 1040 – Senator Lenett

AN ACT concerning

Prescription Confidentiality Act

FOR the purpose of prohibiting certain patient–identifiable or prescriber–identifiable information from being licensed, transferred, used, or sold for any commercial purpose by certain entities; making certain provisions relating to prescription information inapplicable to certain actions under certain circumstances; prohibiting certain provisions relating to prescription information from being construed to prohibit certain actions; defining certain terms; and generally relating to the confidentiality of certain information derived from or relating to a prescription drug order.

BY adding to
Article – Health – General
Section 21–220.1
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 21–1215
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 1041 – Senator Lenett

AN ACT concerning

State Board of Examiners of Psychologists – Criminal History Records Check

FOR the purpose of requiring applicants for a license to practice psychology to submit to a certain criminal history records check; requiring applicants to submit fingerprints and certain fees to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services under certain circumstances; requiring the Central Repository to forward certain information to the State Board of Examiners of Psychologists and to certain applicants; providing that certain information is confidential and may be used only for certain purposes; authorizing certain subjects to contest the contents of certain statements; requiring applicants for licensure to submit certain evidence to the Board; requiring the Board to consider certain facts and circumstances in determining whether to grant a license; prohibiting the Board from issuing certain licenses if certain criminal history record information has

not been received; authorizing the Board to deny certain applicants a license for failure to submit to a certain criminal history records check; and generally relating to criminal history records checks and the State Board of Examiners of Psychologists.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 18–302, 18–303, 18–306, and 18–313
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health Occupations
Section 18–302.1
Annotated Code of Maryland
(2009 Replacement Volume)

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

MOTION

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

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #3

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

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #3
February 25, 2010

Automobile Insurance Fund, Board of Trustees of the Maryland

1. Karenthia A. Barber District 43
1504 Fernley Road
Baltimore, MD 21218

Member of the Board of Trustees of the Maryland Automobile Insurance Fund; appointed to serve at the pleasure of the Governor

Budget of the State Workers' Compensation Commission, Advisory Committee on the

2. Karen L. Ebersole District 2
10138 Garis Shop Road
Hagerstown, MD 21740

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

3. Michael J. Schreyer District 28
8270 Hudson Drive
La Plata, MD 20646

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

Economic Development Commission, Maryland

4. Karen Frazee Myers District 1
23 State Park Road
Swanton, MD 21561

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

Handgun Permit Review Board

5. Seymour R. Goldstein District 11
3404 Woodvalley Drive
Baltimore, MD 21208

Member of the Handgun Permit Review Board; appointed to serve remainder of a term of three years from March 27, 2009

Infants and Toddlers, Interagency Coordinating Council for

6. Carol A. Heath District 7
5616 Harvey Court
White Marsh, MD 21162

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2009

Maryland Economic Development Corporation Board of Directors

7. C. Vernon Gray District 13
8502 Dark Hawk Circle
Columbia, MD 21045

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

Morgan State University Board of Regents

8. Shirley Mahaley Malcom, Ph.D. District 13
12901 Wexford Park
Clarksville, MD 21029

Member of the Morgan State University Board of Regents; reappointed to serve a term of five years from July 1, 2009

Physicians, State Board of

9. Jonathan Lerner District 41
6010 Baywood Avenue
Baltimore, MD 21209

Member of the State Board of Physicians; appointed to serve remainder of a term of four years from July 1, 2009

10. Harold A. Rose District 12
301 South Rolling Road
Catonsville, MD 21228

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2009

11. Laurie S.Y. Tyau, M.D. District 17
18 Lily Pond Court
Rockville, MD 20852

Member of the State Board of Physicians; appointed to serve remainder of a term of four years from July 1, 2009

Podiatric Medical Examiners, State Board of

12. Jay H. Boyar District 20
104 Indian Spring Drive
Silver Spring, MD 20901

Member of the State Board of Podiatric Medical Examiners; appointed to serve remainder of four years from July 1, 2009

Police Training Commission

13. Larry M. Brownlee, Sr. District 24
4002 Bald Hill Terrace
Mitchellville, MD 20721

Member of the Police Training Commission; appointed to serve remainder of a term of four years from July 1, 2009

Public Service Commission

14. Therese M. Goldsmith District 12
203 Hilton Avenue
Catonsville, MD 21228

Member of the Public Service Commission; appointed to serve a term of five years from July 1, 2009

Racing Commission, State

15. Ernest R. Grecco District 5
914 Cindy Lane
Westminster, MD 21157

Member of the State Racing Commission; appointed to serve remainder of a term of four years from July 1, 2009

16. Thomas W. Winebrener District 4
12302A Green Valley Road, P.O. Box 362
Union Bridge, MD 21791

Member of the State Racing Commission; appointed to serve remainder of a term of four years from July 1, 2009

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

17. F. Patrick Hughes District 42
907 Rolandvue Avenue
Towson, MD 21204

Member of the Board of Trustees for the Maryland State Retirement and Pension Systems; reappointed to serve a term of four years from July 1, 2009

Rural Legacy Board, Advisory Committee to the

18. James C. Ashby District 1
1236 State Street
Oakland, MD 21550

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve remainder of a term of three years from July 1, 2008

19. Kelly Carneal District 46
1724 Aliceanna Street, Apt. A
Baltimore, MD 21231

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve a term of three years from July 1, 2009

20. Edward A. Halle, Jr. District 5
4081 Mt. Zion Road
Upperco, MD 21155

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve a term of three years from July 1, 2008

Stadium Authority, Maryland

21. Leonard J. Attman District 11
16 Talton Court
Baltimore, MD 21208

Member of the Maryland Stadium Authority; reappointed to serve a term of four years from July 1, 2009

Women, Maryland Commission for

22. Anita Lombardi Riley District 9
5887 Pawtucket Lane
Eldersburg, MD 21784

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2009

Workforce Corporation Board of Directors, Maryland

23. Tina M. Bjarekull District 31
8469 Meadow Lane
Pasadena, MD 21122

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2012

24. Danielle Copeland District 43
622 E. 31st Street
Baltimore, MD 21218

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2011

25. Barbara R. Denman District 22
4318 Tuckerman Street
University Park, MD 20782

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2010

26. Roderick Easter District 41
832 Stamford Road
Baltimore, MD 21229

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2012

27. Morris Anthony Little District 26
11003 Spring Forest Way
Fort Washington, MD 20744

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2013

28. George Patrick Maloney District 33
7 Beach Road
Severna Park, MD 21146

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2013

29. Anthony R. Sarmiento District 20
1502 Ballard Street
Silver Spring, MD 20910

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2013

Statewide Nominees

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

Police Training Commission

S-1. David A. Goad District 1
708 Furnace Street
Cumberland, MD 21502

Member of the Police Training Commission; reappointed to serve a term of three years from June 1, 2009

Real Estate Appraisers and Home Inspectors, State Commission of

S-2. Patrick J. Murphy District 43
38076 Juniper Road
Baltimore, MD 21218

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2010

S-3. Maryann L. Rush District 5
12240 Roundwood Road
Timonium, MD 21093

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2010

S-4. J. Otis Smith District 18
1902 Dayton Street
Silver Spring, MD 20902

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2010

Rural Legacy Board, Advisory Committee to the

S-5. Samuel M. Pierce District 4
120 Water Street, P.O. Box 430
New Windsor, MD 21776

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve a term of three years from July 1, 2009

Seafood Marketing Advisory Commission

S-6. Harold F. Graul District 46
10 East Lee Street, #1601
Baltimore, MD 21203

Member of the Seafood Marketing Advisory Commission; reappointed to serve a term of four years from July 1, 2009

S-7. Aden A. King District 30
605 Burnside Street
Annapolis, MD 21403

Member of the Seafood Marketing Advisory Commission; reappointed to serve a term of four years from July 1, 2009

Social Work Examiners, State Board of

S-8. Trinita C. Robinson District 25
4903 Ashford Place
Upper Marlboro, MD 20772

Member of the State Board of Social Work Examiners; reappointed to serve remainder of a term of four years from July 1, 2009

Local Nominees

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

Anne Arundel County Board of Elections

L-1. Frank W. Goetschius District 33
199 Topeg Drive
Severna Park, MD 21146

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

Anne Arundel County Orphans' Court

L-2. Judith L. Duckett District 30
208 Wardour Drive
Annapolis, MD 21401

Member of the Anne Arundel County Orphans' Court; appointed to serve until the General Election on November 2, 2010

Baltimore City Board of Elections

L-3. Tara Andrews District 40
606 Lennox Street
Baltimore, MD 21217

Member of the Baltimore City Board of Elections; appointed to serve remainder of a term of four years from the first Monday in June, 2007

Baltimore County Community College, Board of Trustees

L-4. Emmet Davitt, Esq. District 12
122 South Rolling Road
Catonsville, MD 21228

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

Carroll Community College Board of Trustees

L-5. David S. Bollinger District 5
528 Ann Drive
Westminster, MD 21157

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

L-6. Delaine R. Hobbs, Jr. District 5
205 North Main Street, P.O. Box 500
Mt. Airy, MD 21771

Member of the Carroll Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2009

College of Southern Maryland, Board of Trustees of the

L-7. Lois E. DiNatale District 28
8300 Wheatley Road
La Plata, MD 20646

Member of the Board of Trustees of the College of Southern Maryland; appointed to serve a term of Five years from July 1, 2009

Somerset County Board of License Commissioners

L-8. Tamela Cherie' Hutt District 38
29693 Polks Road
Princess Anne, MD 21853

Member of the Somerset County Board of License Commissioners; appointed to serve remainder of a term of two years from June 1, 2009

St. Mary's County Alcoholic Beverage Board

L-9. Betty W. Currie District 29
24740 Marva Point Way
Hollywood, MD 20636

Member of the St. Mary's County Alcoholic Beverage Board; reappointed to serve a term of four years from January 1, 2010

Washington County Board of License Commissioners

L-10. Robert L. Everhart District 2
10 Richmond Street, Apt. 4
Hagerstown, MD 21740

Member of the Washington County Board of License Commissioners; reappointed to serve a term of six years from June 1, 2009

Wicomico County Board of License Commissioners

L-11. Leo McNeil District 37
7636 Fentral Avenue
Salisbury, MD 21801

Member of the Wicomico County Board of License Commissioners; appointed to serve remainder of the term of four years from July 1, 2007

Wicomico County Liquor Control Board

L-12. Cecelia Griffith Dennis District 37
1004 South Delano Avenue
Salisbury, MD 21801

Member of the Wicomico County Liquor Control Board; reappointed to serve a term of two years from July 1, 2009

L-13. Donald Edwin Ewalt, Jr. District 38
203 Creekside Drive
Salisbury, MD 21804

Member of the Wicomico County Liquor Control Board; appointed to serve a term of two years from July 1, 2009

L-14. Herman Stewart Haemel District 38
1702 South Kaywood Drive
Salisbury, MD 21804

Member of the Wicomico County Liquor Control Board; reappointed to serve a term of two years from July 1, 2009

Worcester County Board of License Commissioners

L-15. William E. Esham, Jr. District 38
11 South Mian Street
Berlin, MD 21811

Member of the Worcester County Board of License Commissioners; reappointed to serve a term of four years from July 1, 2009

L-16. John F. Hess, Sr. District 38
74 Chatham Court
Berlin, MD 21811

Member of the Worcester County Board of License Commissioners; reappointed to serve a term of four years from July 1, 2009

Senator Kelley moved, duly seconded, to make the Report a Special Order for February 26, 2010

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 431 – Senators Conway, Exum, Klausmeier, and Pugh

AN ACT concerning

Infant Formula and Baby Food – Auction Sales – Prohibition – Exception

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR HARRIS.

FLOOR AMENDMENT

SB0431/563923/1

BY: Senator Harris

AMENDMENTS TO SENATE BILL 431
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Infant Formula and Baby Food" and substitute "Food, Drugs, and Cosmetics"; in line 7, after "circumstances;" insert "providing for the application of a certain provision of law;"; and in line 8, strike "infant formula and baby food" and substitute "food, drugs, and cosmetics".

AMENDMENT NO. 2

On page 1, after line 22, insert:

"**(A) THIS SECTION DOES NOT APPLY TO ITEMS DESCRIBED IN SUBSECTION (B) OF THIS SECTION IF:**

(1) THE ITEMS ARE BEING SOLD IN A SINGLE LOT AT A CHARITY AUCTION; AND

(2) THE TOTAL VALUE OF THE ITEMS IN THE LOT IS $100 OR LESS.";

and in line 23, strike "(a)" and substitute "**(B)**".

On page 2, in line 4, strike "(b)" and substitute "**(C)**".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0431/563923/2

BY: Senator Harris

AMENDMENTS TO SENATE BILL 431
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Infant Formula and Baby Food" and substitute "Food and Cosmetics"; in line 7, after "circumstances;" insert "exempting the sale of certain items at a charity auction from a certain prohibition under certain circumstances;"; and in line 8, strike "infant formula and baby food" and substitute "certain food and cosmetics".

AMENDMENT NO. 2

On page 1, after line 22, insert:

"**(A) THIS SECTION DOES NOT APPLY TO COSMETICS, INFANT FORMULA, OR BABY FOOD IF:**

(1) THE COSMETICS, INFANT FORMULA, OR BABY FOOD ARE BEING SOLD IN A SINGLE LOT AT A CHARITY AUCTION; AND

(2) THE TOTAL VALUE OF THE COSMETICS, INFANT FORMULA, OR BABY FOOD IN THE LOT IS $100 OR LESS.";

and in line 23, strike "(a)" and substitute "**(B)**".

On page 2, in line 4, strike "(b)" and substitute "**(C)**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 247)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #18

Senate Bill 112 – Senator Stone

AN ACT concerning

Baltimore County – Property Tax Credit – Rosewald Beach Civic League

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

Affirmative – 46 Negative – 0 (See Roll Call No. 248)

The Bill was then sent to the House of Delegates.

Senate Bill 144 – The President (By Request – Department of Legislative Services) and Senators Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Klausmeier, and Pugh

AN ACT concerning

State Board of Examiners of Nursing Home Administrators – Sunset Extension and Program Evaluation

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

Affirmative – 45 Negative – 0 (See Roll Call No. 249)

The Bill was then sent to the House of Delegates.

Senate Bill 179 – Senator McFadden

AN ACT concerning

Baltimore City Public School System – Exclusion from Amount of Bonds Outstanding

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

Affirmative – 46 Negative – 0 (See Roll Call No. 250)

The Bill was then sent to the House of Delegates.

Senate Bill 213 – Senators Frosh, Dyson, Exum, Garagiola, Gladden, Harrington, Jones, Kelley, Lenett, Madaleno, Peters, Pinsky, Pugh, Raskin, ~~and Rosapepe~~ Rosapepe, Middleton, Astle, Della, Glassman, and Klausmeier

AN ACT concerning

Child Care Articles ~~and Toys~~ Containing Bisphenol–A – Prohibition

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

Affirmative – 46 Negative – 0 (See Roll Call No. 251)

The Bill was then sent to the House of Delegates.

Senate Bill 223 – Senator Colburn

AN ACT concerning

Dorchester County – County Transfer Tax – Repeal of Sunset Provision

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

Affirmative – 42 Negative – 4 (See Roll Call No. 252)

The Bill was then sent to the House of Delegates.

Senate Bill 302 – Senator Glassman

AN ACT concerning

Commercial Law – Equipment Dealer Contract Act – Outdoor Power Sports Equipment

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

Affirmative – 43 Negative – 0 (See Roll Call No. 253)

The Bill was then sent to the House of Delegates.

Senate Bill 313 – Senators King, Miller, Harrington, Conway, Currie, Exum, Forehand, Frosh, Garagiola, Gladden, Jones, Kasemeyer, Kelley, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, ~~and Stone~~ Stone, and Middleton

AN ACT concerning

Health Insurance – Annual Preventive Care

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

Affirmative – 46 Negative – 0 (See Roll Call No. 254)

The Bill was then sent to the House of Delegates.

Senate Bill 408 – Senators Peters, Astle, Colburn, Garagiola, Klausmeier, Pugh, Raskin, Robey, Rosapepe, Simonaire, Stone, ~~and Zirkin~~ Zirkin, Middleton, Della, Exum, Glassman, Kelley, Kittleman, and Pipkin

AN ACT concerning

Public Health – Disposition of Remains – Armed Forces Members

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

Affirmative – 46 Negative – 0 (See Roll Call No. 255)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #19

Senate Bill 68 – Chair, Judicial Proceedings Committee (By Request – Departmental – Deaf and Hard of Hearing, Office of the)

AN ACT concerning

State Government – Human Relations – Closed–Captioning Activation Required

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

Affirmative – 46 Negative – 0 (See Roll Call No. 256)

The Bill was then sent to the House of Delegates.

Senate Bill 118 – Senators Zirkin and Stone

AN ACT concerning

Courts – Jury Trials in Civil Actions – Amount in Controversy

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

Affirmative – 33 Negative – 13 (See Roll Call No. 257)

The Bill was then sent to the House of Delegates.

Senate Bill 119 – Senators Zirkin and Stone

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Civil Jury Trials – Amount in Controversy

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

Affirmative – 32 Negative – 13 (See Roll Call No. 258)

The Bill was then sent to the House of Delegates.

Senate Bill 125 – Senators Brochin, Frosh, and Stone

AN ACT concerning

Criminal Procedure – Strip Search or Body Cavity Search of an Arrestee – Restrictions

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

Affirmative – 46 Negative – 0 (See Roll Call No. 259)

The Bill was then sent to the House of Delegates.

Senate Bill 231 – Senators Kelley and Forehand

AN ACT concerning

Maryland Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

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

Affirmative – 46 Negative – 0 (See Roll Call No. 260)

The Bill was then sent to the House of Delegates.

Senate Bill 251 – Senator Astle

AN ACT concerning

Anne Arundel County – Motorcycle Dealers – Sunday Operations

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

Affirmative – 46 Negative – 0 (See Roll Call No. 261)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #1

House Joint Resolution 3 – The Speaker (By Request – Governor's Salary Commission)

A House Joint Resolution concerning

Governor's Salary Commission – Salary Recommendations for Governor and Lieutenant Governor

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

Affirmative – 46 Negative – 0 (See Roll Call No. 262)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 263)

ADJOURNMENT

At 10:51 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Friday, February 26, 2010.

Annapolis, Maryland
Friday, February 26, 2010
11:00 A.M. Session

The Senate met at 11:09 A.M.

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

(See Exhibit A of Appendix III)

The Journal of February 25, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 266)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 388 – Senator Douglas J. J. Peters:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Alpha Kappa Alpha Sorority, Inc.
Iota Gamma Omega Chapter
in recognition of
40 years of dedicated community service to the
citizens of Prince George's County.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 26th day of February 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 267)

INTRODUCTION OF BILLS

Senate Bill 1042 – Senators Brochin and Stone

AN ACT concerning

Evidence – Separate Act of Sexual Misconduct Involving a Minor – Admissibility

FOR the purpose of authorizing a court to admit evidence of a defendant's commission of a certain separate act of sexual misconduct involving a minor in a prosecution for certain sexual offenses involving a minor under certain circumstances; requiring the State's Attorney to disclose to the defendant the State's intent to offer the evidence within a certain time period before the trial unless the court allows disclosure at a later time for good cause shown; specifying the content of the disclosure to the defendant; prohibiting certain evidence from being referred to in a statement to the jury or introduced at trial unless the court first holds a closed hearing and determines that the evidence is admissible; requiring the court to enter an order stating which evidence may be introduced under certain circumstances; authorizing the court to reconsider a ruling excluding evidence and hold an additional closed hearing if new information is discovered during the trial that may make the evidence admissible; defining certain terms; providing for the construction and application of this Act; and generally relating to the admissibility of evidence in criminal proceedings.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 1–101(g)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 10–916.1
Annotated Code of Maryland
(2002 Replacement Volume and 2009 Supplement)

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

Senate Bill 1043 – Senators Stoltzfus and Colburn

AN ACT concerning

Hunting Wild Waterfowl – Dorchester, Somerset, and Wicomico Counties

FOR the purpose of altering the location in which a person may hunt wild waterfowl by certain methods in the waters of Dorchester, Somerset, and Wicomico counties; decreasing the distance from shore that the Department of Natural Resources prescribes by regulation for the hunting of wild waterfowl by certain methods in the waters of Dorchester, Somerset, and Wicomico counties; and generally relating to hunting wild waterfowl in the waters of Dorchester, Somerset, and Wicomico counties.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–604 through 10–606
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 1044 – Senator Stone

AN ACT concerning

Homeowner's Insurance – Coverage for Other Structures

FOR the purpose of prohibiting an insurer that issues a policy of homeowner's insurance from requiring the policy to include coverage for certain structures under certain circumstances; providing for the application of this Act; and generally relating to coverage under policies of homeowner's insurance.

BY adding to
Article – Insurance
Section 19–213
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

Senate Bill 1045 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Dayspring Square

FOR the purpose of authorizing the creation of a State Debt not to exceed $200,000, the proceeds to be used as a grant to the Board of Directors of Dayspring Programs, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the

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

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

Senate Bill 1046 – Senator Jones (Chair, Joint Committee on the Management of Public Funds)

AN ACT concerning

Bonds Supported by the American Recovery and Reinvestment Act

FOR the purpose of authorizing the Board of Public Works to issue general obligation bonds and other evidence of indebtedness of the State or of a local government unit that are authorized under the American Recovery and Reinvestment Act (ARRA); authorizing the Board to provide for specific terms and conditions of the ARRA bonds; providing certain duties for the State Treasurer when the Board provides for the sale of ARRA bonds; providing that the Board may issue ARRA bonds to finance State projects that have been authorized by separate State enabling acts; providing that ARRA bonds issued to finance State projects shall be State debt for which the full faith and credit of the State shall be pledged; providing that the Board may issue ARRA bonds on behalf of local government units under certain circumstances and if certain conditions are met; providing that a local government unit may agree with the Board to pledge any money, including a share of the income tax that the local government unit is entitled to receive from the State; providing that ARRA bonds issued by the Board to local government units are not the debt, liability, or pledge of the full faith and credit or taxing power of the State; providing that this Act shall remain in effect until a certain contingency occurs but not later than a certain date; and generally relating to the issuance of bonds supported by the American Recovery and Reinvestment Act.

BY adding to
Article – State Finance and Procurement
Section 8–501 through 8–504 to be under the new subtitle "Subtitle 5. Bonds Supported by the Federal American Recovery and Reinvestment Act"
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 1047 – Senator Muse

AN ACT concerning

Family Law – Child Custody Determinations

FOR the purpose of creating a rebuttable presumption that certain custodial arrangements are in the best interest of the child in certain child custody proceedings; and generally relating to child custody determinations.

BY adding to
Article – Family Law
Section 9–109
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

Senate Bill 1048 – Senator Muse

AN ACT concerning

State Racing Commission – Expansion of Membership

FOR the purpose of expanding the membership of the State Racing Commission; altering the minimum number of members needed to meet certain qualifications; altering the maximum number of members allowed to exercise certain privileges; imposing a residency requirement on certain members; providing for the termination of the terms of members; and generally relating to the State Racing Commission.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 11–201
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–202
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

Senate Bill 1049 – Senator Harrington

AN ACT concerning

State Highway Administration – Clearing Sidewalks of Snow at Transit Stations – Agreements with Political Subdivisions

FOR the purpose of requiring the State Highway Administration, under certain circumstances, to enter into a Memorandum of Understanding or other agreement with certain political subdivisions regarding the clearing of snow from the sidewalks that serve certain transit stations; requiring the Memorandum of Understanding or agreement to include certain terms; defining a certain term; and generally relating to the clearing of snow from sidewalks that serve certain transit stations.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 7–101(o)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–602
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 1050 – Senator Kelley

AN ACT concerning

Title Insurance – Title Insurers and Title Insurance Producers – Regulation and Reports

FOR the purpose of providing that a title insurance producer independent contractor who is the agent of a title insurance producer is not required to file a certain fidelity bond, surety bond, or letter of credit with the Maryland Insurance Commissioner under certain circumstances; prohibiting a title insurance producer from using or accepting the services of a title insurance producer independent contractor unless the title insurance producer independent contractor is covered under the title insurance producer's fidelity bond and surety bond or letter of credit; providing that a title insurance producer that uses the services of a title insurance producer independent contractor is the legal principal of the title insurance producer independent contractor and is liable for certain actions of the title insurance producer independent contractor; requiring any deed of trust executed by a title insurance producer independent contractor as the agent of a title insurance producer to include certain information; requiring the Maryland Insurance Commissioner to conduct a certain study, adopt certain regulations, examine a certain rate review and approval process, and report certain information to certain committees of the General Assembly; requiring the Maryland Insurance Administration and the Department of Labor, Licensing, and Regulation to develop a certain document

and make it available on their websites, adopt certain regulations, share certain information, and report certain information to certain committees of the General Assembly; altering a certain definition; and generally relating to title insurers and title insurance producers.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 10–101(a) and 10–121(e), (g), and (k)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 10–101(j), 10–121(n), and 10–121.1
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY adding to
Article – Insurance
Section 10–121(n)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Senate Bill 1051 – Senator Muse

AN ACT concerning

Standardbred Recovery Act of 2010

FOR the purpose of abolishing the State Racing Commission and establishing the Thoroughbred Racing Commission and the Standardbred Racing Commission; providing for the memberships, qualifications for members, terms, chairs, quorums, meetings, compensation, executive directors, staffs, certain employees, certain powers, and testing laboratories of the Thoroughbred Racing Commission and of the Standardbred Racing Commission; requiring that licensees and applicants for licenses meet certain requirements of a certain Commission; requiring certain Commissions to issue certain licenses under certain circumstances; authorizing the denial, suspension, or revocation of certain licenses and the reprimanding or other penalizing of certain licensees under certain circumstances; providing for certain adjudicatory proceedings; specifying certain requirements for the buying or transferring of licensees or licenses; providing that the Thoroughbred Racing Commission has certain powers concerning certain types of racing; providing that the Standardbred Racing Commission has certain powers concerning harness racing; specifying the powers and responsibilities of certain Commissions relating to certain

intertrack betting; requiring that the Thoroughbred Racing Commission act with the Standardbred Racing Commission to approve facilities, grant permits, adopt regulations, and conduct other activities concerning satellite simulcast betting; providing for the membership of the Board of Directors of the Jockey Fund; specifying certain duties of certain Commissions relating to the Jockey Fund; specifying that certain money be paid to the Standardbred Racing Commission and that the Standardbred Racing Commission use the money for a certain purpose; specifying certain duties of the Thoroughbred Racing Commission and the Standardbred Racing Commission; altering the allocation of certain funds in the Purse Dedication Account in a certain manner; altering the allocation of certain funds in the Race Track Facility Renewal Account in a certain manner; defining certain terms; providing for the initial terms of members of certain Commissions; providing that certain licensees and holders of permits need not obtain a certain license or permit until a certain date; specifying certain transitional provisions relating to a change of nomenclature and the transference of certain property, assets, liabilities, obligations, rights, and privileges; providing for the status and credit for service of certain employees; and generally relating to the Thoroughbred Racing Commission and the Standardbred Racing Commission.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–101; 11–201 through 11–214 to be under the amended subtitle "Subtitle 2. Thoroughbred Racing Commission"; 11–301, 11–303, 11–304, 11–305, 11–307, 11–308, 11–309, 11–310, 11–311, 11–312, 11–313, 11–314, 11–315, 11–316, 11–317, 11–318, 11–501, 11–507, 11–523, 11–529, 11–601, 11–701, 11–801, 11–802, 11–803, 11–804(b) and (c), 11–804.2, 11–805, 11–808(b) and (c), 11–809, 11–811(c), (d), and (e), 11–812, 11–816, 11–817, 11–818, 11–819, 11–820, 11–822, 11–825, 11–829, 11–831, 11–832, 11–904(b), 11–906, and 11–909
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY adding to
Article – Business Regulation
Section 11–2A–01 through 11–2A–14 to be under the new subtitle "Subtitle 2A. Standardbred Racing Commission"
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–28(a) and (c) and 9–1A–29
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 1052 – Senator Zirkin

AN ACT concerning

Income Tax – Subtraction Modification – Maryland Defense Force

FOR the purpose of making certain members of the Maryland Defense Force eligible under certain circumstances for a certain subtraction modification under the Maryland income tax for qualifying volunteer fire, rescue, or emergency medical services members; providing that an individual may not qualify for the subtraction modification based on membership in the Maryland Defense Force unless the Maryland Defense Force maintains certain records and provides certain reports; providing for the application of this Act; and generally relating to a State income tax subtraction modification for certain qualifying members of the Maryland Defense Force.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–208(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–208(i–1)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

Senate Bill 1053 – Senator Klausmeier

AN ACT concerning

Health Occupations – Pharmacists – Laboratory Tests

FOR the purpose of including the performance of certain laboratory tests as within the scope of practice of certain pharmacists; and generally relating to the performance of laboratory tests by pharmacists.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–101(t)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–101(t)
Annotated Code of Maryland
(2009 Replacement Volume)
(As enacted by Chapter 249 of the Acts of the General Assembly of 2002)

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

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 18	Sen. Raskin (Emergency Bill)	Vehicle Laws – Manufacturers, Distributors, and Factory Branches – Benefits to Empls of Dealers

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 6 – ~~**Delegate F. Turner**~~ **Delegates F. Turner, Bartlett, Barve, Doory, Frick, George, Gilchrist, Howard, Ivey, Murphy, Myers, Olszewski, Rice, Ross, Stukes, and Walker**

AN ACT concerning

Property Tax – Notice – 60–Day Appeal

FOR the purpose of requiring a contract for the sale of certain real property to contain a certain notice that the new owner of property transferred during a certain period of time may submit a certain appeal on or before a certain number of days after the transfer; and generally relating to a requirement that a contract for the sale of certain real property contain a certain notice.

BY adding to
Article – Real Property
Section 10–708

Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 14–502(a)(2)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 68 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Department of the Environment – Grants – Small Businesses and Certified Minority Business Enterprises

FOR the purpose of requiring applicants for certain financial assistance from the Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund to demonstrate that certain steps were taken to include certain small businesses and certain certified minority business enterprises; authorizing the Department of the Environment to withhold certain financial assistance under certain circumstances; requiring the Department to consider the availability to grantees of certain small businesses and certain certified minority business enterprises when making a certain determination; establishing a threshold to require grantees that receive grants that exceed a certain amount from a certain fund to take steps to include certain small businesses and certain certified minority business enterprises; and generally relating to small businesses and certified minority business enterprise participation and the Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.3
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 83 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Department of Labor, Licensing, and Regulation – State Real Estate Commission – Continuing Education

FOR the purpose of altering certain continuing education requirements for a licensee of the State Real Estate Commission who possesses a certain graduate degree; clarifying the continuing education requirements for a licensee holding a license from another state; altering the criteria for the Commission to use in selecting subject matter for continuing education courses; ~~authorizing~~ requiring the Commission to ~~set certain fees for~~ require certain providers of continuing education courses to pay a certain fee of a certain amount; repealing certain obsolete provisions; requiring certain licensees to take certain courses as a condition of licensure renewal on or after a certain date; and generally relating to continuing education for licensees of the State Real Estate Commission.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–315
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 93 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Motor Vehicle Administration – Identification Cards and Drivers' Licenses

FOR the purpose of altering the period of validity of identification cards issued for certain applicants by the Motor Vehicle Administration; repealing a requirement that certain information be stated on a driver's license application form; authorizing the Administration to waive a vision examination for certain license applicants under certain circumstances; and generally relating to drivers' licenses and identification cards.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–301(i), 16–106(b), and 16–110(h)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 16–106(a)
Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

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

House Bill 96 – Delegate Kullen

AN ACT concerning

Calvert County – Education – Junior Reserve Officer Training Corps Instructors

FOR the purpose of applying to Calvert County a certain definition of "public school employee" that includes Junior Reserve Officer Training Corps (JROTC) instructors for the purpose of certain provisions of law related to organizations of certificated employees; and generally relating to representation for JROTC instructors in Calvert County.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–401(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 116 – Delegates Ali, Barkley, Feldman, Manno, Taylor, and Vaughn

AN ACT concerning

Credit Card Blacklisting Prevention Act

FOR the purpose of prohibiting a person from including or enforcing certain provisions in certain consumer credit contracts; providing that a provision included in a consumer credit contract in violation of certain provisions of this Act is void and unenforceable; permitting certain information to be used to detect or prevent certain fraudulent activity; providing that a violation of this Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; defining certain terms; and generally relating to consumer credit contracts.

BY adding to
Article – Commercial Law
Section 14–1322
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 207 – Delegates Frank, Aumann, Bartlett, Beitzel, Dwyer, Eckardt, Elmore, George, Haddaway, Jennings, Kelly, Kramer, Krebs, McComas, McConkey, Miller, Norman, Schuh, Serafini, Shank, Shewell, Smigiel, Sossi, and Stocksdale

AN ACT concerning

Victims of Crime – Burglary and Crimes of Violence – Civil Immunity

FOR the purpose of providing that a person is not liable for damages for a personal injury or death of an individual who enters the person's dwelling or place of business with the intent to commit certain crimes under certain circumstances; defining a certain term; providing for the application of this Act; and generally relating to providing certain immunity from civil liability to a victim of certain crimes under certain circumstances.

BY adding to
Article – Courts and Judicial Proceedings
Section 5–808
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 6–202 through 6–204 and 14–101(a)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

House Bill 222 – Delegate Vaughn

AN ACT concerning

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

FOR the purpose of establishing a Task Force on the Minority Business Enterprise Program and Equity Investment Capital; providing for the compensation of the Task Force; requiring the President of the Senate and the Speaker of the House to select a cochair from the Senate and House of Delegates; requiring the Department of General Services and the Department of Transportation to provide staff for the Task Force; prohibiting a Task Force member from receiving compensation but allowing a member to be reimbursed for certain expenses; requiring the Task Force to study how to facilitate the acquisition of

investment equity capital by minority business enterprises in Maryland in a certain manner; requiring the Task Force to report its recommendations and draft legislation to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Minority Business Enterprise Program and Equity Investment Capital.

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

House Bill 249 – Delegate Rudolph

AN ACT concerning

Insurance – Premium Increase for Commercial and Workers' Compensation Insurance – Notice

FOR the purpose of requiring an insurer to provide certain notice to an independent insurance producer of a premium increase for certain types of insurance in a certain manner; and generally relating to notice for premium increases for commercial and workers' compensation insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 27–608(a) and (b)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–608(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 328 – Delegates Carter, Conaway, McConkey, and Vallario

AN ACT concerning

Estates and Trusts – Guardianship – Payment of Expenses After Death of Ward

FOR the purpose of requiring that, after the death of a minor or disabled person for whom a guardian of the property has been appointed, the guardian of the property of the minor or disabled person pay from the estate all commissions, fees, and expenses shown on the court–approved final guardianship account and retain the balance of the estate for delivery to an appointed personal

representative of the decedent or other person entitled to it; and generally relating to guardianship of the property of a minor or disabled person.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 13–214(c)(3)
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

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

House Bill 329 – Delegates Carter, Conaway, McConkey, and Vallario

AN ACT concerning

Estates and Trusts – Elective Share – Extension of Time for Making Election

FOR the purpose of authorizing a surviving spouse, within the period provided for making an election to take an elective share of the deceased spouse's estate, to file with the court a petition for an extension of time, with a copy given to the personal representative; repealing the limitation that the court may only grant an extension before the expiration of the time in which to make the election; and generally relating to the election by a surviving spouse to take an elective share of the deceased spouse's estate.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 3–206
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

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

House Bill 337 – Delegates Carter, Conaway, McConkey, and Vallario

AN ACT concerning

Real Property – Effect of Deed Granting Property from Trust or Estate

FOR the purpose of providing that a grant of property by deed from a certain trust has the same effect as if the grantee had received the property from a certain trustee under certain circumstances; providing that a grant of property by deed from a certain estate has the same effect as if the grantee had received the property from a certain personal representative under certain circumstances; providing for the application of this Act; and generally relating to grants of property by deed from certain trusts or estates.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 2–122
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 347 – Delegates Serafini, Bates, Beitzel, Jenkins, Miller, Myers, Niemann, Shank, Shewell, and F. Turner

AN ACT concerning

~~Criminal Law – Foreclosed Residential Property –~~ Malicious Destruction ~~of Property and Acts of Graffiti~~ – Property of Another – Definition and Foreclosure Notices

FOR the purpose of ~~prohibiting an owner, former owner, tenant, or occupant of certain residential property that is in foreclosure proceedings or has been sold in a foreclosure sale from committing certain acts of graffiti on the residential property or willfully and maliciously destroying, injuring, or defacing the residential property or the fixtures of the residential property; establishing penalties for a violation of this Act; requiring the court to order a person who violates this Act by an act of graffiti, in addition to other penalties, to pay restitution, perform community service, or both;~~ defining "property of another" for purposes of the prohibition against malicious destruction of property; requiring that certain notices sent to occupants of residential property in foreclosure contain a certain paragraph informing the occupants of the ~~provisions of this Act; defining certain terms; and generally relating to a prohibition against acts of graffiti on or the willful and malicious destruction of or injury to foreclosed residential property or its fixtures~~ criminal sanctions for malicious destruction of property provided under a certain provision of law; and generally relating to malicious destruction of property.

BY ~~adding to~~ repealing and reenacting, with amendments,
Article – Criminal Law
Section ~~6–301.1~~ 6–301
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY adding to
Article – Real Property
Section 7–105.9(g)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 375 – Garrett County Delegation

AN ACT concerning

Garrett County – Orphans' Court Judges

FOR the purpose of correcting certain incorrect cross–references to the Public Local Laws of Garrett County; making certain stylistic changes; and generally relating to the Orphans' Court judges for Garrett County.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 2–108(m)
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

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

House Bill 448 – Delegates Carter and Vallario

AN ACT concerning

Estates and Trusts – Maryland International Wills Act

FOR the purpose of providing for the execution of an international will; establishing certain requirements for an international will; authorizing certain persons to supervise the execution of international wills; providing for a certain certificate; providing for the revocation of an international will; providing for the construction of this Act; defining certain terms; and generally relating to international wills.

BY adding to
Article – Estates and Trusts
Section 4–601 through 4–609 to be under the new subtitle "Subtitle 6. Maryland International Wills Act"
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

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

House Bill 449 – Delegate Carter

EMERGENCY BILL

AN ACT concerning

Estates and Trusts – Construction of References in Will or Trust to Federal Estate Tax or Generation–Skipping Transfer Tax

FOR the purpose of establishing that certain provisions in a will or trust of a decedent who dies between certain dates shall be deemed to refer to the federal estate tax or generation–skipping transfer tax laws on a certain date; providing for the application and construction of certain provisions of this Act; authorizing a personal representative or any interested person to bring a certain proceeding to construe certain provisions in a will or other instrument; requiring that a certain proceeding be commenced within a certain time; making this Act an emergency measure; and generally relating to the construction of certain provisions in wills and trusts.

BY adding to
Article – Estates and Trusts
Section 11–110
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

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

House Bill 517 – Delegates Simmons, Barkley, Frank, Kelly, Kramer, Krebs, Montgomery, and Shank

AN ACT concerning

Criminal Law – Narcotic Drugs – Enhanced Penalties

FOR the purpose of adding conspiracy to distribute certain narcotic drugs and the commission of a certain crime in another state as predicates for a certain enhanced penalty for certain offenses relating to narcotic drugs; and generally relating to narcotic drugs and enhanced penalties.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–608
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

House Bill 650 – Delegates Simmons and Lee

AN ACT concerning

Crimes – Committing a Crime of Violence in the Presence of a Minor – Penalties

FOR the purpose of prohibiting a person from committing a certain crime of violence while knowingly in the presence of a minor under a certain age who witnesses the crime in a residence; establishing certain penalties for a violation of this Act; establishing that a sentence under this Act is separate from and consecutive to a sentence for a crime based on the act establishing a violation of this Act; providing that a person who violates this Act is guilty of the abuse of a child under 18 for certain purposes; and generally relating to the commission of crimes of violence in the presence of minors.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 9–106(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Criminal Law
Section 3–601.1
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5–101(a) and (c)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

House Bill 769 – Delegates Levi and Vallario

AN ACT concerning

Orphans' Court – Minors – Guardianship of Person

FOR the purpose of providing that an orphans' court may exercise jurisdiction over guardianship of the person of a minor regardless of whether the presiding judge of the orphans' court is a member of the Bar of Maryland; providing for the application of this Act; and generally relating to the jurisdiction of an orphans' court over 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 2009 Supplement)

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

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #9

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

Senate Bill 126 – Senator Exum

AN ACT concerning

Prince George's County – Alcoholic Beverages – Multiple Special Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 130 – Senators Pugh, Currie, Harrington, Jones, King, Lenett, Madaleno, and Muse

AN ACT concerning

Procurement – Minority Business Enterprises – Reciprocal Certification

SB0130/184232/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 130
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Muse" and substitute "Muse, and Peters"; in line 2, strike "Reciprocal"; in the same line, after "Certification" insert "Process"; strike beginning with "recognize" in line 4 down through "receive" in line 6 and substitute "promote and facilitate certification under the State's minority business

enterprise program of minority business enterprises that have received"; in line 6, strike the second "from"; in lines 6 and 7, strike "government in the State" and substitute "that uses a qualification process substantially similar to the State's certification process"; and in line 9, strike "reciprocal".

AMENDMENT NO. 2

On page 2, in line 5, strike "**RECIPROCAL**"; strike beginning with "**RECOGNIZE**" in line 19 down through "**RECEIVE**" in line 20 and substitute "**PROMOTE AND FACILITATE CERTIFICATION OF MINORITY BUSINESS ENTERPRISES THAT HAVE RECEIVED**"; and in line 21, strike "**GOVERNMENT IN THIS STATE**" and substitute "**THAT USES A CERTIFICATION PROCESS SUBSTANTIALLY SIMILAR TO THE PROCESS ESTABLISHED IN ACCORDANCE WITH ITEM (I) OF THIS ITEM**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 241 – Senator Conway

AN ACT concerning

State Board of Nursing – Changes to the Electrology Practice Committee and Licensing Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Joint Resolution 3 – Senators Stone, Astle, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Forehand, Frosh, Garagiola, Glassman, Haines, Harris, Jacobs, Jones, Kasemeyer, Kelley, Kittleman, Klausmeier, McFadden, Middleton, Mooney, Munson, Raskin, Rosapepe, Simonaire, and Zirkin

A Senate Joint Resolution concerning

Maryland American Legion Day

SJ0003/104332/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE JOINT RESOLUTION 3
(First Reading File Joint Resolution)

On page 1, in the sponsor line, strike "and Zirkin" and substitute "Zirkin, Harrington, Lenett, and Reilly".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #10

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

Senate Bill 29 – Senator Astle

AN ACT concerning

Department of Natural Resources – Preparation of Fishery Management Plans – Authority

SB0029/854137/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 29
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after the semicolon insert "requiring the Department to include certain information relating to overfishing and sustainable harvests in a fishery management plan; authorizing the Department to waive a requirement to include certain information in a fishery management plan under certain circumstances;".

AMENDMENT NO. 2

On page 4, in line 10, after "**(E)**" insert "**(1)**"; in the same line, strike "A" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; in lines 13, 14, 16, and 26, strike "(1)", "(2)", "(3)", and "(4)", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", and "**(V)**", respectively; in lines 17, 19, 21, 22, and 24, strike "(i)", "(ii)", "(iii)", "(iv)", and "(v)", respectively, and substitute "**1.**", "**2.**", "**3.**", "**4.**", and "**5.**", respectively; in line 25, strike "and"; after line 25, insert:

"**(IV) IF THE DEPARTMENT DETERMINES THAT A FISHERY HAS BEEN, OR IS CURRENTLY, OVERFISHED:**

1. A SPECIES–SPECIFIC TIME PERIOD FOR:

A. ENDING OR APPROPRIATELY ADDRESSING OVERFISHING; AND

B. REBUILDING THE STOCK OF THE SPECIES TO A SUSTAINABLE LEVEL; AND

2. A DESCRIPTION OF:

A. MANAGEMENT STRATEGIES THAT HAVE A HIGH PROBABILITY OF REDUCING FISHING TO A TARGET LEVEL WITHIN A TARGET TIME PERIOD, AS DETERMINED BY THE DEPARTMENT; AND

B. THE APPROPRIATE ASSIGNMENT OR ALLOCATION OF FISHING PRIVILEGES IN ACCORDANCE WITH SUBSECTION (D)(2) OF THIS SECTION; AND";

and after line 28, insert:

"**(2) THE DEPARTMENT MAY WAIVE THE REQUIREMENTS IN PARAGRAPH (1)(IV) OF THIS SUBSECTION FOR A SPECIES OF FISH IF THE DEPARTMENT DETERMINES THAT MEETING THE REQUIREMENTS IS NOT PRACTICABLE OR BIOLOGICALLY APPROPRIATE BASED ON:**

(I) THE SPECIFIC BIOLOGY OF THE SPECIES;

(II) THE MANAGEMENT OF THE SPECIES UNDER A FEDERAL OR MULTI–STATE FISHERY MANAGEMENT PLAN;

(III) THE DESIGNATION OF THE SPECIES AS A NUISANCE;

(IV) ENVIRONMENTAL CONDITIONS; OR

(V) OTHER ECOLOGICAL FACTORS.".

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 36 – Senator Colburn

AN ACT concerning

Dorchester County – Bay Restoration Fee – Lien Against Property

Favorable report adopted.

Senator Della moved, duly seconded, to make the Bill a Special Order for March 1, 2010.

The motion was adopted.

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

Senate Bill 95 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Farmland Preservation Partnership Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 326 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

Environment – State Board of Waterworks and Waste Systems Operators – Sunset Extension and Revisions

SB0326/524531/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 326
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "Board;" insert "altering the composition of the Board;"; and in line 16, after "12–101(c)(2)" insert ", 12–202(a)(2)".

AMENDMENT NO. 2

On page 2, after line 15, insert:

"12–202.

(a) (2) With the advice and consent of the Senate, the Governor shall appoint 8 members who represent one or more of the following:

(i) Municipal government;

(ii) County government;

(iii) A sanitary or a metropolitan commission;

(iv) Waterworks supervision;

(v) Wastewater works or industrial wastewater works supervision;

(vi) Agriculture;

(vii) Industrial wastewater works superintendents; and

(viii) The **[**Department of Natural Resources**]** **MARYLAND ENVIRONMENTAL SERVICE**.".

AMENDMENT NO. 3

On page 4, strike beginning with the first "the" in line 21 down through "specifically" in line 23.

On pages 4 and 5, strike in their entirety the lines beginning with line 24 on page 4 through line 16 on page 5, inclusive, and substitute:

"(1) the options for development of a database to be used for tracking waste systems facilities and the employment of superintendents at facilities;

(2) whether to recommend statutory changes to exempt facilities of a certain size or type from the requirement to employ a certified superintendent;

(3) the use of circuit riders by facilities in Maryland and system compliance for facilities with circuit riders;

(4) the adoption of regulations establishing the Board's circuit rider experience crediting policy;

(5) workforce conditions, including retirement, turnover, and salary, that affect future facility compliance with the certified operator requirement;

(6) the options for upgrading the Board's administrative database and website, and the compatibility of the Board's administrative database with the Department of the Environment's databases;

(7) the use of the Department of the Environment's penalty authority and any recommended changes to that authority;

(8) preexamination training opportunities for operators;

(9) the status of implementing computer–based examinations; and

(10) the Board's ability to generate sufficient fee revenue for the General Fund to cover the Board's expenses.".

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 REPORT #5

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

Senate Bill 857 – Senator Pipkin

AN ACT concerning

Queen Anne's County – County Commissioners – Gaming Permits

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

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

Senate Bill 910 – Senators Lenett and Rosapepe

AN ACT concerning

Comprehensive Energy Plan

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

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

Senate Bill 911 – Senator Astle

AN ACT concerning

Underground Facilities – Damage Prevention

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

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

Senate Bill 912 – Senators Brinkley, Colburn, Dyson, Edwards, Middleton, and Mooney

AN ACT concerning

Farmer's Markets – Sale of Poultry and Rabbits

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

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

Senate Bill 913 – Senators Jones, Exum, Gladden, Harrington, Muse, Pinsky, Raskin, and Rosapepe

SECOND PRINTING

AN ACT concerning

Income Tax – Surcharge – Extension

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

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

Senate Bill 914 – Senators Harrington, Lenett, Madaleno, and Raskin

AN ACT concerning

Forest Conservation Fund – Contribution Rates – Priority Funding Areas

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

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

Senate Bill 916 – Senators Pinsky, Exum, Harrington, Peters, and Rosapepe

AN ACT concerning

Prince George's County – Municipal Corporations – School Zones and Speed Monitoring Systems

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

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

Senate Bill 917 – Senator Peters

AN ACT concerning

Creation of a State Debt – Prince George's County – Marleigh Community Safety and Surveillance System

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

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

Senate Bill 918 – Senator Peters

AN ACT concerning

Creation of a State Debt – Prince George's County – St. Mary's School Gymnasium and Multi–Purpose Room

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

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

Senate Bill 919 – Senator Edwards

AN ACT concerning

Allegany County – Slot Machines for Nonprofit Organizations – Volunteer Fire Departments

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

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

Senate Bill 920 – Senators Kasemeyer and Madaleno

AN ACT concerning

Developmental Disabilities Administration – Low Intensity Support Services

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

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

Senate Bill 921 – Senator DeGrange

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Reece Road Community Health Center

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

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

Senate Bill 922 – Senator Haines

AN ACT concerning

Homestead Property Tax Credit for Housing Units at Independent Living Retirement Communities

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

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

Senate Bill 923 – Carroll County Senators

AN ACT concerning

Carroll County – Homemade Food Sales – County Parks and Facilities

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

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

Senate Bill 924 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

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

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

Senate Bill 925 – Carroll County Senators

AN ACT concerning

Carroll County – Green Building Tax Credit

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

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

Senate Bill 926 – Carroll County Senators

AN ACT concerning

Carroll County – Alcoholic Beverages – Sale of Wine for Off–Premises Consumption

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

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

Senate Bill 927 – Carroll County Senators

AN ACT concerning

Carroll County – Sheriff – Salary

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

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

Senate Bill 928 – Carroll County Senators

AN ACT concerning

Carroll County – State's Attorney – Salary

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

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

Senate Bill 929 – Senator Kasemeyer

AN ACT concerning

Estates and Trusts – Transfers – Recordation and Transfer Taxes

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

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

Senate Bill 930 – Senators Lenett, Harrington, and Madaleno

AN ACT concerning

State Government – Silver–Haired Legislature

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

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

Senate Bill 931 – Senators Kelley, Conway, and Exum

AN ACT concerning

Common Interest Community Managers – Licensing and Regulation

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

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

Senate Bill 932 – Senator Gladden

AN ACT concerning

Civil Actions – Immunity from Civil Liability – Health Care Providers

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

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

Senate Bill 933 – Senators Zirkin and Stone

AN ACT concerning

Criminal Procedure – Sexual Offender Registry – Failure to Provide Required Information

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

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

Senate Bill 934 – Senators Zirkin and Stone

AN ACT concerning

Criminal Procedure – Sexual Offender Registrants – Internet Posting

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

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

Senate Bill 935 – Senators Zirkin and Stone

AN ACT concerning

Denial or Dismissal of Domestic Violence Petition – Expungement of Records

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

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

Senate Bill 936 – Senator Kramer

AN ACT concerning

Creation of a State Debt – Montgomery County – Muslim Community Center Youth Multipurpose Facility

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

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

Senate Bill 937 – Senator Garagiola

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2008 – Montgomery County – Button Farm Historic Preservation and Rehabilitation

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

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

Senate Bill 938 – Carroll County Senators

AN ACT concerning

Carroll County – Gaming

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

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

Senate Bill 939 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Forehand and Haines

AN ACT concerning

Energy Performance Contracts – Financing – State Energy Performance Contract Loan of 2010

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

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

Senate Bill 940 – Senators DeGrange, Jacobs, Muse, and Stone

AN ACT concerning

Vehicle Laws – Parking for Individuals with Disabilities – Zoning

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

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

Senate Bill 942 – Senators Pugh, Forehand, Harrington, Kelley, Klausmeier, Kramer, Madaleno, McFadden, and Muse

AN ACT concerning

Public Service Commission – Customer Education on Customer Choice

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

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

Senate Bill 943 – Senators Pugh and Garagiola

AN ACT concerning

Credit Regulation – Mortgage Brokers – Charges

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

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

Senate Bill 944 – Senator Klausmeier

AN ACT concerning

Department of State Police – Police Employees – Residency Requirements

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

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

Senate Bill 945 – Senator Middleton

EMERGENCY BILL

AN ACT concerning

Condominiums and Homeowners Associations – Governing Documents – Overriding Restrictions Against Rental of Home

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

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

Senate Bill 946 – Senator McFadden

AN ACT concerning

State Retirement and Pension System – Deceased Retiree's Retirement Application – Retiree's Mental Incapacity

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

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

Senate Bill 947 – Senator Edwards

AN ACT concerning

Allegany County – Property Tax Credit – WMHS Braddock Hospital Facility

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

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

Senate Bill 948 – Senator Raskin

AN ACT concerning

Child Abuse and Neglect – Disclosure of Information

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

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

Senate Bill 949 – Senators Raskin, Harrington, Lenett, and Madaleno

AN ACT concerning

Creation of a State Debt – Prince George's County – CASA Multi–Cultural Service Center

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

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

Senate Bill 950 – Senator Brinkley

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2009 – Frederick County – The John Hanson Memorial

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

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

Senate Bill 951 – Senators Conway, Frosh, Harrington, Kelley, McFadden, Muse, Pugh, and Stone

AN ACT concerning

Maryland Medical Assistance Program – Orthodontic Care – Reimbursement

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

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

Senate Bill 952 – Senators Conway, Currie, Dyson, Exum, Frosh, Harrington, Harris, Jones, Kelley, King, Lenett, Madaleno, McFadden, Muse, and Pugh

AN ACT concerning

Residential Home Sales – Disclosure of Utility Consumption

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

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

Senate Bill 953 – Senators Exum, Edwards, and Kittleman

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

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

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

Senate Bill 954 – Senator Exum

AN ACT concerning

State Units – Contracts – Reporting Requirements – Reports

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

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

Senate Bill 955 – Senators Exum, Garagiola, Gladden, Kelley, and Peters

AN ACT concerning

Workers' Compensation – Uninsured Employers' Fund – Uninsured Employer Assessments

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

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

Senate Bill 956 – Carroll County Senators

AN ACT concerning

Creation of a State Debt – Carroll County – Carroll County Agriculture Center

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

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

Senate Bill 957 – Senator Miller

AN ACT concerning

Calvert County – Special Taxing Districts

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

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

Senate Bill 958 – Senator Miller

AN ACT concerning

Calvert County – Noise Control Ordinance

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

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

Senate Bill 959 – Senator Miller

AN ACT concerning

State Retirement and Pension System – Local Employer Contributions – Educators and Educational Staff

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

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

Senate Bill 960 – Senators Brinkley, Glassman, and Kittleman

AN ACT concerning

Property Tax Exemption – Farm or Agricultural Property Subject to an Easement

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

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

Senate Bill 961 – Senators Forehand and Garagiola

AN ACT concerning

Creation of a State Debt – Montgomery County – Rockville Fitness Center and Exercise Room Expansion

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

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

Senate Bill 962 – Senators Raskin and Madaleno

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Montgomery County – Old Blair High School Auditorium

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

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

Senate Bill 963 – Senator Muse

AN ACT concerning

Creation of a State Debt – Prince George's County – Hope Institute

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

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

Senate Bill 964 – Senator Muse

AN ACT concerning

State Government – Sickle Cell Anemia Awareness Month

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

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

Senate Bill 965 – Senator Muse

AN ACT concerning

Creation of a State Debt – Prince George's County – Evangel Assembly Family Life Center

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

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

Senate Bill 966 – Senators Pugh, Harrington, Lenett, Madaleno, McFadden, Muse, and Raskin

AN ACT concerning

Education – High School Diploma by Examination

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

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

Senate Bill 967 – Senator Astle

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Entertainment Complex License

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

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

Senate Bill 968 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – William Paca House

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

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

Senate Bill 969 – Senator Reilly

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Carroll Field Puglise Stadium Field Lights

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

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

Senate Bill 970 – Senators Conway and McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Long–Term Care at Stadium Place

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

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

Senate Bill 971 – Senators Klausmeier, Astle, Della, Exum, Madaleno, Munson, Pinsky, Pipkin, Pugh, and Rosapepe

EMERGENCY BILL

AN ACT concerning

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

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

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

Senate Bill 972 – Senator Klausmeier

AN ACT concerning

Department of State Police – Collective Bargaining – Police Employees

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

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

Senate Bill 973 – Senator Madaleno

AN ACT concerning

Criminal Law – Flavored Cigars – Prohibition on Sale

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

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

Senate Bill 974 – Senators Colburn and Kittleman

AN ACT concerning

Optional Retirement Program – State and Participating Governmental Unit Employees – Participation

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

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

Senate Bill 975 – Senator Dyson

AN ACT concerning

Task Force to Study Erosion in Areas of Puritan Tiger Beetle Habitat

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

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

Senate Bill 976 – Senator Colburn

AN ACT concerning

Income Tax – Film Production Activity Credit

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

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

Senate Bill 977 – Senator Colburn

AN ACT concerning

Caroline County – Bay Restoration Fee – Lien Against Property

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

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

Senate Bill 978 – Senator Colburn

AN ACT concerning

Talbot County – Deer Hunting on Private Property – Sundays

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

SPECIAL ORDERS

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

Executive Nominations Committee Report #2, Nominee No. 1, Beverley K. Swaim–Staley to be Secretary of the Department of Transportation.

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATION OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nomination of the Executive?"

Senator Muse moved, duly seconded, that the confirmation vote be special ordered until March 2, 2010.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #3

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

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #3
February 25, 2010

Automobile Insurance Fund, Board of Trustees of the Maryland

1. Karenthia A. Barber District 43
1504 Fernley Road
Baltimore, MD 21218

Member of the Board of Trustees of the Maryland Automobile Insurance Fund; appointed to serve at the pleasure of the Governor

Budget of the State Workers' Compensation Commission, Advisory Committee on the

2. Karen L. Ebersole District 2
10138 Garis Shop Road
Hagerstown, MD 21740

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

3. Michael J. Schreyer District 28
8270 Hudson Drive
La Plata, MD 20646

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

Economic Development Commission, Maryland

4. Karen Frazee Myers District 1
23 State Park Road
Swanton, MD 21561

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

Handgun Permit Review Board

5. Seymour R. Goldstein District 11
3404 Woodvalley Drive
Baltimore, MD 21208

Member of the Handgun Permit Review Board; appointed to serve remainder of a term of three years from March 27, 2009

Infants and Toddlers, Interagency Coordinating Council for

6. Carol A. Heath District 7
5616 Harvey Court
White Marsh, MD 21162

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2009

Maryland Economic Development Corporation Board of Directors

7. C. Vernon Gray District 13
8502 Dark Hawk Circle
Columbia, MD 21045

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

Morgan State University Board of Regents

8. Shirley Mahaley Malcom, Ph.D. District 13
12901 Wexford Park
Clarksville, MD 21029

Member of the Morgan State University Board of Regents; reappointed to serve a term of five years from July 1, 2009

Physicians, State Board of

9. Jonathan Lerner District 41
6010 Baywood Avenue
Baltimore, MD 21209

Member of the State Board of Physicians; appointed to serve remainder of a term of four years from July 1, 2009

10. Harold A. Rose District 12
301 South Rolling Road
Catonsville, MD 21228

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2009

11. Laurie S.Y. Tyau, M.D. District 17
18 Lily Pond Court
Rockville, MD 20852

Member of the State Board of Physicians; appointed to serve remainder of a term of four years from July 1, 2009

Podiatric Medical Examiners, State Board of

12. Jay H. Boyar District 20
104 Indian Spring Drive
Silver Spring, MD 20901

Member of the State Board of Podiatric Medical Examiners; appointed to serve remainder of four years from July 1, 2009

Police Training Commission

13. Larry M. Brownlee, Sr. District 24
4002 Bald Hill Terrace
Mitchellville, MD 20721

Member of the Police Training Commission; appointed to serve remainder of a term of four years from July 1, 2009

Public Service Commission

14. Therese M. Goldsmith District 12
203 Hilton Avenue
Catonsville, MD 21228

Member of the Public Service Commission; appointed to serve a term of five years from July 1, 2009

Racing Commission, State

15. Ernest R. Grecco District 5
914 Cindy Lane
Westminster, MD 21157

Member of the State Racing Commission; appointed to serve remainder of a term of four years from July 1, 2009

16. Thomas W. Winebrener District 4
12302A Green Valley Road, P.O. Box 362
Union Bridge, MD 21791

Member of the State Racing Commission; appointed to serve remainder of a term of four years from July 1, 2009

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

17. F. Patrick Hughes District 42
907 Rolandvue Avenue
Towson, MD 21204

Member of the Board of Trustees for the Maryland State Retirement and Pension Systems; reappointed to serve a term of four years from July 1, 2009

Rural Legacy Board, Advisory Committee to the

18. James C. Ashby District 1
1236 State Street
Oakland, MD 21550

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve remainder of a term of three years from July 1, 2008

19. Kelly Carneal District 46
1724 Aliceanna Street, Apt. A
Baltimore, MD 21231

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve a term of three years from July 1, 2009

20. Edward A. Halle, Jr. District 5
4081 Mt. Zion Road
Upperco, MD 21155

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve a term of three years from July 1, 2008

Stadium Authority, Maryland

21. Leonard J. Attman District 11
16 Talton Court
Baltimore, MD 21208

Member of the Maryland Stadium Authority; reappointed to serve a term of four years from July 1, 2009

Women, Maryland Commission for

22. Anita Lombardi Riley District 9
5887 Pawtucket Lane
Eldersburg, MD 21784

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2009

Workforce Corporation Board of Directors, Maryland

23. Tina M. Bjarekull District 31
8469 Meadow Lane
Pasadena, MD 21122

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2012

24. Danielle Copeland District 43
622 E. 31st Street
Baltimore, MD 21218

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2011

25. Barbara R. Denman District 22
4318 Tuckerman Street
University Park, MD 20782

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2010

26. Roderick Easter District 41
832 Stamford Road
Baltimore, MD 21229

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2012

27. Morris Anthony Little District 26
11003 Spring Forest Way
Fort Washington, MD 20744

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2013

28. George Patrick Maloney District 33
7 Beach Road
Severna Park, MD 21146

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2013

29. Anthony R. Sarmiento District 20
1502 Ballard Street
Silver Spring, MD 20910

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2013

Statewide Nominees

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

Police Training Commission

S–1. David A. Goad District 1
708 Furnace Street
Cumberland, MD 21502

Member of the Police Training Commission; reappointed to serve a term of three years from June 1, 2009

Real Estate Appraisers and Home Inspectors, State Commission of

S–2. Patrick J. Murphy District 43
38076 Juniper Road
Baltimore, MD 21218

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2010

S–3. Maryann L. Rush District 5
12240 Roundwood Road
Timonium, MD 21093

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2010

S–4. J. Otis Smith District 18
1902 Dayton Street
Silver Spring, MD 20902

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2010

Rural Legacy Board, Advisory Committee to the

S–5. Samuel M. Pierce District 4
120 Water Street, P.O. Box 430
New Windsor, MD 21776

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve a term of three years from July 1, 2009

Seafood Marketing Advisory Commission

S–6. Harold F. Graul District 46
10 East Lee Street, #1601
Baltimore, MD 21203

Member of the Seafood Marketing Advisory Commission; reappointed to serve a term of four years from July 1, 2009

S–7. Aden A. King District 30
605 Burnside Street
Annapolis, MD 21403

Member of the Seafood Marketing Advisory Commission; reappointed to serve a term of four years from July 1, 2009

Social Work Examiners, State Board of

S–8. Trinita C. Robinson District 25
4903 Ashford Place
Upper Marlboro, MD 20772

Member of the State Board of Social Work Examiners; reappointed to serve remainder of a term of four years from July 1, 2009

Local Nominees

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

Anne Arundel County Board of Elections

L–1. Frank W. Goetschius District 33
199 Topeg Drive
Severna Park, MD 21146

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

Anne Arundel County Orphans' Court

L–2. Judith L. Duckett District 30
208 Wardour Drive
Annapolis, MD 21401

Member of the Anne Arundel County Orphans' Court; appointed to serve until the General Election on November 2, 2010

Baltimore City Board of Elections

L–3. Tara Andrews District 40
606 Lennox Street
Baltimore, MD 21217

Member of the Baltimore City Board of Elections; appointed to serve remainder of a term of four years from the first Monday in June, 2007

Baltimore County Community College, Board of Trustees

L–4. Emmet Davitt, Esq. District 12
122 South Rolling Road
Catonsville, MD 21228

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

Carroll Community College Board of Trustees

L–5. David S. Bollinger District 5
528 Ann Drive
Westminster, MD 21157

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

L–6. Delaine R. Hobbs, Jr. District 5
205 North Main Street, P.O. Box 500
Mt. Airy, MD 21771

Member of the Carroll Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2009

College of Southern Maryland, Board of Trustees of the

L–7. Lois E. DiNatale District 28
8300 Wheatley Road
La Plata, MD 20646

Member of the Board of Trustees of the College of Southern Maryland; appointed to serve a term of Five years from July 1, 2009

Somerset County Board of License Commissioners

L–8. Tamela Cherie' Hutt District 38
29693 Polks Road
Princess Anne, MD 21853

Member of the Somerset County Board of License Commissioners; appointed to serve remainder of a term of two years from June 1, 2009

St. Mary's County Alcoholic Beverage Board

L–9. Betty W. Currie District 29
24740 Marva Point Way
Hollywood, MD 20636

Member of the St. Mary's County Alcoholic Beverage Board; reappointed to serve a term of four years from January 1, 2010

Washington County Board of License Commissioners

L–10. Robert L. Everhart District 2
10 Richmond Street, Apt. 4
Hagerstown, MD 21740

Member of the Washington County Board of License Commissioners; reappointed to serve a term of six years from June 1, 2009

Wicomico County Board of License Commissioners

L–11. Leo McNeil District 37
7636 Fentral Avenue
Salisbury, MD 21801

Member of the Wicomico County Board of License Commissioners; appointed to serve remainder of the term of four years from July 1, 2007

Wicomico County Liquor Control Board

L–12. Cecelia Griffith Dennis District 37
1004 South Delano Avenue
Salisbury, MD 21801

Member of the Wicomico County Liquor Control Board; reappointed to serve a term of two years from July 1, 2009

L–13. Donald Edwin Ewalt, Jr. District 38
203 Creekside Drive
Salisbury, MD 21804

Member of the Wicomico County Liquor Control Board; appointed to serve a term of two years from July 1, 2009

L–14. Herman Stewart Haemel District 38
1702 South Kaywood Drive
Salisbury, MD 21804

Member of the Wicomico County Liquor Control Board; reappointed to serve a term of two years from July 1, 2009

Worcester County Board of License Commissioners

L–15. William E. Esham, Jr. District 38
11 South Mian Street
Berlin, MD 21811

Member of the Worcester County Board of License Commissioners; reappointed to serve a term of four years from July 1, 2009

L–16. John F. Hess, Sr. District 38
74 Chatham Court
Berlin, MD 21811

Member of the Worcester County Board of License Commissioners; reappointed to serve a term of four years from July 1, 2009

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nominations of the Executive?"

The above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 268)

QUORUM CALL

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

(See Roll Call No. 269)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #20

Senate Bill 92 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

EMERGENCY BILL

AN ACT concerning

Department of Natural Resources – Boating Safety Requirements

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

Affirmative – 44 Negative – 3 (See Roll Call No. 270)

The Bill was then sent to the House of Delegates.

Senate Bill 106 – The President (By Request – Administration) and Senators Miller, Currie, Kasemeyer, Astle, Brinkley, Colburn, DeGrange, Forehand, Garagiola, Jones, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Mooney, Munson, Peters, Pugh, Robey, Rosapepe, ~~and Zirkin~~ Zirkin, and Stone

EMERGENCY BILL

AN ACT concerning

Labor and Employment – Job Creation and Recovery Tax Credit

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

Affirmative – 47 Negative – 0 (See Roll Call No. 271)

The Bill was then sent to the House of Delegates.

Senate Bill 129 – Senators Pugh, Conway, Forehand, Jacobs, Jones, Kelley, King, ~~and Kramer~~ Kramer, Middleton, Astle, Exum, Garagiola, and Klausmeier

AN ACT concerning

International Marriage Brokers – Regulation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 272)

The Bill was then sent to the House of Delegates.

Senate Bill 139 – Senators Madaleno ~~and Miller~~, Miller, and Jones

AN ACT concerning

Property Tax – Exemption for Disabled ~~Veterans and Surviving Spouses – Definition~~ Public Health Service and NOAA Officers and Surviving Spouses

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

Affirmative – 47 Negative – 0 (See Roll Call No. 273)

The Bill was then sent to the House of Delegates.

Senate Bill 237 – ~~Senator Zirkin~~ Senators Zirkin, Brinkley, Currie, DeGrange, Edwards, Jones, Kasemeyer, King, Kramer, Madaleno, McFadden, Munson, Peters, Robey, and Stoltzfus

AN ACT concerning

Sales and Use Tax – Exemptions – Veterans' Organizations

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

Affirmative – 47 Negative – 0 (See Roll Call No. 274)

The Bill was then sent to the House of Delegates.

Senate Bill 323 – Senator Jones (Chair, Joint Audit Committee) and Senators Currie, Haines, Kramer, McFadden, and Pugh

AN ACT concerning

Office of Legislative Audits – Auditing Local School Systems

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

Affirmative – 46 Negative – 0 (See Roll Call No. 275)

The Bill was then sent to the House of Delegates.

Senate Bill 348 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

Capital Debt Affordability

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

Affirmative – 47 Negative – 0 (See Roll Call No. 276)

The Bill was then sent to the House of Delegates.

Senate Bill 476 – Senators ~~Currie,~~ King, Currie, Peters, ~~and Exum~~ Exum, Forehand, and Garagiola

AN ACT concerning

Maintenance of Effort – Penalty

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

Affirmative – 44 Negative – 3 (See Roll Call No. 277)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 278)

ADJOURNMENT

At 12:00 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 1, 2010.

Annapolis, Maryland
Monday, March 1, 2010
8:00 P.M. Session

The Senate met at 8:06 P.M.

Prayer by Reverend Paul Drost, Grace Assembly of God Church, guest of Senator Jacobs.

(See Exhibit A of Appendix III)

The Journal of February 26, 2010 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 280)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 293 – Senator Jim Rosapepe:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
University of Maryland
College Park
in recognition of
"Terrapin Pride Day" and the outstanding achievements of the State's flagship campus and the benefits the
University brings to Maryland.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 1st day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 281)

Senate Resolution No. 1530 – Senator James Brochin:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Vincent Biser
in recognition of
winning the 2009 North American One–Armed Golfer Association Championship.
Your demonstration of courage and determination to beat the odds is inspirational.
Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 1st day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 282)

Senate Resolution No. 130 – Senator Rob Garagiola:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Mandi Pederson
in recognition of
her role in representing the State of Maryland as the 2009 Cherry Blossom Princess.
We commend your educational
and cultural leadership. Congratulations.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 1st day of March 2010.

Senate Resolution No. 131 – Senator Rob Garagiola:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Emily Tocknell

in recognition of
her selection as the 2010 Cherry Blossom Princess to represent the State of Maryland.
We commend your educational and cultural leadership role. Congratulations.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 1st day of March 2010.

The preceding Resolutions(2) were read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 283)

Senate Resolution No. 194 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Chesapeake Beach Buccaneers
90lb. Football Team
in recognition of
your three undefeated seasons and three consecutive
football championships. We applaud your outstanding seasons and wish you many more. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 5th day of February 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 284)

Senate Resolution No. 403 – Senator Norman R. Stone, Jr.:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Eastern Technical High School Mavericks
in recognition of
winning the 2009 Varsity Football 2A State Championship.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 1st day of March 2010.

Senate Resolution No. 402 – Senator Norman R. Stone, Jr.:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Head Coach Marc Mesaros
in recognition of
the Mavericks winning the 2009 Varsity Football 2A
State Championship and being named All–Metro Coach
and Coach of the Year.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 1st day of March 2010.

The preceding Resolutions(2) were read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 285)

INTRODUCTION OF BILLS

Senate Bill 1054 – Senator Muse

AN ACT concerning

Raymond Scott Brown II Vehicle Towing Notification Act

FOR the purpose of requiring a person who undertakes the towing or removal of vehicles from parking lots to provide certain notice to certain police departments; altering the time frame within which a tower is required to provide certain notice to certain police departments after towing a vehicle from a parking lot; altering the information that a tower is required to provide to certain police departments after towing a vehicle from a parking lot; establishing certain methods by which a tower may provide certain notice to certain police departments; and generally relating to notice required to be provided by towers to police departments with respect to vehicles towed or removed from parking lots.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–10A–04
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 1055 – Senator Muse

AN ACT concerning

Health Occupations – Restricted Volunteer Dentist's License – Restricted Volunteer Dental Hygienist's License

FOR the purpose of establishing a restricted volunteer dentist's license and a restricted volunteer dental hygienist's license under the State Board of Dental Examiners; establishing certain procedures to apply for certain licenses; establishing the scope of practice of certain licenses; providing that the holders of certain licenses may not be required to complete certain continuing education requirements as a condition of renewal of the licenses; defining certain terms; and generally relating to the establishment of a restricted volunteer dentist's license and a restricted volunteer dental hygienist's license.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–101, 4–304, 4–308, and 4–309
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 1056 – Senator Haines

AN ACT concerning

Real Property – Indemnity Mortgage – Effect of Foreclosure on Payment of Recordation Tax

FOR the purpose of establishing that the requirement for the payment of public taxes, assessments, and charges before property may be transferred on the assessment books or records does not apply to the payment of recordation taxes; clarifying that a purchaser of foreclosed residential property is not required to pay the recordation tax for a certain mortgage securing the foreclosed property except under certain circumstances; establishing that if the purchaser of the foreclosed property is the grantor of a certain mortgage, the purchaser is responsible to pay the recordation tax; defining a certain term; providing for the application of this Act; and generally relating to the effect of foreclosure on payment of the recordation tax on property secured by an indemnity mortgage.

BY repealing and reenacting, without amendments,
Article – Real Property

Section 3–104(b) and 7–102(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 3–104(c) and 7–105
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Senate Bill 1057 – Senator Stone

AN ACT concerning

Criminal Law – Leaving Dogs Outside and Unattended by Use of Restraint – Restricted Hours and Conditions

FOR the purpose of prohibiting a person from leaving a dog outside and unattended by use of a certain restraint during a certain time period or during a snow emergency declared by the Maryland State Police; establishing penalties for a violation of this Act; and generally relating to the unattended restraint of dogs.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–623
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

Senate Bill 1058 – Senators Munson, Edwards, and Mooney

AN ACT concerning

Creation of a State Debt – Washington County – Museum of Fine Arts

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

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

Senate Bill 1059 – Senator Edwards

AN ACT concerning

Procurement – Employee Uniforms and Equipment – Place of Manufacture

FOR the purpose of prohibiting a public employer, under certain circumstances, from knowingly buying, furnishing, or requiring an employee to buy or acquire for use while on duty, certain uniforms and other equipment unless the uniforms or other equipment are manufactured in the United States; providing for the application of this Act; defining a certain term; and generally relating to the procurement of employee uniforms and equipment.

BY adding to
Article – State Finance and Procurement
Section 14–409
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 1060 – Senators Muse, Harrington, and Raskin

AN ACT concerning

State Department of Education – Personal Financial Literacy State Curriculum

FOR the purpose of requiring certain county boards of education to make certain certifications regarding a certain curriculum on or before a certain date each year; requiring the State Department of Education to develop a process to monitor certain implementation of a certain curriculum; requiring the Department to report certain information to the Governor and General Assembly on or before a certain date each year; and generally relating to the monitoring and implementation of the Personal Financial Literacy State Curriculum.

BY adding to
Article – Education
Section 4–111.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 1061 – Senator Madaleno

AN ACT concerning

State Retirement and Pension System – Funding

FOR the purpose of altering the determination of the State's contribution for certain plans in the State Retirement and Pension System; altering the number of years certain unfunded liabilities of the State Retirement and Pension System shall be amortized; requiring the State's actuary to calculate a certain alternative contribution rate for certain plans in the State Retirement and Pension System; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; defining certain terms; and generally relating to the funding of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–304 and 21–305.2
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–304
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)
(As enacted by Section 1 of this Act)

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

Senate Bill 1062 – Senator Madaleno

AN ACT concerning

Creation of a State Debt – Montgomery County – Threshold Services Group Home Renovations

FOR the purpose of authorizing the creation of a State Debt not to exceed $50,000, the proceeds to be used as a grant to the Board of Directors of the Threshold Services, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 1063 – Senator Madaleno

AN ACT concerning

Task Force to Study Deceptive Real Estate Practices

FOR the purpose of establishing the Task Force to Study Deceptive Real Estate Practices; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation but entitling a member to reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding fraudulent and deceptive real estate practices within Maryland; requiring the Task Force to submit a report of its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Deceptive Real Estate Practices.

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

Senate Bill 1064 – Senator Madaleno

AN ACT concerning

Real Property – Residential Property – Condemnation Procedures

FOR the purpose of requiring public or private agencies defined under the law as displacing agencies that displace property owners under certain circumstances to provide a certain written notice to a certain owner of record of residential property by a certain period of time before filing a certain condemnation action; requiring the notice to be sent by certified mail; specifying the information to be included in the written notice; establishing that an affected homeowner may bring an action against a displacing agency for damages sustained because of the failure of the agency to provide the written notice to the homeowner; establishing that, under certain circumstances, a homeowner may recover treble damages; requiring any meeting between a displacing agency and affected homeowners to include an agenda and a review of certain rights of the affected homeowners; establishing that a displacing agency that is unable to acquire certain residential property by negotiation shall certify the case to a certain board of property review in the county where the property is located; expanding the authority of a certain board of property review to hear cases certified under this Act; requiring the board to hear a certain case and determine the amount of the award for an affected homeowner; establishing that certain procedures and the Maryland Rules apply to any case certified under this Act; specifying that for certain residential property, diminution in value includes at least a certain percentage loss of the property's fair market value or the condemnation of at

least a certain percentage of certain land surrounding a residential dwelling; defining certain terms; providing for the retroactive application of certain provisions of this Act; providing for the application of this Act; and generally relating to condemnation procedures for residential property.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 12–105(b)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY adding to
Article – Real Property
Section 12–207.1
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Senate Bill 1065 – Senators Colburn, Jacobs, and Stoltzfus

AN ACT concerning

Sexual Offenders Omnibus Act of 2010

FOR the purpose of prohibiting the earning of diminution credits to reduce the term of confinement of a certain inmate who is serving a sentence for a certain sexual offense against a minor; eliminating parole eligibility for sexual offenders who are serving terms of confinement for certain offenses against minors committed on or after a certain date; providing that this Act does not restrict a certain authority of the Governor to pardon or remit a certain sentence; repealing the requirement that the Maryland Parole Commission administer extended sexual offender parole supervision; altering certain provisions relating to extended sexual offender supervision of certain offenders; altering the term for certain extended sexual offender supervision; requiring a sentence for certain persons to include a term of lifetime sexual offender supervision; altering the term of lifetime sexual offender supervision; establishing that lifetime sexual offender supervision is imposed on a defendant for a crime committed on or after a certain date; requiring a certain sentencing court to impose certain conditions of lifetime sexual offender supervision and to advise certain persons of the conditions of lifetime sexual offender supervision; requiring the sentencing court to order a presentence investigation under certain circumstances; authorizing a certain sentencing court to adjust certain conditions of lifetime sexual offender supervision under certain circumstances; establishing a certain offense and penalty for violation of lifetime sexual offender supervision; authorizing certain procedures for violations of lifetime sexual offender supervision; requiring certain judges to hear certain violations and certain petitions; authorizing a

certain sentencing court to deny a certain petition under certain circumstances; providing for the discharge of certain persons from lifetime sexual offender supervision under certain circumstances; requiring a certain sentencing court to hear and adjudicate certain petitions; altering the composition of a certain sexual offender management team; requiring certain progress reports of a certain sexual offender management team; prohibiting a District Court commissioner from authorizing the pretrial release of a defendant who is registered on a certain registry; authorizing the Department of Public Safety and Correctional Services to adopt certain regulations; requiring the Department, within a certain period of time after receiving a registration statement, to send a copy of the registration statement to the Motor Vehicle Administration; requiring rather than authorizing the Department to post on the Internet certain information about a certain registrant; requiring the Department to include the known aliases of a certain registrant on a certain posting on the Internet; prohibiting a certain registrant who is arrested on suspicion of any violation of the Code from being released from custody or charges from being dropped until the registrant is brought before a certain judge for a certain examination; creating a procedure in which a person who has been convicted of a sexually violent offense and who suffers from a certain mental abnormality or personality disorder may be placed in the custody of the Secretary of Health and Mental Hygiene until the person meets certain criteria; establishing that a term of extended parole supervision commences on the expiration of a certain term of commitment to a certain State facility; requiring the Commissioner of Correction of the Department to give notice to the Attorney General before certain persons who have been convicted of certain sexually violent offenses are released from confinement; requiring the Attorney General to determine if certain persons meet the criteria of sexually violent offenders in need of commitment; establishing certain procedures for determining whether persons are sexually violent offenders in need of commitment; requiring that a review committee of prosecutors and a multidisciplinary team be formed to make recommendations concerning the identification of sexually violent offenders in need of commitment; making the Commissioner and certain other individuals immune from civil liability for acts performed in good faith in carrying out this Act; specifying the criteria for finding a person to be a sexually violent offender in need of commitment; authorizing the Attorney General to petition the circuit court to find probable cause that a certain person is a sexually violent offender in need of commitment; authorizing a court to order a certain person taken into custody if the court determines certain probable cause exists; authorizing a court to conduct a trial under certain circumstances to determine if a certain person is a sexually violent offender in need of commitment; allowing a certain person certain rights at trial; requiring that the standard of proof at a trial to determine whether a person is a sexually violent offender in need of commitment be that of proof beyond a reasonable doubt; requiring that a person who is found to be a sexually violent offender in need of commitment be placed in the custody of the Secretary of Health and Mental Hygiene for control, care, and treatment at a State facility until the mental abnormality or personality disorder of the person has so changed that the

person is not likely to engage in a certain act if released; requiring that a certain committed person in a State facility be subject to an annual mental examination and an annual status review hearing; authorizing the court to determine at an annual status review hearing that probable cause exists to believe that the committed person is not likely to engage in certain acts if released; authorizing that a release hearing be held under certain circumstances; establishing the procedures for certain hearings; requiring that the court release a committed person under certain circumstances; providing that this Act has no effect on the operation of certain provisions of the Code; requiring the Administration, on receipt of a certain notice that a holder of or an applicant for a driver's license or identification card has registered on a certain registry, to place a prominent notation on any driver's license or identification card issued to the holder or the applicant indicating that the holder is a sexual offender registrant; prohibiting the removal of a certain notation unless the Department provides a certain written notice to the Administration; making a certain technical correction; deleting certain terms; making certain conforming changes; defining certain terms; and generally relating to sexual offenders.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–702, 7–206, and 7–301
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Criminal Procedure
Section 5–202(g) and 11–728
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–701, 11–704, 11–713, 11–717, and 11–723 through 11–726
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 1–101(a), (c), and (k) and 10–101(e) and (h)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health – General
Section 10–636 through 10–646 to be under the new part "Part VI. Sexually Violent Offender in Need of Commitment"
Annotated Code of Maryland

(2009 Replacement Volume)

BY adding to
Article – Transportation
Section 12–303.2
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 1066 – Senator Colburn

AN ACT concerning

Health Occupations – Facilities for Dental Radiology

FOR the purpose of authorizing a licensed dentist to own and operate a certain facility; authorizing the staffing of certain facilities and the operation of certain equipment without the availability of a licensed dentist on the premises under a certain circumstance; requiring the State Board of Dental Examiners to adopt certain regulations; authorizing certified dental radiation technologists to practice dental radiation technology in certain facilities without the availability of a licensed dentist on the premises under a certain circumstance; requiring certified dental radiation technologists to provide certain protection of a patient's body during the use of radiation; making a certain exception; defining certain terms; and generally relating to the practice of dental radiation technology in facilities for dental radiology.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 4–505
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health Occupations
Section 4–505.1
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–506
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 1067 – Senators Rosapepe, Currie, Exum, Harrington, Miller, Muse, Peters, and Pinsky

AN ACT concerning

Task Force on Solar Hot Water Systems in Prince George's County

FOR the purpose of establishing a Task Force on Solar Hot Water Systems in Prince George's County; providing for the members of the Task Force; providing for the designation of a chair of the Task Force; requiring the Prince George's County government to provide staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation; providing that a member of the Task Force may receive reimbursement of certain expenses; requiring the Task Force to study certain matters and make certain findings and recommendations; requiring the Task Force to report its findings and recommendations to the Prince George's County Senators, the Prince George's County Delegation, and the Prince George's County Council on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force on Solar Hot Water Systems in Prince George's County.

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

Senate Bill 1068 – Senator Stoltzfus

AN ACT concerning

Creation of a State Debt – Worcester County – Pocomoke City Volunteer Fire Company Community Center

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

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

Senate Bill 1069 – Senator Stoltzfus

AN ACT concerning

Creation of a State Debt – Wicomico County – Parsonsburg Volunteer Fire Company Community Center

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

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

Senate Bill 1070 – Senator Robey

AN ACT concerning

Creation of a State Debt – Howard County – Linwood Center

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

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 87 – Chair, Economic Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

State Fire Marshal – Nongovernmental Electrical Inspectors

FOR the purpose of requiring the State Fire Marshal to administer and enforce this Act; authorizing the State Fire Marshal to adopt certain regulations and use certain staff to carry out and enforce this Act; providing that this Act does not supersede certain local laws or ordinances; removing the exemption for certain counties; requiring certain electrical inspectors to obtain county approval or certification under certain circumstances; ~~requiring certain electrical installations to have a permit and be inspected;~~ requiring certain utilities to receive a certain certificate before the utility authorizes electrical current to be turned on; requiring certain electrical installations be certified within a certain

period of time after final completion; requiring a person to be certified as a nongovernmental electrical inspector by the State Fire Marshal before inspecting or certifying an electrical installation; requiring that applicants for a nongovernmental electrical inspector certificate meet certain minimum qualifications and pass a certain written examination; authorizing the State Fire Marshal to adopt certain regulations to establish certain alternate qualifications for applicants; requiring an applicant to submit an application and certain documents and pay a certain application fee; requiring the application to contain a certain statement; requiring the State Fire Marshal to issue a certificate under certain circumstances; requiring a certificate holder to give notice of a change of address; providing for certain procedures relating to renewal of a certificate; authorizing the State Fire Marshal to deny, refuse to renew, or suspend or revoke a certain certificate, reprimand a certificate holder, or impose a civil penalty under certain circumstances and subject to certain hearing requirements; providing for review of the State Fire Marshal's hearing determinations; providing for certain criminal penalties; making stylistic changes; providing for the application of this Act; repealing a certain definition; defining a certain term; altering a certain definition; and generally relating to the authority of the State Fire Marshal and the certification of nongovernmental electrical inspectors.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–601 through 12–603, 12–606, and 12–607
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing
Article – Public Safety
Section 12–604 and 12–605
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY adding to
Article – Public Safety
Section 12–604 through 12–614
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

House Bill 131 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Physical Therapy Examiners – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Physical Therapy Examiners in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the Board, in conjunction with the Department of Health and Mental Hygiene, to submit a certain report on or before a certain date; and generally relating to the State Board of Physical Therapy Examiners.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 13–502
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(47)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 135 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Chiropractic and Massage Therapy Examiners in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that

relate to the Board be performed on or before a certain date; requiring the Board to submit certain reports on or before certain dates; altering a certain reference; and generally relating to the State Board of Chiropractic and Massage Therapy Examiners.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 3–602
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(12)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 162 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Expedited Partner Therapy Pilot Program – Extension

FOR the purpose of extending the termination date of the Expedited Partner Therapy Pilot Program; and generally relating to the Expedited Partner Therapy Pilot Program.

BY repealing and reenacting, with amendments,
Chapter 146 of the Acts of the General Assembly of 2007
Section 2

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

House Bill 179 – Delegates Elliott and Krebs

AN ACT concerning

State Board of Nursing – Temporary License – Issuance

FOR the purpose of authorizing the State Board of Nursing to issue a temporary license to an individual who has taken and passed a certain examination, but is waiting for the completion of a certain records check; specifying the scope of temporary licenses issued to certain individuals; exempting certain individuals from a certain provision of law; and generally relating to the issuance of temporary nursing licenses.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 8–301(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–301(c) and 8–315(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 200 – Delegates Rosenberg, Ali, Carter, Donoghue, and Oaks

AN ACT concerning

Health Occupations – Morticians and Funeral Directors – Licenses

FOR the purpose of requiring an applicant for a funeral director's license to pass the arts and sciences State board examinations administered by a certain entity; requiring the Maryland State Board of Morticians and Funeral Directors to advise applicants for certain licenses of certain information; and generally relating to licenses for morticians and funeral directors.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–303
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 219 – Delegates Bronrott, Anderson, Dumais, Eckardt, Barnes, Ross, Shewell, Levi, Burns, Morhaim, Nathan–Pulliam, Pena–Melnyk, and Reznik

AN ACT concerning

Office of the Governor – State Drug and Alcohol Abuse Council

FOR the purpose of establishing the State Drug and Alcohol Abuse Council in the Office of the Governor; providing for the membership of the Council; requiring the Governor to designate the chair of the Council; providing for the terms of the members of the Council; authorizing members of the Council to receive a certain reimbursement; providing that a majority of the voting members of the Council is a quorum; authorizing the Council to adopt certain procedures and consult with State agencies; authorizing the chair to designate certain individuals to serve on a committee or task force of the Council; requiring the Council to meet at least four times a year; providing for the purposes and duties of the Council; requiring the ~~Office of the Governor to designate~~ Alcohol and Drug Abuse Administration to provide staff for the Council; specifying the terms of certain initial members of the Council; and generally relating to the State Drug and Alcohol Abuse Council.

BY adding to
Article – State Government
Section 9–2801 through 9–2806 to be under the new subtitle "Subtitle 28. State Drug and Alcohol Abuse Council"
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 340 – Cecil County Delegation

AN ACT concerning

Cecil County – Board of Electrical Examiners and Licensing of Electricians

FOR the purpose of repealing certain provisions of the Cecil County Code of Public Local Laws relating to the appointment of the Board of Electrical Examiners, the adoption of rules and bylaws for the Board, the compensation of Board members, the meetings of the Board, the licensing and supervision of electricians by the Board, the reports and fees of the Board, penalties, and the electrical standards; and generally relating to the Cecil County Board of Electrical Examiners and the licensing of electricians in Cecil County.

BY repealing
The Public Local Laws of Cecil County

Section 99–1 through 99–22
Article 8 – Public Local Laws of Maryland
(1989 Edition and July 2009 Supplement, as amended)

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

House Bill 393 – ~~**Delegates Love, Barnes, Costa, Dwyer, Frush, George, King, Kipke, McConkey, Pena-Melnyk, and Schuh**~~ **Anne Arundel County Delegation**

AN ACT concerning

Anne Arundel County – Motorcycle Dealers – Sunday Operations

FOR the purpose of authorizing in Anne Arundel County a motorcycle dealer to sell, barter, deliver, give away, show, or offer for sale a motorcycle or a certificate of title for a motorcycle on Sunday; and generally relating to motorcycle dealers in Anne Arundel County.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 18–101
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 403 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Office of Cemetery Oversight – Preneed Trust Account – Underfunding

FOR the purpose of authorizing the Director of the Office of Cemetery Oversight to require the correction of any underfunding, including interest, due to a preneed trust account.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 5–710
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 453 – Washington County Delegation

AN ACT concerning

Washington County – Emergency Communications Center – Polygraph Examinations

FOR the purpose of exempting from the prohibition against an employer requiring or demanding, as a condition of employment, that an individual submit to or take a lie detector or similar test, individuals who apply for employment with the Washington County Emergency Communications Center; and generally relating to the Washington County Emergency Communications Center.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 3–702(a) and (c)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–702(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 692 – Delegates Kaiser and Kach

AN ACT concerning

Election Law – Campaign Funds – ~~Certificates of Deposit~~ Investments

FOR the purpose of authorizing a campaign finance entity to ~~deposit~~ invest funds the entity receives in a certificate of deposit with a certain term or a United States Treasury bill; and generally relating to campaign funds and certificates of deposit.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–220(a)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

LAID OVER BILLS

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

Senate Bill 29 – Senator Astle

AN ACT concerning

Department of Natural Resources – Preparation of Fishery Management Plans – Authority

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

SB0029/854137/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 29
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after the semicolon insert "requiring the Department to include certain information relating to overfishing and sustainable harvests in a fishery management plan; authorizing the Department to waive a requirement to include certain information in a fishery management plan under certain circumstances;".

AMENDMENT NO. 2

On page 4, in line 10, after "**(E)**" insert "**(1)**"; in the same line, strike "A" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; in lines 13, 14, 16, and 26, strike "(1)", "(2)", "(3)", and "(4)", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", and "**(V)**", respectively; in lines 17, 19, 21, 22, and 24, strike "(i)", "(ii)", "(iii)", "(iv)", and "(v)", respectively, and substitute "**1.**", "**2.**", "**3.**", "**4.**", and "**5.**", respectively; in line 25, strike "and"; after line 25, insert:

"**(IV) IF THE DEPARTMENT DETERMINES THAT A FISHERY HAS BEEN, OR IS CURRENTLY, OVERFISHED:**

1. A SPECIES-SPECIFIC TIME PERIOD FOR:

A. ENDING OR APPROPRIATELY ADDRESSING OVERFISHING; AND

B. REBUILDING THE STOCK OF THE SPECIES TO A SUSTAINABLE LEVEL; AND

2. A DESCRIPTION OF:

A. MANAGEMENT STRATEGIES THAT HAVE A HIGH PROBABILITY OF REDUCING FISHING TO A TARGET LEVEL WITHIN A TARGET TIME PERIOD, AS DETERMINED BY THE DEPARTMENT; AND

B. THE APPROPRIATE ASSIGNMENT OR ALLOCATION OF FISHING PRIVILEGES IN ACCORDANCE WITH SUBSECTION (D)(2) OF THIS SECTION; AND";

and after line 28, insert:

"**(2) THE DEPARTMENT MAY WAIVE THE REQUIREMENTS IN PARAGRAPH (1)(IV) OF THIS SUBSECTION FOR A SPECIES OF FISH IF THE DEPARTMENT DETERMINES THAT MEETING THE REQUIREMENTS IS NOT PRACTICABLE OR BIOLOGICALLY APPROPRIATE BASED ON:**

(I) THE SPECIFIC BIOLOGY OF THE SPECIES;

(II) THE MANAGEMENT OF THE SPECIES UNDER A FEDERAL OR MULTI-STATE FISHERY MANAGEMENT PLAN;

(III) THE DESIGNATION OF THE SPECIES AS A NUISANCE;

(IV) ENVIRONMENTAL CONDITIONS; OR

(V) OTHER ECOLOGICAL FACTORS.".

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 REPORT #6

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

Senate Bill 941 – Senator Currie

AN ACT concerning

Creation of a State Debt – Prince George's County – Forestville Military Academy Track

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

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

Senate Bill 983 – Senator Gladden

AN ACT concerning

Creation of a State Debt – Baltimore City – Glen Avenue Firehouse

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

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

Senate Bill 1004 – Senators Brinkley and Pipkin

AN ACT concerning

Budget Reconciliation and Balancing Act

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

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

Senate Bill 1009 – Senator Dyson

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2007 – St. Mary's County – St. Mary's Agriculture Service Center

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

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

Senate Bill 1010 – Senator Exum

AN ACT concerning

Creation of a State Debt – Prince George's County – Glenarden Senior Center

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

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

Senate Bill 1011 – Senator Gladden

AN ACT concerning

Creation of a State Debt – Baltimore City – Swann Avenue Firehouse

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

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

Senate Bill 1015 – Senator Jones

AN ACT concerning

Creation of a State Debt – Baltimore City – Everyman Theatre

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

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

Senate Bill 1027 – Senator Klausmeier

AN ACT concerning

Creation of a State Debt – Baltimore City – Port Discovery

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

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

Senate Bill 1030 – Senator Klausmeier

AN ACT concerning

State Board of Education – Financial Literacy Curriculum – Graduation Requirement

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

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

Senate Bill 1032 – Senator McFadden

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2008 – Baltimore City – Roberta's House

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

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

Senate Bill 1035 – Senators Muse and Miller

AN ACT concerning

Card Games – Prince George's County

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

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

Senate Bill 1037 – Senators Frosh, Forehand, Garagiola, King, Kramer, Lenett, Madaleno, and Raskin

AN ACT concerning

Creation of a State Debt – National Center for Children and Families Youth Activities Center

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

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

Senate Bill 1039 – Senator Brinkley

AN ACT concerning

Creation of a State Debt – Frederick County – Way Station

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

SPECIAL ORDERS

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

Senate Bill 36 – Senator Colburn

AN ACT concerning

Dorchester County – Bay Restoration Fee – Lien Against Property

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

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 286)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #21

Senate Bill 431 – Senators Conway, Exum, Klausmeier, and Pugh

AN ACT concerning

~~Infant Formula and Baby Food~~ Food and Cosmetics – Auction Sales – Prohibition – Exception

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

Affirmative – 45 Negative – 0 (See Roll Call No. 287)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 288)

ADJOURNMENT

At 8:34 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 2, 2010.

Annapolis, Maryland
Tuesday, March 2, 2010
10:00 A.M. Session

The Senate met at 10:07 A.M.

Prayer by Senior Pastor Marcus Harris, Breath of Life Church, guest of Senator Muse.

(See Exhibit A of Appendix III)

The Journal of March 1, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 290)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 196 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Rachel Miller
in recognition of
being crowned Miss Maryland Agriculture 2009.
We commend your leadership and efforts to promote Maryland's agricultural industry.
Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 2nd day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 291)

Senate Resolution No. 195 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Maryland State Teachers Association &
National Education Association
in recognition of
the celebration of Dr. Suess' Birthday and Read Across America Day. We commend your efforts to generate children's
enthusiasm for reading and to encourage adult
involvement in the education of our youth.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 2nd day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 292)

INTRODUCTION OF BILLS

Senate Bill 1071 – Senator Colburn

AN ACT concerning

Health Insurance – Definition of Bona Fide Wellness Program

FOR the purpose of clarifying that certain bona fide wellness programs include a program that requires membership and routine exercise at a health club or fitness center; and generally relating to health insurance and bona fide wellness programs.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–509
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

Senate Bill 1072 – Senator Colburn

AN ACT concerning

Creation of a State Debt – Wicomico County – Salisbury Zoological Park Animal Health Clinic

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

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

QUORUM CALL

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

(See Roll Call No. 293)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #22

Senate Bill 95 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Farmland Preservation Partnership Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 294)

The Bill was then sent to the House of Delegates.

Senate Bill 126 – Senator Exum

AN ACT concerning

Prince George's County – Alcoholic Beverages – Multiple Special Licenses

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

Affirmative – 47 Negative – 0 (See Roll Call No. 295)

The Bill was then sent to the House of Delegates.

Senate Bill 130 – Senators Pugh, Currie, Harrington, Jones, King, Lenett, Madaleno, ~~and Muse~~ Muse, and Peters

AN ACT concerning

Procurement – Minority Business Enterprises – ~~Reciprocal~~ Certification Process

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

Affirmative – 47 Negative – 0 (See Roll Call No. 296)

The Bill was then sent to the House of Delegates.

Senate Bill 241 – Senator Conway

AN ACT concerning

State Board of Nursing – Changes to the Electrology Practice Committee and Licensing Requirements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 297)

The Bill was then sent to the House of Delegates.

Senate Bill 326 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

Environment – State Board of Waterworks and Waste Systems Operators – Sunset Extension and Revisions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 298)

The Bill was then sent to the House of Delegates.

Senate Joint Resolution 3 – Senators Stone, Astle, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Forehand, Frosh, Garagiola, Glassman, Haines, Harris, Jacobs, Jones, Kasemeyer, Kelley, Kittleman, Klausmeier, McFadden, Middleton, Mooney, Munson, Raskin, Rosapepe, Simonaire, ~~and Zirkin~~ Zirkin, Harrington, Lenett, and Reilly

A Senate Joint Resolution concerning

Maryland American Legion Day

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

Affirmative – 47 Negative – 0 (See Roll Call No. 299)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

Executive Nominations Committee Report #2, Nominee No. 1, Beverley K. Swaim–Staley to be Secretary of the Department of Transportation.

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATION OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nomination of the Executive?"

The above nomination of the Executive was confirmed by roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 300)

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #4

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

Senate Bill 252 – Senators Frosh, Forehand, Garagiola, Gladden, Jacobs, Kelley, King, Muse, Raskin, and Stone

AN ACT concerning

Child Support Guidelines – Revision

Senator Zirkin moved, duly seconded, to make the Bill and Report a Special Order for March 4, 2010.

The motion was adopted.

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

Senate Bill 398 – Senators Raskin, Gladden, Kelley, and Muse

AN ACT concerning

Courts – County Administrative Judge – Responsibilities

SB0398/478678/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 398
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "a" insert "certain"; and in line 5, after "judge;" insert "clarifying the designees of a county administrative judge that may grant a change of a trial date in a circuit court;".

AMENDMENT NO. 2

On page 1, in line 20, after the second "**JUDGE**" insert "**UNDER SUBSECTION (C) OF THIS SECTION**".

On page 2, in line 6, after "judge" insert "**UNDER SUBSECTION (C) OF THIS SECTION**".

The preceding 2 amendments were read only.

Senator Jacobs moved, duly seconded, to make the Bill and Amendments a Special Order for March 4, 2010.

The motion was adopted.

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

Senate Bill 399 – Senators Raskin, Forehand, and Pugh

AN ACT concerning

Real Property – Abatement of Nuisance – Prostitution

SB0399/368370/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 399
(First Reading File Bill)

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

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 442 – Senator Raskin

AN ACT concerning

Criminal Injuries Compensation Board – Right to Hearing

SB0442/888875/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 442
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Raskin" and substitute "Senators Raskin and Forehand".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #6

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

Senate Bill 208 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

State Treasurer – Permissible Investments – Linked Deposit Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 229 – Senators Garagiola, Astle, Colburn, Conway, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Glassman, Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Mooney, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Simonaire, and Stone

AN ACT concerning

Blue Ribbon Commission on Maryland Transportation Funding

SB0229/559930/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 229
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 13, strike "21 members as follows" and substitute "the following members".

On page 3, in line 2, strike "and"; and in line 3, after "(xii)" insert "two representatives of the Maryland Association of Counties;

(xiii) two representatives of the Maryland Municipal League;

(xiv) two representatives of labor unions; and

(xv)".

AMENDMENT NO. 2

On page 3, strike beginning with "and" in line 12 down through "Services" in line 13.

AMENDMENT NO. 3

On page 3, in line 17, strike "January 1, 2012" and substitute "November 1, 2011".

The preceding 3 amendments were read only.

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

The motion was adopted.

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

Senate Bill 256 – Senators Harrington, Frosh, Garagiola, Kasemeyer, Lenett, Madaleno, Peters, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Public Schools – Physical Education Facilities

SB0256/869237/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 256
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Madaleno," insert "McFadden,"; and in line 7, after "programs;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 5, after line 11, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall apply to newly constructed or completely renovated public schools that have not initiated a Request for Proposal for the selection of an architectural and engineering consultant on or before the effective date of this Act.".

AMENDMENT NO. 3

On page 5, in line 12, strike "2." and substitute "3."; and in line 13, strike "October" and substitute "July".

The preceding 3 amendments were read only.

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

The motion was adopted.

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

House Joint Resolution 4 – The Speaker (By Request – Judicial Compensation Commission)

A House Joint Resolution concerning

Judicial Compensation Commission – Recommendations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #7

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

Senate Bill 31 – Senator Lenett

EMERGENCY BILL

AN ACT concerning

Maryland Communities for a Lifetime Commission

Favorable report adopted.

FLOOR AMENDMENT

SB0031/113524/1
BY: Senator Lenett

AMENDMENTS TO SENATE BILL 31
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "expenses;" insert "prohibiting the use of certain funds to pay any costs of the Commission;".

AMENDMENT NO. 2

On page 3, after line 7, insert:

"(3) Funding provided in the State budget or under any federal program to assist naturally occurring retirement communities may not be used to pay any costs of the Commission.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 265 – Senators Exum, Garagiola, Kelley, Klausmeier, and Pugh

AN ACT concerning

Assisted Living Programs – Elevator Installation – Exemption

SB0265/347173/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 265
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Elevator Installation – Exemption" and substitute "Noncommercial Elevator Units – Installation and Inspection"; strike beginning with "exempting" in line 3 down through "units" in line 6 and substitute "authorizing the Commission of Labor and Industry to adopt regulations to authorize and regulate the installation and inspection of noncommercial elevator units in certain assisted living programs"; in line 7, strike "registration" and substitute "installation"; and in line 10, strike "12-804" and substitute "12-805".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 16 on page 1 through line 10 on page 2, inclusive, and substitute:

"12–805.

(a) **IN THIS SECTION, "ASSISTED LIVING PROGRAM" HAS THE MEANING STATED IN § 19-1801 OF THE HEALTH – GENERAL ARTICLE.**

(B) The Commissioner shall administer and enforce Part II of this subtitle.

[(b)**]** **(C)** (1) The Commissioner shall adopt regulations that conform generally to the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI Code A17.1–1971, and all subsequent amendments and revisions to it.

(2) If necessary to fulfill the Commissioner's responsibilities under Part II of this subtitle, the Commissioner shall:

(i) adopt regulations that amend standards set forth in the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI Code A17.1–1971, and all subsequent amendments and revisions to it; and

(ii) adopt other regulations.

(3) THE COMMISSIONER MAY ADOPT REGULATIONS TO AUTHORIZE AND REGULATE THE INSTALLATION AND INSPECTION OF NONCOMMERCIAL ELEVATOR UNITS IN ASSISTED LIVING PROGRAMS WITH FIVE OR FEWER BEDS THAT ARE LICENSED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE UNDER § 19-1804.1 OF THE HEALTH – GENERAL ARTICLE.

[(3)**] (4)** The regulations shall be consistent with the requirements of § 12–1006 of this title.

[(c)**] (D)** The Commissioner may assign duties and functions imposed by Part II of this subtitle to the chief elevator inspector.

[(d)**] (E)** The cost of administering Part II of this subtitle is provided for under § 5–204 of the Labor and Employment Article.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 482 – Senator Edwards

AN ACT concerning

Workers' Compensation – Allegany County Deputy Sheriffs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 529 – Senators Garagiola, Astle, Exum, and Pugh

AN ACT concerning

Net Energy Metering – Fuel Cell

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 610 – Senator Kittleman

AN ACT concerning

Workers' Compensation – Jurisdiction Pending Appeal – Proposed Settlement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 655 – Senator Lenett

AN ACT concerning

Task Force to Study Financial Matters Relating to Long–Term Care Facilities – Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 694 – Senator Lenett

AN ACT concerning

Labor and Employment – Wage Payment and Collection Law – Definition of Wage

SB0694/727772/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 694
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Lenett" and substitute "Senators Lenett, Exum, Garagiola, Kelley, and Pugh".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 301)

ADJOURNMENT

At 11:18 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, March 3, 2010.

Annapolis, Maryland
Wednesday, March 3, 2010
10:00 A.M. Session

The Senate met at 10:14 A.M.

Prayer by Reverend Clare Petersberger, Towson Unitarian Universalist Church, guest of Senator Brochin.

(See Exhibit A of Appendix III)

The Journal of March 2, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 303)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 414 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Dr. William E. Kirwan
Chancellor, University System of Maryland
in recognition of
receiving the 2009 Carnegie Corporation Academic Leadership Award to support USM academic priorities. We commend your commitment to diversity and to strengthening graduate and undergraduate education by making it more accessible and affordable.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 3rd day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 304)

FIRST CITIZEN AWARD

The President introduced Dr. Edward C. Papenfuse to present the First Citizen Awards for 2010.

On Being A First Citizen
Remarks by Dr. Edward C. Papenfuse, State Archivist
On the occasion of the presentation of the 2010 First Citizen Awards to
C.D. "Dan" Mote and Freeman Hrabowski

Wednesday, March 3,

President Miller, Members of the Maryland Senate, honored guests, and visitors:

Since 1997 I have had the privilege of assisting the Senate in presenting the *First Citizen award* to distinguished public servants who have committed themselves and their careers to furthering the principles and goals of our written constitutions, both state and federal.
The *First Citizen* award is named in honor of Charles Carroll of Carrollton, the last surviving signer of the Declaration of Independence whose public career as a Maryland and United States Senator set a high standard of public service and earned him the magnificent portrait by Thomas Sully on the walls of this chamber.

The award reads:

"First Citizen is the name that Charles Carroll of Carrollton chose to sign a series of articles published by Ann Catherine Green in the Annapolis Maryland Gazette in 1773. They form a strong defense of an independent legislature and were among the earliest arguments for a new concept of government based upon traditional community rights and liberties that protected its citizens from arbitrary rule. At the time, Carroll, as a Roman Catholic, could neither vote nor hold public office. With the publication of these articles, Carroll launched a career of public service that would not end until his death at the age of 95 in 1832. In addition to helping draft Maryland's first Constitution and signing the Declaration of Independence in 1776, Carroll served as President of the Maryland Senate, of which he was a member from 1777 to 1800, and as one of the first United States Senators from Maryland (1789–1792). To be a First Citizen is to be a dedicated and effective participant in the process of making government work for the benefit of all."

As Professor Ronald Hoffman relates in his study of the relationship between Charles Carroll of Carrollton and his father Charles Carroll of Annapolis, a good education, including a careful grounding in the legal foundations of government was essential not only to the improvement of his personal fortune, but also that of the future prosperity of the Maryland he called home. For sixteen years his father supported his quest for

a broad, yet demanding formal education thousands of miles from his family because there was no comparable institution of higher education at home. He studied the law, even though his religion prevented him from practicing in the courts at home, a matter which he successfully set his sights on changing on his return. He mastered accounting and surveying, because he meant to inherit and expand upon his father's vast estate. At times, his father, as most fathers probably do, cautioned him to attend to those studies writing him at one point, "I do not send you...to spend 4 or 5 years to no purpose. I send you to Study & Labour." Charley followed his father's advice, and despite periodically complaining of the "law's dryness and intricacy, even decrying" at one point its "barbarous language" and "unintelligible Jargon." He would bring that knowledge to bear on the shaping of the first Maryland constitution and the first laws enacted under that constitution, having successfully fought to remove the religious barrier to his election. In 1784, the first year of peace following the American Revolution, when the newly minted Maryland House and Senate agreed to the lobbying efforts of George Washington to finance Washington's vision of improving the navigation of the Potomac to the Ohio Country, and at the same time commissioned the full length portrait of Washington, Lafayette and Tilghman to grace the walls of the State House, one of the great treasures of the State now temporarily on exhibit at the Maryland Historical Society while the Old Senate Chamber is being restored, Charles Carroll of Carrollton sponsored the first effort to found and fund a University of Maryland, with campuses on the Eastern and Western Shores.

Today we pay tribute to two outstanding educators and administrators of higher education in Maryland who have worked tirelessly to emulate Charles Carroll of Carrollton's commitment to higher education and to public service.

University of Maryland President, C. D. "Dan" Mote will retire this August as the president of the University of Maryland after 12 years leading the state's flagship public university. His devotion to teaching, and to fundraising for academic excellence has been heralded by all the news accounts of his impending departure. He has increased research funding by 150 percent and raised the status of the university among its peers to new academic heights. He has done so in the face of severe budget cuts, all the while seeking to stress the importance of recruiting the best students locally through such programs as the Maryland Incentive Awards for Baltimore and Prince George's County. As he pointed out in an editorial in the SUN in 2006, "America's most valuable economic asset, its sharp competitive edge in science and technology, is getting dull...the key to our prosperity is at risk." He has acted on his belief that 'the state's economy is deeply tied to high–tech and knowledge–based businesses," not only by effectively seeking out the funding to supply that economy with well–educated graduates, but also through his own personal research and teaching that has led to numerous patents and educational awards. On behalf of President Miller and the Senate of Maryland the First Citizen Award is presented to C. D. "Dan" Mote.

Dr. Freeman Hrabowski, President of the University of Maryland, Baltimore County, is recognized today as a "First Citizen" for his on–going, nationally recognized efforts to successfully foster his campus as a premier center of technological development and

training, incorporating into that vision the importance and the need to increase minority participation and success – especially in science and technology. In doing so, he is probably not as aware as I am, that his campus hosts the mirror site of one of the largest public electronic archives in the United States, one that pays for itself as records are created and added to it, saving the State and its citizens considerable expense in accessing information vital to the rejuvenation of our economy. Yet that small piece of his extensive list of accomplishments is symbolic of his drive to make the UMBC campus not only a center of *learning* but also a center of *doing* in the fields of not just science, math, and technology but also the humanities. His history department, for example, may be the only one in the nation that participates in a joint seminar of history and law school students in which teams from each school write joint papers on the historical context of important legal issues. He personally has participated in the battle for civil rights from an early age, and was named one of America's Best Leaders by *U. S. News and World Report* in 2008, the year before the same journal ranked UMBC "the #1 up and coming" university in the nation, and *Time* magazine called him one of America's 10 best College Presidents. On behalf of President Miller and the Senate of Maryland, the First Citizen Award is presented to Dr. Freeman Hrabowski.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 122 – Senator James E. DeGrange, Sr.:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
University of Maryland Medical Center
in recognition of
being named one of the nation's best hospitals for patient safety and quality care for the 4th year in a row
by the Leapfrog Group.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 3rd day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 305)

INTRODUCTION OF BILLS

Senate Bill 1073 – Senator Klausmeier

AN ACT concerning

Creation of a State Debt – Maryland Food Bank

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

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

Senate Bill 1074 – Senator Klausmeier

AN ACT concerning

Health Insurance – Nonparticipating Providers – Disclosure of Status and Charges

FOR the purpose of requiring nonparticipating health care providers to disclose to enrollees covered by health insurance carriers with which the nonparticipating health care providers do not have a contractual relationship certain information in a certain manner under certain circumstances; requiring the disclosure to be provided to an enrollee at a certain time in a certain manner, to be signed in a certain manner, and to be maintained in a certain manner; requiring certain health care facilities that contract with nonparticipating health care providers to display in a certain manner a notice with certain information; requiring health insurance carriers to disclose certain information about nonparticipating health care providers in a certain manner on their Internet websites and to provide links to a certain directory; requiring a health care provider to provide a copy of a certain disclosure statement under certain circumstances; prohibiting a health care provider from seeking or recovering in any proceeding certain amounts for payment except under certain circumstances; requiring health care providers to establish a process for resolving certain complaints or inquiries by enrollees; requiring carriers to establish a process for resolving certain complaints or inquiries by enrollees; requiring the Maryland Insurance Commissioner to develop certain forms; defining certain terms; providing for the application of this Act; and generally relating to disclosure of information about nonparticipating health care providers and charges for their services.

BY adding to
Article – Health – General
Section 19–706(cccc)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Insurance
Section 15–1801 through 15–1807 to under the new subtitle "Subtitle 18. Nonparticipating Health Care Providers"
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

Senate Bill 1075 – Senator Pipkin

AN ACT concerning

Health Services Cost Review Commission – Membership

FOR the purpose of increasing the number of members on the Health Services Cost Review Commission; specifying that certain members of the Commission shall represent certain interests; requiring members of the Commission to devote full–time duties to office; requiring the Governor, to the extent practicable, when making appointments to the Commission, to assure geographic balance and promote certain diversity in the Commission membership; authorizing the Governor to remove a member in a certain manner under certain circumstances; clarifying that user fees for the Commission shall be used to pay the salaries of Commission members; establishing the terms of certain Commission members; providing for a delayed effective date; and generally relating to the membership of the Health Services Cost Review Commission.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–201(a) and (b) and 19–213(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–203 and 19–213(c)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Senate Bill 1076 – Senator Gladden

AN ACT concerning

Drunk and Drugged Driving – Subsequent Offenders – Prior Convictions

FOR the purpose of clarifying that prior convictions for certain alcohol– or drug–related driving offenses in this State and certain convictions under federal law or a law of another state shall be considered prior convictions for the purpose of certain subsequent offender penalties; making a technical change; making stylistic changes; and generally relating to certain subsequent offender penalties for convictions for certain alcohol– or drug–related driving offenses.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–902 and 27–101(f)(2) and (3), (k), and (q)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 27–101(f)(1)(ii) and (j)(2) through (5)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 27–101(j)(7)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 1077 – Senator Gladden

AN ACT concerning

Juvenile Law – Child Welfare and Juvenile Justice – Co–Commitment and Study

FOR the purpose of requiring the juvenile court in a disposition hearing to make a certain determination regarding a certain child; requiring the court to co–commit a certain child to certain agencies under certain circumstances; requiring the Department of Juvenile Services to make a certain determination under certain circumstances; requiring the Department of Juvenile Services and the Department of Human Resources to conduct a certain home study under certain circumstances; requiring the departments to file jointly a certain complaint under certain circumstances; requiring the departments to collaborate to determine certain information, to study the link between the child welfare system and the juvenile justice system in the State, to develop a certain plan, and to report to the General Assembly on or before a certain date; and

generally relating to the co–commitment of children to certain agencies and the link between child welfare and juvenile justice.

BY adding to
Article – Courts and Judicial Proceedings
Section 3–8A–19(l)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Human Services
Section 9–247
Annotated Code of Maryland
(2007 Volume and 2009 Supplement)

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

Senate Bill 1078 – Senator Gladden

AN ACT concerning

Child in Need of Supervision Pilot Program – Expansion and Extension

FOR the purpose of expanding the Child in Need of Supervision Pilot Program by requiring the Secretary of Juvenile Services to include Cecil County, Montgomery County, and Prince George's County in the Pilot Program; requiring the Governor to include a certain general fund appropriation in the budget bills for certain fiscal years to be provided as grants to Baltimore County, Baltimore City, Cecil County, Montgomery County, and Prince George's County to implement the continuation and expansion of the Pilot Program; extending the termination date of the Pilot Program in Baltimore City and Baltimore County; altering a certain definition; providing for a delayed effective date for certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to the Child in Need of Supervision Pilot Program.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–10.1
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Chapter 601 of the Acts of the General Assembly of 2005, as amended by
Chapter 420 of the Acts of the General Assembly of 2009
Section 3 and 5

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

Senate Bill 1079 – Senator Madaleno

AN ACT concerning

Maryland Consolidated Capital Bond Loans of 2003, 2004, and 2007 – Montgomery County – MacDonald Knolls Center

FOR the purpose of amending the Maryland Consolidated Capital Bond Loans of 2003, 2004, and 2007 to extend the deadline for a certain grantee to present evidence of a certain matching fund; extending the deadline for a certain grantee to expend or encumber the proceeds of a certain loan; and generally relating to amending certain grants.

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 432 of the Acts of the General Assembly of 2004 and Chapter 707 of the Acts of the General Assembly of 2009
Section 13(3)(ii) Item (O)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 707 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA01(AT) and Item ZA02(BH)

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

Senate Bill 1080 – Senator Jones

AN ACT concerning

Creation of a State Debt – Baltimore City – The Women's Veteran's Center

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

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

Senate Bill 1081 – Senators DeGrange and Garagiola

AN ACT concerning

Rebate Programs for Retail Sales – Collection of Sales and Use Tax

FOR the purpose of requiring a State agency to verify whether certain sales or use tax has been collected by the vendor before issuing or allowing the issuance of certain rebates or similar instruments to reduce the cost of certain sales; requiring certain State agencies to submit or require the submission of certain information under certain circumstances to the Comptroller to assist the Comptroller in the collection of a certain sales and use tax; and generally relating to the collection of a sales or use tax on retail sales subject to certain rebates.

BY adding to
Article – Tax – General
Section 11–409
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

Senate Bill 1082 – Senator DeGrange

EMERGENCY BILL

AN ACT concerning

Stormwater Management – Development Projects – Redevelopment and Preliminary Plan Approval

FOR the purpose of establishing certain requirements for a certain redevelopment project design; authorizing a certain developer to pay a certain fee–in–lieu payment to a certain local government to offset certain stormwater management requirements; requiring a certain fee–in–lieu payment to be in an amount determined by a local government and used for certain purposes; authorizing a person to submit a certain stormwater management plan that complies with certain laws and regulations if a certain development project receives certain approvals before a certain date and begins construction within a certain period of time; authorizing a person to use certain structures for quantity and quality control under certain circumstances; prohibiting a person from being required to use a certain site design, with a certain exception, under certain circumstances; defining certain terms; making this Act an emergency measure; and generally relating to stormwater management.

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–203(b) and 4–204

Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Environment
Section 4–203(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 1083 – Senators DeGrange, Kasemeyer, King, Munson, Peters, Robey, and Stoltzfus

AN ACT concerning

Property Tax – Semiannual Payment for Real Property

FOR the purpose of requiring the governing body of a county or municipal corporation to provide for a semiannual payment of State, county, municipal corporation, and special taxing district property taxes for certain real property; repealing certain obsolete provisions; providing for the application of this Act; and generally relating to the payment of property taxes for residential property.

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 10–204.3(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 10–204.3(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing
Article – Tax – Property
Section 10–204.3(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY renumbering
Article – Tax – Property
Section 10–204.3(d) through (j), respectively
to be Section 10–204.3(c) through (i), respectively
Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 1084 – Senator Conway

AN ACT concerning

Maryland Higher Education Commission – Review of Program Proposals

FOR the purpose of requiring the Maryland Higher Education Commission to review certain program proposals through certain processes, including certain testimony and the weighing of evidence; requiring the Commission to adopt certain regulations that provide for the receipt of certain comments and objections under certain circumstances; altering certain circumstances under which and certain deadlines by which the Commission must act on certain program proposals before a proposal is deemed approved; requiring the Commission to make certain determinations through certain processes, including receiving certain testimony and the weighing of evidence; requiring the Commission to adopt certain regulations; repealing a certain provision that states that a certain decision is final and not subject to further appeal or review; and generally relating to the review of program proposals by the Maryland Higher Education Commission.

BY repealing and reenacting, with amendments,
Article – Education
Section 11–206(b) and (e)(2) and (6) and 11–206.1(f)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 11–206(e)(1) and 11–206.1(e)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 1085 – Senator Currie

AN ACT concerning

Creation of a State Debt – Prince George's County – District Heights Field Renovation

FOR the purpose of authorizing the creation of a State Debt in the amount of $220,000, the proceeds to be used as a grant to the Mayor and City

Commissioners of the City of District Heights for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

INTRODUCTION OF JOINT RESOLUTIONS

Senate Joint Resolution 6 – Senator Gladden

A Senate Joint Resolution concerning

Earth Hour

FOR the purpose of recognizing a certain hour on a certain day as Earth Hour; urging Marylanders to observe Earth Hour; urging the Governor to order that the lights in the Government House and the State Capitol complex be turned off during Earth Hour; and generally relating to Earth Hour.

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 45 – Delegate Cane

AN ACT concerning

Dorchester County – Bay Restoration Fee – Lien Against Property

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

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.2(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 113 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

Dorchester County – Membership of Sanitary Commission

FOR the purpose of increasing the number of sanitary commissioners in the Dorchester County Sanitary Commission; and generally relating to the sanitary commission for Dorchester County.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–622(a)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 218 – Delegates Elmore, Aumann, Bartlett, Bates, Beitzel, Bohanan, Boteler, Cane, Conway, Costa, DeBoy, Eckardt, Frank, George, Haddaway, Impallaria, Jameson, Jennings, Kach, Kelly, King, ~~Kipke,~~ Krebs, Kullen, Levy, Mathias, McConkey, McDonough, Miller, Murphy, Myers, Norman, O'Donnell, Rudolph, Serafini, Shank, Shewell, Smigiel, Sophocleus, Sossi, Stifler, Stull, Walkup, Weir, and Wood

AN ACT concerning

Natural Resources – Oysters – Dredge Devices

FOR the purpose of repealing a prohibition on a person on a dredge boat possessing or using certain dredge devices; and generally relating to oyster dredge devices.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1013(f)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 245 – Allegany County Delegation and Garrett County Delegation

AN ACT concerning

Allegany County and Garrett County – Turkey Hunting – Sundays

FOR the purpose of authorizing a person to hunt turkey on certain Sundays during certain months in Allegany County and Garrett County; and generally relating to hunting on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 246 – Allegany County Delegation and Garrett County Delegation

AN ACT concerning

Allegany County and Garrett County – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in Allegany County or Garrett County to hunt for deer on private property with a bow and arrow on certain Sundays during certain months; and generally relating to deer hunting in Allegany and Garrett counties.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 421 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Department of Agriculture – Advertising Agricultural Products as Locally Grown – Regulatory Authority

FOR the purpose of authorizing the Secretary of Agriculture to adopt standards under certain conditions to regulate the advertising of certain agricultural products; requiring the Secretary to convene and consult with a certain advisory group before adopting certain standards; prohibiting a person from advertising or identifying certain agricultural products in violation of certain standards; and generally relating to the advertising of agricultural products as locally grown.

BY adding to
Article – Agriculture
Section 10–1701 and 10–1702 to be under the new subtitle "Subtitle 17. Advertising or Identifying Agricultural Products as Locally Grown"
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 452 – Washington County Delegation

AN ACT concerning

Washington County – Office of the County Attorney

FOR the purpose of authorizing the County Commissioners of Washington County to employ one or more County Attorneys; requiring the salaries for a County Attorney to be set in the annual county budget; authorizing the County Commissioners to employ attorneys; authorizing the Office of the County Attorney to perform certain duties; authorizing the Office of the County Attorney, under certain circumstances, to hire temporarily special counsel to perform certain duties; repealing language made obsolete by this Act; and generally relating to legal services for the County Commissioners of Washington County.

BY adding to
The Public Local Laws of Washington County
Section 1–113
Article 22 – The Public Local Laws of Maryland
(2007 Edition and January 2009 Supplement, as amended)

BY repealing and reenacting, with amendments,
The Public Local Laws of Washington County
Section 1–204
Article 22 – The Public Local Laws of Maryland
(2007 Edition and January 2009 Supplement, as amended)

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

House Bill 454 – Washington County Delegation

AN ACT concerning

Washington County – Aid to Manufactories

FOR the purpose of repealing obsolete provisions of law pertaining to limitations on the authority of the County Commissioners of Washington County to provide aid to certain factory businesses in Washington County; and generally relating to aid to factories in Washington County.

BY repealing
The Public Local Laws of Washington County
Section 1–107
Article 22 – Public Local Laws of Maryland
(2007 Edition and January 2009 Supplement, as amended)

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

House Bill 458 – Washington County Delegation

AN ACT concerning

Washington County – County Contributions to Private or Cooperative Public Improvement Projects

FOR the purpose of increasing the maximum amount of certain contracts for certain public improvements into which the County Commissioners of Washington County are authorized to enter without advertising for bids; and generally relating to contracts for public improvements in Washington County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Washington County
Section 1–106.1
Article 22 – Public Local Laws of Maryland
(2007 Edition and January 2009 Supplement, as amended)

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

House Bill 474 – The Speaker (By Request – Administration) and Delegates Bartlett, Cane, Carr, V. Clagett, Davis, Donoghue, Doory, Frush, Gaines, Hammen, Healey, Jones, Kullen, Lafferty, McIntosh, Morhaim, Nathan–Pulliam, Proctor, Ramirez, Rice, and Stein

AN ACT concerning

Smart, Green, and Growing – Maryland Sustainable Growth Commission

FOR the purpose of repealing the Task Force on the Future for Growth and Development in Maryland; establishing the Maryland Sustainable Growth Commission; establishing the membership and the charge of the Commission; providing for the terms of the members; requiring the Governor to designate the chair and the vice chair of the Commission; authorizing the Commission to adopt rules of procedure; requiring the Commission to submit an annual report of its activities on or before a certain date; providing for the termination of certain provisions of this Act; and generally relating to the Maryland Sustainable Growth Commission.

BY repealing
Chapter 381 of the Acts of the General Assembly of 2006, as amended by Chapter 626 of the Acts of the General Assembly of 2007
Section 4

BY adding to
Article – State Finance and Procurement
Section 5–701 through 5–707 to be under the new subtitle "Subtitle 7. Maryland Sustainable Growth Commission"
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 511 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Annual Financial Report – Filing Date

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

BY repealing and reenacting, with amendments,
Article 19 – Comptroller
Section 37
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 550 – Delegates Norman, George, Jennings, McComas, and McConkey

AN ACT concerning

~~**School Bus Seat Belt Corrective Language Act**~~
Vehicle Laws – School Buses and Former School Buses – Seat Belts

FOR the purpose of clarifying that a certain type of school vehicle used by certain schools, camps, day nurseries, or day care centers to transport children is not required to be equipped with seat belts and is not subject to certain regulations; establishing that a motor vehicle that formerly was registered as a certain type of school vehicle is not required to be equipped with seat belts and is not subject to certain regulations if it is used by certain schools, camps, day nurseries, or day care centers to transport children; and generally relating to seat belts on school buses.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–154 and 11–173
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 22–412.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SJ 4	The President	Judicial Compensation Commission – Recommendations

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

LAID OVER BILLS

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

Senate Bill 229 – Senators Garagiola, Astle, Colburn, Conway, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Glassman, Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Mooney, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Simonaire, and Stone

AN ACT concerning

Blue Ribbon Commission on Maryland Transportation Funding

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

SB0229/559930/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 229
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 13, strike "21 members as follows" and substitute "the following members".

On page 3, in line 2, strike "and"; and in line 3, after "(xii)" insert "two representatives of the Maryland Association of Counties;

(xiii) two representatives of the Maryland Municipal League;

(xiv) two representatives of labor unions; and

(xv)".

AMENDMENT NO. 2

On page 3, strike beginning with "and" in line 12 down through "Services" in line 13.

AMENDMENT NO. 3

On page 3, in line 17, strike "January 1, 2012" and substitute "November 1, 2011".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0229/433528/1

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 229
(First Reading File Bill)

On page 3, in line 3, strike "other individuals" and substitute "representatives of rural areas in the State".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0229/643328/1

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 229, AS AMENDED

In the Budget and Taxation Committee Amendments (SB0229/559930/1), in line 5 of Amendment No. 1, after "(xiii)" insert "a representative of the transportation construction industry;

(xiv)";

and in lines 6 and 7, strike "(xiv)" and "(xv)", respectively, and substitute "(xv)" and "(xvi)", respectively.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 256 – Senators Harrington, Frosh, Garagiola, Kasemeyer, Lenett, Madaleno, Peters, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Public Schools – Physical Education Facilities

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

SB0256/869237/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 256
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Madaleno," insert "McFadden,"; and in line 7, after "programs;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 5, after line 11, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall apply to newly constructed or completely renovated public schools that have not initiated a Request for Proposal for the selection of an architectural and engineering consultant on or before the effective date of this Act.".

AMENDMENT NO. 3

On page 5, in line 12, strike "2." and substitute "3."; and in line 13, strike "October" and substitute "July".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0256/303327/1

BY: Senator Harris

AMENDMENTS TO SENATE BILL 256
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "instruction;" insert "requiring certain regulations to include a certain process to request a waiver from a certain requirement for certain reasons;".

AMENDMENT NO. 2

On page 1, in line 22, after "(b)" insert "**(1)**"; and in line 23, strike "**(1)**" and substitute "**(I)**".

On page 2, in lines 1 and 5, strike "**(2)**" and "**(3)**", respectively, and substitute "**(II)**" and "**(III)**", respectively; in line 1, strike "**ADOPT**" and substitute "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ADOPT**"; and after line 6, insert:

"**(2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL INCLUDE A PROCESS BY WHICH A LOCAL SCHOOL SYSTEM THAT IS CONDUCTING A COMPLETE RENOVATION OF A PUBLIC SCHOOL BUILDING MAY REQUEST A WAIVER, BASED ON LAND OR ZONING CONSTRAINTS, FROM THE REQUIREMENT TO INCLUDE A GYMNASIUM.**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0256/123821/1

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 256
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 5 and 6, strike "and adequate support space" and substitute "or other adequate space"; and in line 6, after "instruction" insert "and adequate support space".

AMENDMENT NO. 2

On page 2, in line 3, strike "**A**" and substitute "**:**

(I) **A**";

in lines 3 and 4, strike "**AND ADEQUATE SUPPORT SPACE**" and substitute "**OR OTHER ADEQUATE SPACE**"; and in line 4, after "**INSTRUCTION**" insert "**; AND**

(II) **ADEQUATE SUPPORT SPACE**".

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

Affirmative – 15 Negative – 31 (See Roll Call No. 306)

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #11

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

Senate Bill 131 – Senators Pugh, Currie, Exum, Harrington, Jones, King, Lenett, Madaleno, Muse, and Raskin

AN ACT concerning

State Procurement – Minority Business Enterprises – Electronic Certification Process

SB0131/754330/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 131
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, and Peters"; and strike beginning with "allow" in line 5 down through "application" in line 6 and substitute "promote and facilitate the submission of all or part of certain applications for certification as a minority business enterprise".

AMENDMENT NO. 2

On page 2, strike beginning with "**ALLOW**" in line 8 down through "**THE**" in line 9 and substitute "**PROMOTE AND FACILITATE THE SUBMISSION OF SOME OR ALL OF THE CERTIFICATION**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 165 – Senator Conway

AN ACT concerning

Health Occupations – Therapy Management Contracts – Repeal of Sunset

SB0165/694838/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 165
(First Reading File Bill)

AMENDMENT NO. 1

In line 2, strike "Repeal" and substitute "Extension"; and in line 3, strike "repealing" and substitute "altering".

AMENDMENT NO. 2

In line 12, strike "246" and substitute "249"; in line 15, strike the opening bracket; in the same line, strike "8" and substitute "15"; in line 16, strike "2010" and substitute "2017,"; and in line 17, strike the closing bracket.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 171 – Senators Peters, Astle, Colburn, Conway, DeGrange, Garagiola, Harrington, Kasemeyer, Klausmeier, Lenett, Munson, Pugh, and Robey

AN ACT concerning

Procurement – Service–Disabled Veteran Business Enterprise Participation

SB0171/674030/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 171
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Robey" and substitute "Robey, and Dyson"; and strike beginning with "requiring" in line 15 down through "program;" in line 17.

AMENDMENT NO. 2

On page 3, in line 10, strike "**JANUARY 1, 2011,**" and substitute "**JULY 1, 2012,**".

On page 6, strike in their entirety lines 8 through 12, inclusive; and in line 13, strike "3." and substitute "2.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 174 – Senator Glassman

AN ACT concerning

Charter Counties – Local Laws – Digital Copies

SB0174/104436/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 174
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Charter"; in lines 3 and 6, in each instance, after "charter" insert "or code"; in line 5, strike "a certain requirement" and substitute "the number of copies of a certain compilation"; in line 6, after "county" insert "must"; in the same line, strike "a copy of a certain compilation of laws"; strike beginning with the first "to" in line 7 down through "agencies" in line 11; in line 12, strike "of charter counties"; and after line 17, insert:

"BY repealing and reenacting, with amendments,
Article 25B – Home Rule for Code Counties
Section 12
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 2, in line 9, after "**(I)**" insert "**1.**"; in line 11, strike "**(II)**" and substitute "**2.**"; strike beginning with "to" in line 11 down through "and" in line 12; in line 12, after "county" insert "**; AND**

(II) FURNISH COPIES TO THE STATE ARCHIVES AND THE STATE LAW LIBRARY";

in line 13, strike "**PARAGRAPH (2)(II)**" and substitute "**PARAGRAPHS (2)(I)2 AND (II)**"; in line 17, strike "**DIGITAL OR**"; in line 31, strike the brackets; in the same line, strike the colon; and strike in their entirety lines 32 and 33.

On page 3, in line 1, strike "**(II) COPIES**"; strike beginning with "**FAILS**" in line 3 down through "**INTERNET,**" in line 4; in line 29, strike the brackets; in the same line, strike the colon; and strike beginning with "**(1)**" in line 30 down through "**DEPOSIT**" in line 32.

AMENDMENT NO. 3

On page 3, after line 34, insert:

"Article 25B – Home Rule for Code Counties

12.

(a) At the end of each calendar or fiscal year, each code county shall furnish in a convenient and legible compilation a complete set of all local laws enacted, amended, or repealed by the code county during that year.

(b) **(1)** Copies of this compilation shall be **[**made**]:**

(I) MADE available for inspection at the office of the board of county commissioners during normal business hours; and

(II) [copies shall be kept**] KEPT** on permanent record at the office of the board of county commissioners.

(2) [Copies also shall be furnished**] EACH CODE COUNTY SHALL:**

(I) 1. MAKE A DIGITAL COPY OF THE LAWS IN THE COMPILATION AVAILABLE TO THE PUBLIC ON THE INTERNET; OR

2. FURNISH COPIES [to the State Archives, to the State Law Library, and**]** to each member of the legislative delegation of the county**; AND**

(II) FURNISH COPIES TO THE STATE ARCHIVES AND THE STATE LAW LIBRARY.

(3) [The foregoing copies] **COPIES UNDER PARAGRAPHS (2)(I)2 AND (II) OF THIS SUBSECTION** shall be furnished without charge, and the county also may make other copies available at a reasonable cost to any person.

(c) Not later than March 1 of the next succeeding year, the code county, without charge, shall furnish [4 copies] **A PRINTED COPY** of this compilation to the State Department of Legislative Services.

(d) **(1)** [In addition to furnishing copies of the compilation to the State Department of Legislative Services, the] **EACH** code county shall provide **TO** the **STATE** Department **OF LEGISLATIVE SERVICES** a statement concerning any referendum on any proposed local law.

(2) The statement shall include information on the results of any referendum held during the year, and it shall include information as to any referendum pending actually or potentially, but not yet held, at the end of the year.

(e) **(1)** At the end of each calendar year the State Department of Legislative Services shall address an inquiry to each code county inquiring whether or not during that calendar year or its latest fiscal year it has enacted, amended or repealed any portion of its public local laws.

(2) The code county shall promptly answer the inquiry and shall verify that copies of all such enactments, amendments, or repeals have already been sent to the Department.

(f) **(1)** If the code county fails or refuses to supply copies of this compilation and of the results of any referenda thereon to the State Department of Legislative Services by March 1 of the next succeeding year, or fails or refuses to certify that there have been no such enactments, amendments, or repeals, or referenda, during the last calendar or fiscal year, the Department shall promptly certify that fact to the State Comptroller, who then may order the discontinuance of all funds, grants or State aid which the code county is entitled to receive under State law.

(2) This section refers specifically to all funds, grants or State aid which the code county is entitled to receive under applicable provisions of State law relating to the income tax, the tax on racing, the recordation tax, the admissions and amusement tax, and the license tax.

(g) **(1)** The State Department of Legislative Services shall receive the **[**several**]** compilations and statements **[**thus**]** delivered to it.

(2) The titles of the laws of the several code counties which amend their codes of public local laws shall be arranged in a logical and convenient order and shall be delivered to the State printer for inclusion in the Session Laws of the General Assembly for its regular session in that year.

(3) The titles of the laws of the code counties which amend their codes of public local laws shall be printed and identified as such, and they shall be indexed with or in a supplemental volume to the laws enacted by the General Assembly.

(h) Whenever a code county in this State publishes or issues in printed, mimeographed, or similar duplicated form a code or compilation containing all or a portion of the public local laws of the county, the code county shall deposit copies free of charge with the following State agencies: State Archives, 1 copy; State Law Library, 1 copy; State Department of Legislative Services, 5 copies.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 176 – Senator McFadden

AN ACT concerning

Family Law – Family Day Care Homes and Child Care Centers – Inspections

SB0176/504536/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 176
(First Reading File Bill)

On page 1, in line 3, strike "Department of Human Resources" and substitute "State Department of Education".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 325 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

State Board of Dental Examiners – Sunset Extension and Revisions

SB0325/274732/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 325
(First Reading File Bill)

On page 3, in lines 14 and 25, in each instance, strike "**FAILS TO COMPLY WITH AN INVESTIGATION OF THE BOARD**" and substitute "**WILLFULLY AND WITHOUT LEGAL JUSTIFICATION, FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 454 – Senator Pinsky

AN ACT concerning

State Licensing Agencies – Justification Statements Required for Fee Increases Proposed by Regulations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #12

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

Senate Bill 204 – Senators Pinsky, Harrington, Lenett, and Madaleno

AN ACT concerning

Student Stigma Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 230 – Senators Conway, Brochin, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Jones, Kelley, McFadden, Munson, Pugh, Raskin, Rosapepe, Stoltzfus, and Stone

AN ACT concerning

Education – Instruction of Blind and Visually Impaired Students – Use of Braille

SB0230/104735/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 230
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Colburn, Harrington, Peters, and Pinsky"; in line 5, strike "the use of braille for" and substitute "mastery of braille for use in"; strike beginning with "English" in line 20 down through "skills" in line 21 and substitute "literacy"; and in line 22, after "acquire" insert "literacy, which includes".

AMENDMENT NO. 2

On page 4, in line 11, strike "**THE USE OF BRAILLE FOR**" and substitute "**THE MASTERY OF BRAILLE FOR USE IN**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 278 – The President (By Request – Administration) and Senators Astle, Della, Exum, Forehand, Gladden, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Miller, Peters, Pinsky, Pugh, and Stone

AN ACT concerning

Smart, Green, and Growing – Maryland Sustainable Growth Commission

SB0278/984030/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 278
(First Reading File Bill)

AMENDMENT NO. 1

On page 5, in line 4, strike "**30**"; after line 23, insert:

"**7.** **THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S DESIGNEE;**";

and in lines 24, 26, and 28, strike "**7.**", "**8.**", and "**9.**", respectively, and substitute "**8.**", "**9.**", and "**10.**", respectively.

On page 6, in line 1, strike "**10.**" and substitute "**11.**"; after line 19, insert:

"**6.** **ONE REPRESENTATIVE OF A RURAL COMMUNITY;**";

in lines 20, 22, 24, 26, and 28, strike "**6.**", "**7.**", "**8.**", "**9.**", and "**10.**", respectively, and substitute "**7.**", "**8.**", "**9.**", "**10.**", and "**11.**", respectively; and in line 28, strike "**ONE REPRESENTATIVE**" and substitute "**THREE REPRESENTATIVES**".

AMENDMENT NO. 2

On page 7, in lines 1 and 3, strike "**11.**" and "**12.**", respectively, and substitute "**12.**" and "**13.**", respectively; in line 1, strike "**ONE REPRESENTATIVE**" and substitute "**THREE REPRESENTATIVES**"; in line 5, after "**(2)**" insert "**(I)**"; and after line 6, insert:

"**(II)** **OF THE THREE MEMBERS REPRESENTING THE WASHINGTON METROPOLITAN AREA, ONE SHALL REPRESENT LOCAL OR REGIONAL GOVERNMENT.**

(III) **OF THE THREE MEMBERS REPRESENTING THE BALTIMORE METROPOLITAN AREA, ONE SHALL REPRESENT LOCAL OR REGIONAL GOVERNMENT.**

(IV) **OF THE MEMBERS APPOINTED BY THE GOVERNOR, ONE SHALL BE AN ARCHITECT THAT:**

1. **IS LICENSED TO PRACTICE IN THE STATE; AND**

2. **IS A RESIDENT OF THE STATE.**".

AMENDMENT NO. 3

On page 8, in line 10, strike "**FOR**" and substitute "**ON THE ADEQUACY,**"; in the same line, after "**COORDINATION**" insert a comma; in line 12, after "**INFRASTRUCTURE**" insert "**AND LAND PRESERVATION**"; in line 17, after "**FACILITATE**" insert "**VOLUNTARY**"; in line 24, after "**PREDICTABLE**" insert "**MODEL**"; and in line 28, after "**THE**" insert "**STATE AND LOCAL GOVERNMENT**".

On pages 8 and 9, strike beginning with "**REVIEW**" in line 31 on page 8 down through "**(8)**" in line 3 on page 9.

On page 9, in lines 6 and 7, strike "**HAVE A DETRIMENTAL EFFECT ON SMART GROWTH**" and substitute "**AFFECT THE ACHIEVEMENT OF THE GOALS OF THE STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY**"; and in lines 8, 10, 14, and 18, strike "**(9)**", "**(10)**", "**(11)**", and "**(12)**", respectively, and substitute "**(8)**", "**(9)**", "**(10)**", and "**(11)**", respectively.

The preceding 3 amendments were read only.

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

The motion was adopted.

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

Senate Bill 286 – The President (By Request – Administration) and Senators Currie and Conway

AN ACT concerning

Governor's P–20 Leadership Council of Maryland

SB0286/124937/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 286
(First Reading File Bill)

On page 4, after line 9, insert:

"**(VI)** **TWO REPRESENTATIVES OF NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS;**";

and in lines 10, 11, 12, 13, 15, 17, 20, and 22, strike "**(VI)**", "**(VII)**", "**(VIII)**", "**(IX)**", "**(X)**", "**(XI)**", "**(XII)**", and "**(XIII)**", respectively, and substitute "**(VII)**", "**(VIII)**", "**(IX)**", "**(X)**", "**(XI)**", "**(XII)**", "**(XIII)**", and "**(XIV)**", respectively.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 361 – Senator Astle

AN ACT concerning

Natural Resources – Local Forest Conservation Funds – Use of Money

Favorable report adopted by a roll call vote as follows:

Affirmative – 36 Negative – 10 (See Roll Call No. 307)

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 412 – Senators Pugh, Forehand, Harrington, Harris, Lenett, Madaleno, Miller, Muse, Peters, and Raskin

AN ACT concerning

Teacher Certification – Career Professionals

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 494 – Senator Astle

AN ACT concerning

Department of Natural Resources – Regulation of For–Hire Water Carriers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 541 – Senator Harrington

AN ACT concerning

Natural Resources – Park Advisory Commission – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #13

CONSENT CALENDAR #53

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

Senate Bill 151 – Senators Pinsky and Harrington

AN ACT concerning

Prince George's County – Alcoholic Beverages – Class B–AE (Arts and Entertainment) License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 152 – Senators Glassman, Harris, and Jacobs

AN ACT concerning

Harford County – Sheriff's Office – Power to Enforce Noise Control Laws

SB0152/504932/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 152
(First Reading File Bill)

In line 20, after "**COUNTY**" insert "**, EXCEPT REGARDING TRAPSHOOTING, SKEETSHOOTING, OR OTHER TARGET SHOOTING BETWEEN THE HOURS OF 9 A.M. AND 10 P.M. AT A SHOOTING SPORTS CLUB THAT IS CHARTERED AND IN OPERATION IN HARFORD COUNTY**"; and in line 22, strike "October" and substitute "June".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 153 – Senators Glassman, Harris, and Jacobs

AN ACT concerning

Harford County – Liquor Control Board Membership – Nomination Process

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 182 – Senator Exum

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 195 – Senator Colburn

AN ACT concerning

Wicomico County – Alcoholic Beverages – Micro–Brewery Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 201 – Senators Exum, Harrington, and Rosapepe

AN ACT concerning

Prince George's County – Alcoholic Beverages – Appeal of Order to Close Place of Business

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 289 – Senator Edwards

AN ACT concerning

Allegany County and Garrett County – Turkey Hunting – Sundays

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 377 – Senator Della

AN ACT concerning

Baltimore City – Alcoholic Beverages – Class C Licensees to Reimburse Board for Costs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 378 – Senator Della

AN ACT concerning

Baltimore City – 46th District – Alcoholic Beverages – Issuance or Transfer of Licenses Prohibited in Certain Precincts – Food Sales

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #5

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

Senate Bill 135 – Senator Kelley

EMERGENCY BILL

AN ACT concerning

Criminal Procedure – Petition for Writ of Actual Innocence – Notice of Filing and Hearing

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 248 – Senators Frosh, Brochin, Forehand, Gladden, Haines, Muse, Raskin, and Stone

AN ACT concerning

Civil Cases – Maryland Legal Services Corporation Fund – Surcharges

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 255 – Senators Stone, DeGrange, Forehand, Klausmeier, Raskin, and Robey

AN ACT concerning

Criminal Law – Assault – Law Enforcement Officers and Parole and Probation Agents

SB0255/448472/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 255
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "establishing" in line 6 down through "duties;" in line 10.

AMENDMENT NO. 2

On page 3, in line 5, in each instance, strike the bracket; in the same line, strike "**15**"; and in the same line, strike "**$10,000**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 481 – Senator Robey

AN ACT concerning

Criminal Procedure – Warrantless Arrest – Second Degree Assault

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #6

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

Senate Bill 21 – Senators Robey and Raskin

AN ACT concerning

Criminal Law – Animal Cruelty – Penalties and Conditions of Sentencing

SB0021/488378/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 21
(First Reading File Bill)

AMENDMENT NO. 1

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

AMENDMENT NO. 2

On page 1, in line 5, strike "the future ownership of an animal" and substitute "owning, possessing, or residing with an animal for the life of the defendant or for a

specified period of time; providing that a certain violation of a condition of sentencing subjects the violator to removal of the animal at the expense of the violator and may be treated as criminal contempt".

AMENDMENT NO. 3

On page 2, in line 12, strike "**FUTURE OWNERSHIP OF AN ANIMAL**" and substitute "**OWNING, POSSESSING, OR RESIDING WITH AN ANIMAL FOR A SPECIFIED PERIOD OF TIME**"; after line 12, insert:

"**(3) A VIOLATION OF A CONDITION OF SENTENCING UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION:**

(I) SUBJECTS THE VIOLATOR TO REMOVAL OF THE ANIMAL AT THE EXPENSE OF THE VIOLATOR; AND

(II) MAY BE TREATED AS A CRIMINAL CONTEMPT PUNISHABLE AS PROVIDED BY LAW.";

in line 28, strike "**FUTURE OWNERSHIP OF AN ANIMAL**" and substitute "**OWNING, POSSESSING, OR RESIDING WITH AN ANIMAL FOR THE LIFE OF THE DEFENDANT OR FOR A SPECIFIED PERIOD OF TIME**"; and after line 28, insert:

"**(3) A VIOLATION OF A CONDITION OF SENTENCING UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION:**

(I) SUBJECTS THE VIOLATOR TO REMOVAL OF THE ANIMAL AT THE EXPENSE OF THE VIOLATOR; AND

(II) MAY BE TREATED AS A CRIMINAL CONTEMPT PUNISHABLE AS PROVIDED BY LAW.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 22 – Senator Muse

AN ACT concerning

Criminal Law – Prohibitions on Wearing, Carrying, or Transporting Firearms – Exceptions

SB0022/708279/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 22
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "and" in line 6 down through "enforcement" in line 7 and substitute "if the handgun is unloaded, the person notifies a certain law enforcement unit that the person is transporting the handgun to the unit in accordance with the court order, and the person transports the handgun directly to the unit"; strike beginning with the second "is" in line 9 down through "enforcement" in line 10 and substitute ", if applicable, the firearm is unloaded, the person notifies a certain law enforcement unit that the person is transporting the firearm, ammunition, or firearm component to the unit in accordance with the court order, and the person transports the firearm, ammunition, or firearm component directly to the unit"; strike beginning with "while" in line 12 down through "enforcement" in line 13 and substitute "if the assault pistol is unloaded, the person notifies a certain law enforcement unit that the person is transporting the assault pistol to the unit in accordance with the court order, and the person transports the assault pistol directly to the unit"; strike beginning with "while" in line 15 down through "enforcement" in line 16 and substitute "if the machine gun is unloaded, the person notifies a certain law enforcement unit that the person is transporting the machine gun to the unit in accordance with the court order, and the person transports the machine gun directly to the unit"; in line 18, strike "a certain court" and substitute "the protective"; strike beginning with "while" in line 18 down through "enforcement" in line 19 and substitute "if the firearm is unloaded, the respondent notifies a certain law enforcement unit that the respondent is transporting the firearm to the unit in accordance with the protective order, and the respondent transports the firearm directly to the unit"; and strike beginning with "while" in line 21 down through "enforcement" in line 22 and substitute "if the regulated firearm is unloaded, the

respondent notifies a certain law enforcement unit that the respondent is transporting the regulated firearm to the unit in accordance with the protective order, and the respondent transports the regulated firearm directly to the unit; making stylistic changes".

AMENDMENT NO. 2

On page 3, strike beginning with "**AND**" in line 21 down through "**ENFORCEMENT**" in line 22 and substitute "**, IF:**

(I) THE HANDGUN IS UNLOADED;

(II) THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE HANDGUN IS BEING TRANSPORTED IN ACCORDANCE WITH THE COURT ORDER; AND

(III) THE PERSON TRANSPORTS THE HANDGUN DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION".

On page 4, strike beginning with "**AND**" in line 1 down through "**ENFORCEMENT**" in line 2 and substitute "**, IF:**

(I) THE HANDGUN, RIFLE, OR SHOTGUN IS UNLOADED;

(II) THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE ITEM IS BEING TRANSPORTED IN ACCORDANCE WITH THE COURT ORDER; AND

(III) THE PERSON TRANSPORTS THE ITEM DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION";

in line 9, strike the third "the"; strike beginning with "**WHILE**" in line 13 down through "**ENFORCEMENT**" in line 14 and substitute "**DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION IF THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE PERSON IS TRANSPORTING THE ASSAULT PISTOL IN ACCORDANCE WITH A COURT ORDER AND THE ASSAULT PISTOL IS UNLOADED**"; and strike beginning with "**AND**" in line 27 down through "**ENFORCEMENT**" in line 28 and substitute "**, IF:**

(I) THE MACHINE GUN IS UNLOADED;

(II) THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE MACHINE GUN IS BEING TRANSPORTED IN ACCORDANCE WITH THE COURT ORDER; AND

(III) THE PERSON TRANSPORTS THE MACHINE GUN DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION".

On page 5, strike beginning with "**IS**" in line 22 down through "**ENFORCEMENT**" in line 24 and substitute "**:**

(1) THE FIREARM IS UNLOADED;

(2) THE RESPONDENT HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE FIREARM IS BEING TRANSPORTED IN ACCORDANCE WITH THE PROTECTIVE ORDER; AND

(3) THE RESPONDENT TRANSPORTS THE FIREARM DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION".

On page 6, strike beginning with "**IS**" in line 1 down through "**ENFORCEMENT**" in line 2 and substitute "**:**

(1) THE REGULATED FIREARM IS UNLOADED;

(2) THE RESPONDENT HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE REGULATED FIREARM IS BEING TRANSPORTED IN ACCORDANCE WITH THE CIVIL PROTECTIVE ORDER; AND

(3) THE RESPONDENT TRANSPORTS THE REGULATED FIREARM DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 45 – Senator Haines

AN ACT concerning

Motor Vehicles – Registration Plates – "Home of Our National Anthem"

SB0045/118773/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 45
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike the first "a" and substitute "certain"; and in the same line, strike "plate" and substitute "plates".

AMENDMENT NO. 2

On page 1, in line 19, strike "**THE**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE**"; and after line 20, insert:

"**(3) PARAGRAPH (1)(III) OF THIS SUBSECTION DOES NOT APPLY TO A SPECIAL REGISTRATION PLATE ISSUED UNDER § 13–618, § 13–619, OR § 13–619.1, OR § 13–619.2 OF THIS TITLE.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 123 – Senators Brochin, Frosh, and Zirkin

AN ACT concerning

Criminal Procedure – Victim's Compensation – Temporary Lodging for Domestic Violence Victims

SB0123/218170/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 123
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "Fund" insert "under certain circumstances".

AMENDMENT NO. 2

On page 2, in line 22, after "**VIOLENCE**" insert "**WHO IS ELIGIBLE FOR AN AWARD AS THE RESULT OF AN INJURY RESULTING FROM THE DOMESTIC VIOLENCE INCIDENT AND SOUGHT TEMPORARY LODGING TO AVOID FURTHER INJURY**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 212 – Senator Mooney

AN ACT concerning

Residential Property – Prohibited Restrictions on Exercise of Free Speech

SB0212/118579/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 212
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Mooney" and substitute "Senators Mooney, Jacobs, Muse, and Raskin".

AMENDMENT NO. 2

On page 1, in line 6, after "premises," insert "and a person may not be prohibited from"; in the same line, strike the second "their" and substitute "a homeowner's or tenant's"; in the same line, after "property" insert a comma; in the same line, strike "or"; in line 7, strike "their neighbors" and substitute "homeowners or tenants"; in lines 7 and 20 and 21, in each instance, strike "constitutionally protected" and substitute "certain lawful"; in line 8, strike "their" and substitute "a"; in lines 9 and 21, in each instance, strike "the" and substitute "a"; in lines 10 and 23, in each instance, strike "the" and substitute "certain"; in line 19, strike "a" and substitute "the"; in the same line, after "tenant," insert "or prohibit a person from"; in the same line, strike "the" and substitute "a"; in line 20, strike "neighbors" and substitute "homeowners or tenants"; in line 24, strike "constitutionally"; in line 31, strike "activity" and substitute "expression"; and in the same line, after "requiring" insert "certain".

On page 2, in line 1, strike "an" and substitute "a certain"; and in the same line, strike "under this section".

AMENDMENT NO. 3

On page 3, in line 16, strike "**HOMEOWNERS AND TENANTS**" and substitute "**PEOPLE**"; in line 21, after "**COMMUNITY**" insert a comma; in the same line, strike "**AND**"; and in the same line, after "**TENANTS**" insert "**, AND OTHERS**".

On page 4, in lines 1 and 2, strike "**,** a homeowner or tenant"; in line 3, strike "**MAY**" and substitute "**A HOMEOWNER OR TENANT MAY**"; in lines 11 and 16, in each instance, strike "**MAY**" and substitute "**A PERSON MAY**"; in line 12, strike "**THE**" and substitute "**A**"; in line 15, strike "**THE HOMEOWNER'S OR TENANT'S NEIGHBORS**" and substitute "**HOMEOWNERS OR TENANTS**"; in line 17, strike "**THE**" and substitute

"**A**"; in line 20, strike the second "**THE**" and substitute "**A**"; in line 22, after "**TENANTS,**" insert "**A PERSON**"; and in line 30, strike "by a homeowner or tenant".

On page 5, in line 6, strike "**HOMEOWNER OR TENANT**" and substitute "**PERSON**"; in line 8, strike "**THE**" and substitute "**A**"; in line 11, strike "**THE HOMEOWNER'S OR TENANT'S NEIGHBORS**" and substitute "**HOMEOWNERS OR TENANTS**"; in line 13, strike "**THE**" and substitute "**A**"; and in line 16, strike the second "**THE**" and substitute "**A**".

The preceding 3 amendments were read only.

Senator Pugh moved, duly seconded, to make the Bill and Amendments a Special Order for March 5, 2010.

The motion was adopted.

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

Senate Bill 224 – Senators King, Frosh, Garagiola, Kelley, Madaleno, Peters, Pugh, and Robey

AN ACT concerning

Real Property – Restrictions – Clotheslines or Other Similar Laundry Drying Devices

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 343 – Senators Stone, Della, Jacobs, Klausmeier, McFadden, Mooney, Pinsky, and Simonaire

AN ACT concerning

Vehicle Laws – Accidents Resulting in Death – Appearance in Court for Traffic Citations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 308)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #23

Senate Bill 29 – Senator Astle

AN ACT concerning

Department of Natural Resources – Preparation of Fishery Management Plans – Authority

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

Affirmative – 47 Negative – 0 (See Roll Call No. 309)

The Bill was then sent to the House of Delegates.

Senate Bill 36 – Senator Colburn

AN ACT concerning

Dorchester County – Bay Restoration Fee – Lien Against Property

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

Affirmative – 47 Negative – 0 (See Roll Call No. 310)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 311)

ADJOURNMENT

At 11:57 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 4, 2010.

Annapolis, Maryland
Thursday, March 4, 2010
10:00 A.M. Session

The Senate met at 10:08 A.M.

Prayer by Reverend Dr. Robert A. F. Turner, St. John Baptist Church, guest of Senator Robey.

(See Exhibit A of Appendix III)

The Journal of March 3, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 313)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 419 – Senator Catherine E. Pugh:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The Maryland Chapters of Delta Sigma Theta Sorority, Inc.
in recognition of
your continued dedicated community service,
which has enhanced the lives of so many people.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 4th day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 314)

Senate Resolution No. 358 – Senator David R. Brinkley:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Linganore High School Football Team
in recognition of
winning the Maryland Class 3A Football Championship. Congratulations on an undefeated season!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 4th day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 315)

INTRODUCTION OF BILLS

Senate Bill 1086 – Senator Munson

AN ACT concerning

Public Safety – Emergency Medical Services Board – Membership

FOR the purpose of 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 helicopter pilot employed by the Department of State Police within the Aviation Division; and generally relating to the State Emergency Medical Services Board.

BY repealing and reenacting, with amendments,
Article – Education
Section 13–505
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 1087 – Senator Stone

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2008 – Baltimore County – Community Post

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2008 to extend the date by which the Board of Directors of the Kingdom Economic System, Inc. must present evidence that a certain matching fund will be provided.

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA01(AF) and Item ZA02(AC)

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

Senate Bill 1088 – Senator Stone

AN ACT concerning

Property Tax Credit – Disabled State Troopers and Natural Resources Police Residing in Baltimore County

FOR the purpose of including in the definition of law enforcement officer, under a certain property tax credit program for certain disabled law enforcement officers, State Troopers and members of the police forces of the Department of Natural Resources who reside in Baltimore County; providing for the application of this Act; and generally relating to a certain property tax credit program for certain disabled law enforcement officers.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–210
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 1089 – Senator Stone

AN ACT concerning

Creation of a State Debt – Baltimore County – Dundalk Fire Station

FOR the purpose of authorizing the creation of a State Debt not to exceed $250,000, the proceeds to be used as a grant to the County Executive and County Council of Baltimore County for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the

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

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

Senate Bill 1090 – Senator Harrington

AN ACT concerning

Creation of a State Debt – Prince George's County – Bladensburg Market Square II

FOR the purpose of authorizing the creation of a State Debt not to exceed $100,000, the proceeds to be used as a grant to the Board of Directors of Prince George's Heritage, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 1091 – Senator Mooney

AN ACT concerning

Frederick County – Religious Corporations – Retention of Assets by Local Churches

FOR the purpose of providing that, as to any local church in Frederick County that is or formerly was affiliated with the Sunnyside United Methodist Church and that withdraws from the United Methodist Conference, certain provisions of law do not prevent the local church from retaining title to any assets controlled by the local church.

BY adding to
Article – Corporations and Associations
Section 5–328.1
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 1092 – Senators Rosapepe, Conway, Currie, Forehand, Frosh, Garagiola, Harrington, Jones, Lenett, Madaleno, Muse, Peters, Pugh, Raskin, and Zirkin

AN ACT concerning

Snowstorm and Related Climate Change Preparation Act

FOR the purpose of requiring, on or before a certain date, the Maryland Commission on Climate Change, in cooperation with the Department of Transportation and the Maryland Emergency Management Agency, to submit a certain report to the Governor and the General Assembly on certain State investments necessary for the State to respond to certain weather emergencies; requiring the report to include certain information; stating the intent of the General Assembly that the Governor request certain federal funds for a certain purpose and appropriate a certain amount of State funds in a certain fiscal year for a certain purpose; and generally relating to weather emergency response funding in the State.

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

Senate Bill 1093 – Senator Kramer

AN ACT concerning

Creation of a State Debt – Montgomery County – Maydale Nature Center

FOR the purpose of authorizing the creation of a State Debt in the amount of $55,000, the proceeds to be used as a grant to the Board of Directors of The Friends of Maydale Nature Center, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 1094 – Senators Mooney and Brinkley

AN ACT concerning

Public Service Commission – Restriction on the Construction of Overhead Transmission Lines

FOR the purpose of prohibiting the Public Service Commission from authorizing, and an electric company from undertaking or exercising a right of condemnation in relation to, the construction of an overhead transmission line designed to carry a certain amount of voltage if the electric company's ownership meets certain criteria; providing for the application of a certain provision; providing that this Act applies retroactively to certain applications filed or pending on or after a certain date; and generally relating to the construction of overhead transmission lines.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 1–101(a) and (h) and 7–207(a) and (b)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Public Utility Companies
Section 7–207(h)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–207(h)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 420 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Secretary of Agriculture – Mosquito Control – Enforcement Authority

FOR the purpose of authorizing the Secretary of Agriculture to issue and serve a mosquito abatement order on certain persons under certain circumstances; ~~authorizing the Secretary to enter on and inspect private property for certain purposes;~~ authorizing the Secretary to bring action for injunctive relief under certain circumstances; establishing a certain penalty for any person who violates a mosquito abatement order issued by the Secretary; and generally relating to mosquito abatement by the Department of Agriculture.

BY adding to
Article – Agriculture
Section 5–406 through ~~5–409~~ 5–408
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

LAID OVER BILLS

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

Senate Bill 278 – The President (By Request – Administration) and Senators Astle, Della, Exum, Forehand, Gladden, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Miller, Peters, Pinsky, Pugh, and Stone

AN ACT concerning

Smart, Green, and Growing – Maryland Sustainable Growth Commission

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

SB0278/984030/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 278
(First Reading File Bill)

AMENDMENT NO. 1

On page 5, in line 4, strike "**30**"; after line 23, insert:

"**7. THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S DESIGNEE;**";

and in lines 24, 26, and 28, strike "**7.**", "**8.**", and "**9.**", respectively, and substitute "**8.**", "**9.**", and "**10.**", respectively.

On page 6, in line 1, strike "**10.**" and substitute "**11.**"; after line 19, insert:

"**6. ONE REPRESENTATIVE OF A RURAL COMMUNITY;**";

in lines 20, 22, 24, 26, and 28, strike "**6.**", "**7.**", "**8.**", "**9.**", and "**10.**", respectively, and substitute "**7.**", "**8.**", "**9.**", "**10.**", and "**11.**", respectively; and in line 28, strike "**ONE REPRESENTATIVE**" and substitute "**THREE REPRESENTATIVES**".

AMENDMENT NO. 2

On page 7, in lines 1 and 3, strike "**11.**" and "**12.**", respectively, and substitute "**12.**" and "**13.**", respectively; in line 1, strike "**ONE REPRESENTATIVE**" and substitute "**THREE REPRESENTATIVES**"; in line 5, after "**(2)**" insert "**(I)**"; and after line 6, insert:

"**(II) OF THE THREE MEMBERS REPRESENTING THE WASHINGTON METROPOLITAN AREA, ONE SHALL REPRESENT LOCAL OR REGIONAL GOVERNMENT.**

(III) OF THE THREE MEMBERS REPRESENTING THE BALTIMORE METROPOLITAN AREA, ONE SHALL REPRESENT LOCAL OR REGIONAL GOVERNMENT.

(IV) OF THE MEMBERS APPOINTED BY THE GOVERNOR, ONE SHALL BE AN ARCHITECT THAT:

1. IS LICENSED TO PRACTICE IN THE STATE; AND

2. IS A RESIDENT OF THE STATE.".

AMENDMENT NO. 3

On page 8, in line 10, strike "**FOR**" and substitute "**ON THE ADEQUACY,**"; in the same line, after "**COORDINATION**" insert a comma; in line 12, after "**INFRASTRUCTURE**" insert "**AND LAND PRESERVATION**"; in line 17, after "**FACILITATE**" insert "**VOLUNTARY**"; in line 24, after "**PREDICTABLE**" insert "**MODEL**"; and in line 28, after "**THE**" insert "**STATE AND LOCAL GOVERNMENT**".

On pages 8 and 9, strike beginning with "**REVIEW**" in line 31 on page 8 down through "**(8)**" in line 3 on page 9.

On page 9, in lines 6 and 7, strike "**HAVE A DETRIMENTAL EFFECT ON SMART GROWTH**" and substitute "**AFFECT THE ACHIEVEMENT OF THE GOALS OF THE**

STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY"; and in lines 8, 10, 14, and 18, strike "**(9)**", "**(10)**", "**(11)**", and "**(12)**", respectively, and substitute "**(8)**", "**(9)**", "**(10)**", and "**(11)**", respectively.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MOTION

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

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #4

March 4, 2010
Report #4

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

Delores G. Kelley
Chair

Blind Industries and Services of Maryland, Board of Trustees of

1. Millicent Morris District 43
4611 Marble Hall Road
Baltimore, MD 21239

Member of the Board of Trustees of Blind Industries and Services of Maryland; reappointed to serve a term of three years from July 1, 2007

2. Martha E. Seabrooks District 43
1016 East Lake Avenue
Baltimore, MD 21212

Member of the Board of Trustees of Blind Industries and Services of Maryland; reappointed to serve a term of three years from July 1, 2008

Clean Energy Center, Board of Directors for Maryland

3. Jill A. T. Sorensen District 41
5804 Stony Run Drive
Baltimore, MD 21210

Member of the Board of Directors for the Maryland Clean Energy Center; appointed to serve a term to expire September 30, 2010

Community Health Resources Commission, Maryland

4. Mark Li District 18
1721 University Boulevard West
Silver Spring, MD 20902

Member of the Maryland Community Health Resources Commission; appointed to serve a term to expire June 30, 2013

5. Nelson Sabatini District 31
391 South Drive
Severna Park, MD 21146

Member of the Maryland Community Health Resources Commission; appointed to serve a term to expire June 30, 2011

Dietetic Practice, State Board of

6. Judith Feola Gordon District 5
2868 Constellation Way
Finksburg, MD 21048

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

Economic Development Commission, Maryland

7. Timothy J. Adams District 23
14302 Dunwood Valley Drive
Bowie, MD 20721

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2009

8. Steven Dubin District 13
14240 Triadelphia Road
Glenelg, MD 21737

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2007

9. Susan J. Ganz District 11
11103 Valley Heights Drive
Owings Mills, MD 21117

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

10. Edwin F. Hale, Sr. District 37
1501 Clinton Street
Baltimore, MD 21224

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2009

11. Ricardo Martinez District 42
10370 Pot Spring Road
Timonium, MD 21093

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2007

12. John J. McLaughlin District 46
1310 William Street
Baltimore, MD 21230

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

13. Dawn Deiter Rich District 29
22927 Cattail Lane
California, MD 20619

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

14. Harold S. Stinger District 99
16147 Waterford Creek Circle
Hamilton, VA 20158

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2007

Elections, State Board of

15. Rachel T. McGuckian District 14
3500 King William Drive
Olney, MD 20832

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

Emergency Number Systems Board

16. John L. Chew, Jr. District 30
1273 Bugeye Court
Annapolis, MD 21403

Member of the Emergency Number Systems Board; appointed to serve remainder of a term of four years from July 1, 2006

17. John Moulton, Jr. District 2
50 N. Burhans Blvd.
Hagerstown, MD 21740

Member of the Emergency Number Systems Board; appointed to serve remainder of a term of four years from July 1, 2006

Handgun Permit Review Board

18. Denis H. Gallagher District 9
3284 Elmmede Road
Ellicott City, MD 21042

Member of the Handgun Permit Review Board; appointed to serve remainder of a term of three years from March 27, 2008

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

19. Frederick L. Matusky District 5
25 Brett Manor Court
Hunt Valley, MD 21030

Member of the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors; appointed to serve a term of three years from January 1, 2010

Human Relations Commission

20. Gary C. Norman, Esq. District 40
4145 Falls Road
Baltimore, MD 21211

Member of the Human Relations Commission; appointed to serve remainder of a term of six years from July 1, 2005

Judicial Disabilities, Commission on

21. Marcy Canavan District 27
16504 Old Marshall Hall Road
Accokeek, MD 20607

Member of the Commission on Judicial Disabilities; appointed to serve remainder of four years from January 1, 2009

22. Samuel F. Saxton, Sr. District 24
11509 Chantilly Lane
Mitchellville, MD 20721

Member of the Commission on Judicial Disabilities; reappointed to serve remainder of four years from January 1, 2009

23. Steven D. Silverman District 11
10 Tremblant Court
Lutherville-Timonium, MD 21093

Member of the Commission on Judicial Disabilities; reappointed to serve remainder of four years from January 1, 2009

Land Reclamation Committee

24. Timothy J. Carney District 1
13900 Bald Knob Road, NW
Mt. Savage, MD 21545

Member of the Land Reclamation Committee; reappointed to serve a term of three years from July 1, 2009

Maryland School for the Blind, Board of Directors of the

25. Cheryl D. Glenn District 45
6 Bladen Street
Annapolis, MD 21401

Member of the Board of Directors of the Maryland School for the Blind; appointed to serve remainder of a term of three years from July 1, 2007

Patuxent Institution Board of Review

26. Arnold J. Hopkins District 5
404 Rockfleet Road, Unit 204
Lutherville, MD 21093

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

Physicians, State Board of

27. Samuel K. Himmelrich, Sr. District 42
2507 Stone Mill Road
Baltimore, MD 21208

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

28. Harry Clarke Knipp, M.D. District 5
603 Earlton Court
Reisterstown, MD 21136

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2009

Rural Legacy Board, Advisory Committee to the

29. Vera Mae E. Schultz District 39
18312 Metz Drive
Germantown, MD 20874

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve remainder of a term of three years from July 1, 2006 and a term of three years from July 1, 2009

30. Kent Whitehead District 99
2125 14th Street, NW #413
Washington, DC 20009

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve a term of three years from July 1, 2009

School for the Deaf, Board of Trustees of the Maryland

31. Ernest E. Hairston District 23
6414 Gallery Street
Bowie, MD 20720

Member of the Board of Trustees of the Maryland School for the Deaf; reappointed to serve a term of six years from October 1, 2009

32. Angela P. McCaskill, Ph.D. District 25
10308 Bunch Berry Lane
Upper Marlboro, MD 20772

Member of the Board of Trustees of the Maryland School for the Deaf; appointed to serve remainder of a term of six years from October 1, 2008

33. Heather Zeolla District 28
2442 Pimplico Court
Waldorf, MD 20662

Member of the Board of Trustees of the Maryland School for the Deaf; appointed to serve remainder of a term of six years from October 1, 2009

Seafood Marketing Advisory Commission

34. Benjamin G. Parks District 37
311 Nathans Avenue
Cambridge, MD 21613

Member of the Seafood Marketing Advisory Commission; reappointed to serve a term of four years from July 1, 2009

Stadium Authority, Maryland

35. Manervia W. Riddick District 26
801 Othman Drive
Fort Washington, MD 20744

Member of the Maryland Stadium Authority; appointed to serve remainder of a term of four years from July 1, 2009

Uninsured Employers Fund Board

36. John L. Veney District 44
2549 W. Lafayette Avenue
Baltimore, MD 21216

Member of the Uninsured Employers Fund Board; appointed to serve remainder of four years from July 1, 2007

Workforce Corporation Board of Directors, Maryland

37. Jean C. Drummond District 23
12815 Odens Bequest Drive
Bowie, MD 20715

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2011

Statewide Nominees

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

Deaf and Hard of Hearing, Maryland Advisory Council for the

S-1. Gary Franklin Monroe District 27
10509 Gentian Court
Upper Marlboro, MD 20772

Member of the Maryland Advisory Council for the Deaf and Hard of Hearing; reappointed to serve a term of three years from October 1, 2009

Economic Development Commission, Maryland

S-2. Walter (Butch) A. Tilley, III District 35
68 Crystal Court
Bel Air, MD 21014

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2009

Elections, State Board of

S-3. Robert L. Walker District 31
302 Dega Lane
Pasadena, MD 21122

Member of the State Board of Elections; reappointed to serve a term of four years from July 1, 2009

Handgun Permit Review Board

S-4. Rolinda S. Collinson District 27
9905 Lucky Lure Lane
Owings, MD 20758

Member of the Handgun Permit Review Board; reappointed to serve remainder of a term of three years from July 1, 2008

S-5. Charles L. Washington District 27
10711 Mattaponi Road
Upper Marlboro, MD 20772

Member of the Handgun Permit Review Board; reappointed to serve remainder of a term of three years from March 27, 2008

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 5, 2010.

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 252 – Senators Frosh, Forehand, Garagiola, Gladden, Jacobs, Kelley, King, Muse, Raskin, and Stone

AN ACT concerning

Child Support Guidelines – Revision

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

Favorable report adopted.

FLOOR AMENDMENT

SB0252/693223/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 252
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "guidelines;" insert "requiring a court, on the request of any party, to hear certain evidence and find certain facts relating to an award of child support; providing that a certain presumption related to child support guidelines may be rebutted if a court makes a certain finding; requiring a court to base an award of child support on the reasonable needs of the child or children and the relative ability of each parent to provide support if the combined adjusted actual income of the parents exceeds a certain amount;"; in line 6, after "changes;" insert "providing for a delayed effective date;"; in line 14, after "(k)" insert ", 12-202(a),"; and in the same line, strike "12-204(e)" and substitute "12-204(d), (e)".

AMENDMENT NO. 2

On page 2, after line 14, insert:

"12–202.

(a) (1) Subject to the provisions of paragraph (2) of this subsection, in any proceeding to establish or modify child support, whether pendente lite or permanent, the court shall use the child support guidelines set forth in this subtitle.

(2) (i) There is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded.

(ii) **ON REQUEST OF ANY PARTY, THE COURT SHALL HEAR EVIDENCE AND FROM THE EVIDENCE FIND THE FACTS RELATING TO THE REASONABLE NEEDS OF THE CHILD FOR SUPPORT AND THE RELATIVE ABILITY OF EACH PARENT TO PROVIDE SUPPORT.**

(III) The presumption **UNDER THIS PARAGRAPH** may be rebutted **[**by evidence that the application of the guidelines would be**] IF, AFTER CONSIDERING THE EVIDENCE, THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT THE APPLICATION OF THE GUIDELINES WOULD NOT MEET OR WOULD EXCEED THE REASONABLE NEEDS OF THE CHILD OR CHILDREN CONSIDERING THE RELATIVE ABILITY OF EACH PARENT TO PROVIDE SUPPORT OR WOULD OTHERWISE BE** unjust or inappropriate in a particular case.

[(iii)**] (IV)** In determining whether **[**the application of the**] TO APPLY THE** guidelines **[**would be unjust or inappropriate**]** in a particular case, the court may consider:

1. the terms of any existing separation or property settlement agreement or court order, including any provisions for payment of mortgages or marital debts, payment of college education expenses, the terms of any use and possession order or right to occupy the family home under an agreement, any direct payments made for the benefit of the children required by agreement or order, or any other financial considerations set out in an existing separation or property settlement agreement or court order; and

2. the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

[(iv)**]** **(V)** The presumption may not be rebutted solely on the basis of evidence of the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

[(v)**]** **(VI)** 1. If the court **[**determines that the application of**]** **CHOOSES NOT TO APPLY** the guidelines **[**would be unjust or inappropriate**]** in a particular case, the court shall make a written finding or specific finding on the record stating the reasons for departing from the guidelines.

2. The court's finding shall state:

A. the amount of child support that would have been required under the guidelines;

B. how the order varies from the guidelines;

C. how the finding serves the best interests of the child; and

D. in cases in which items of value are conveyed instead of a portion of the support presumed under the guidelines, the estimated value of the items conveyed.";

and after line 15, insert:

"(d) If the combined adjusted actual income exceeds the highest level specified in the schedule in subsection (e) of this section, the court **[**may use its discretion in setting**]** **SHALL SET** the amount of child support **BASED ON THE REASONABLE NEEDS OF THE CHILD OR CHILDREN AND THE RELATIVE ABILITY OF EACH PARENT TO PROVIDE SUPPORT**.".

On pages 10 through 19, strike in their entirety the lines beginning with line 30 on page 10 through line 33 on page 19, inclusive.

AMENDMENT NO. 3

On page 21, in line 11, strike "2010" and substitute "2011".

The preceding 3 amendments were read only.

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

The motion was adopted.

Senate Bill 398 – Senators Raskin, Gladden, Kelley, and Muse

AN ACT concerning

Courts – County Administrative Judge – Responsibilities

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

SB0398/478678/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 398
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "a" insert "certain"; and in line 5, after "judge;" insert "clarifying the designees of a county administrative judge that may grant a change of a trial date in a circuit court;".

AMENDMENT NO. 2

On page 1, in line 20, after the second "**JUDGE**" insert "**UNDER SUBSECTION (C) OF THIS SECTION**".

On page 2, in line 6, after "judge" insert "**UNDER SUBSECTION (C) OF THIS SECTION**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0398/123328/1

BY: Senators Munson and Jacobs

AMENDMENTS TO SENATE BILL 398
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after the second "judge" insert ", beginning on certain dates,".

AMENDMENT NO. 2

On page 2, in line 15, after "**JUDGE**" insert "**, BEGINNING:**

(1) IN A COUNTY OTHER THAN HARFORD COUNTY OR WASHINGTON COUNTY, ON OCTOBER 1, 2010; AND

(2) IN HARFORD COUNTY AND WASHINGTON COUNTY, ON OCTOBER 1, 2013".

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

Affirmative – 16 Negative – 29 (See Roll Call No. 316)

Senator Rosapepe moved, duly seconded, to make the Bill a Special Order for March 5, 2010.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 317)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #24

Senate Bill 31 – Senator Lenett

EMERGENCY BILL

AN ACT concerning

Maryland Communities for a Lifetime Commission

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

Affirmative – 47 Negative – 0 (See Roll Call No. 318)

The Bill was then sent to the House of Delegates.

Senate Bill 208 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

State Treasurer – Permissible Investments – Linked Deposit Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 319)

The Bill was then sent to the House of Delegates.

Senate Bill 265 – Senators Exum, Garagiola, Kelley, Klausmeier, and Pugh

AN ACT concerning

Assisted Living Programs – ~~Elevator Installation – Exemption~~ Noncommercial Elevator Units – Installation and Inspection

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

Affirmative – 47 Negative – 0 (See Roll Call No. 320)

The Bill was then sent to the House of Delegates.

Senate Bill 399 – Senators Raskin, Forehand, ~~and Pugh~~ Pugh, Gladden, Jacobs, Simonaire, and Stone

AN ACT concerning

Real Property – Abatement of Nuisance – Prostitution

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

Affirmative – 47 Negative – 0 (See Roll Call No. 321)

The Bill was then sent to the House of Delegates.

Senate Bill 442 – ~~Senator Raskin~~ Senators Raskin and Forehand

AN ACT concerning

Criminal Injuries Compensation Board – Right to Hearing

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

Affirmative – 47 Negative – 0 (See Roll Call No. 322)

The Bill was then sent to the House of Delegates.

Senate Bill 482 – Senator Edwards

AN ACT concerning

Workers' Compensation – Allegany County Deputy Sheriffs

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

Affirmative – 47 Negative – 0 (See Roll Call No. 323)

The Bill was then sent to the House of Delegates.

Senate Bill 529 – Senators Garagiola, Astle, Exum, and Pugh

AN ACT concerning

Net Energy Metering – Fuel Cell

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

Affirmative – 47 Negative – 0 (See Roll Call No. 324)

The Bill was then sent to the House of Delegates.

Senate Bill 610 – Senator Kittleman

AN ACT concerning

Workers' Compensation – Jurisdiction Pending Appeal – Proposed Settlement

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

Affirmative – 47 Negative – 0 (See Roll Call No. 325)

The Bill was then sent to the House of Delegates.

Senate Bill 655 – Senator Lenett

AN ACT concerning

Task Force to Study Financial Matters Relating to Long–Term Care Facilities – Extension

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

Affirmative – 47 Negative – 0 (See Roll Call No. 326)

The Bill was then sent to the House of Delegates.

Senate Bill 694 – ~~Senator Lenett~~ Senators Lenett, Exum, Garagiola, Kelley, and Pugh

AN ACT concerning

Labor and Employment – Wage Payment and Collection Law – Definition of Wage

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

Affirmative – 46 Negative – 0 (See Roll Call No. 327)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #2

House Joint Resolution 4 – The Speaker (By Request – Judicial Compensation Commission)

A House Joint Resolution concerning

Judicial Compensation Commission – Recommendations

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

Affirmative – 47 Negative – 0 (See Roll Call No. 328)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 329)

ADJOURNMENT

At 11:05 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 5, 2010.

Annapolis, Maryland
Friday, March 5, 2010
11:00 A.M. Session

The Senate met at 11:19 A.M.

Prayer by Reverend Kenneth S. Valentine, Wesley Grove United Methodist Church, guest of Senator DeGrange.

(See Exhibit A of Appendix III)

The Journal of March 4, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 331)

INTRODUCTION OF BILLS

Senate Bill 1095 – Senator Klausmeier

AN ACT concerning

Public Utility Companies – Energy Efficiency and Demand Response Programs – Review of Competitive Selection Procedures

FOR the purpose of requiring the Public Service Commission, as part of a certain review, to make a certain determination of certain procedures for the competitive selection of heating, ventilation, air conditioning, or refrigeration service providers; requiring the Commission to review certain annual updates of electricity savings and demand reduction plans and make a certain determination; requiring the Commission to approve certain electricity savings and demand reduction plans at a certain interval under certain circumstances; and generally relating to energy efficiency, conservation, and demand response programs and services.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–211(a) and (g)
Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–211(h)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 1096 – Senator Astle

AN ACT concerning

Natural Resources – Fishery Management Reform Act – Task Force and Sunset Repeal

FOR the purpose of repealing the termination provision relating to the Fishery Management Reform Act; repealing provisions that established the Task Force on Fishery Management because of the completion of the work of the Task Force; and generally relating to the Fishery Management Reform Act.

BY repealing
Article – Natural Resources
Section 4–215.4
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Chapter 217 of the Acts of the General Assembly of 2007
Section 3

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

Senate Bill 1097 – Senators Muse, Peters, DeGrange, Dyson, Haines, Jacobs, Mooney, and Stone

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Maryland's Marriage Protection Act

FOR the purpose of adding a new section to the Maryland Constitution to establish that marriage between one man and one woman shall be the only domestic legal union valid or recognized in this State; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an addition to the Maryland Constitution
Article XV – Miscellaneous
Section 8

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

Senate Bill 1098 – Senator Conway

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2008 – Baltimore City – NACA Education and Community Center

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2008 to extend the deadline by which the Board of Directors of The Freedom and Democracy Schools Foundation, Inc. must present evidence of a certain matching fund.

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA01(X)

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

Senate Bill 1099 – Senator Madaleno

AN ACT concerning

State and Local Government Procurement – Banking and Financial Services – Preference for State Financial Institutions

FOR the purpose of requiring the State Treasurer, when evaluating competing bids or proposals submitted by financial institutions to provide banking or financial services to the State or an agency of the State, to multiply any bid or proposal submitted by a State financial institution by a certain factor in order to give the State financial institution a preference over the other bids or proposals submitted to provide those services; requiring a local government unit, when evaluating competing bids or proposals submitted by financial institutions to provide banking or financial services to the local government unit, to multiply any bid or proposal submitted by a State financial institution by a certain factor in order to give the State financial institution a preference over the other bids or proposals submitted to provide those services; defining certain terms; and generally relating to the procurement of banking and financial services by the State and local government units.

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement
Section 6–201(a), (b), (e), and (f)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–229
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – State Finance and Procurement
Section 6–230
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article 95 – Treasurer
Section 23
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Senate Bill 1100 – Senator Kittleman

AN ACT concerning

Workers' Compensation – Average Weekly Wage – Compensation

FOR the purpose of authorizing a certain person to make a certain assertion regarding the average weekly wage of a covered employee by submitting a certain wage statement to the State Workers' Compensation Commission before a certain decision is issued by the Commission; prohibiting a certain person from receiving a credit for a certain overpayment of compensation under certain circumstances; and generally relating to the average weekly wage and payment of weekly compensation for workers' compensation.

BY adding to
Article – Labor and Employment
Section 9–602.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 1101 – Senator Stone

AN ACT concerning

Elevator Safety – Elevator Units in Churches – Exemption from Third–Party Inspections

FOR the purpose of requiring a State inspector to make certain periodic annual inspections of elevator units in churches, synagogues, mosques, and other buildings used for public religious worship; altering a requirement that third–party qualified elevator inspectors be hired to conduct certain elevator inspections by requiring that certain elevator inspections be made by a State inspector under certain circumstances; making a certain conforming change; and generally relating to inspections of elevator units.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–809 and 12–812
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

Senate Bill 1102 – Senator Reilly

AN ACT concerning

Officers of the Court – Criminal Offenses – Reporting and Investigation

FOR the purpose of requiring the Commission on Judicial Disabilities and the Attorney Grievance Commission to refer certain matters to the Office of the State Prosecutor under certain circumstances if there are reasonable grounds to believe that an officer of the court may have committed a criminal offense; requiring certain evidence to be made available to the Office of the State Prosecutor; authorizing the State Prosecutor to investigate a criminal offense alleged to have been committed by an officer of the court; and generally relating to criminal offenses committed by officers of the court.

BY adding to
Article – Courts and Judicial Proceedings
Section 13–404; and 13–701 to be under the new subtitle "Subtitle 7. Miscellaneous"
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure

Section 14–107
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 66 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Department of Housing and Community Development – Neighborhood Business Development Program – Microenterprise Loans

FOR the purpose of authorizing certain entities to administer a ~~Microenterprise Loan Program~~ microenterprise loan program under ~~certain~~ standards adopted by the Department of Housing and Community Development under certain circumstances; ~~authorizing~~ requiring the Department to establish certain standards by regulation; exempting microenterprise projects from certain ~~financial funding~~ financing requirements; altering the purposes for which financial assistance may be used under a certain business development program; authorizing the Department to help train certain employees; authorizing the Department to charge and collect certain fees in a certain manner; authorizing the Department to directly fund a loan to a microenterprise under certain circumstances; authorizing the Department to provide financial assistance to a certain entity for the purpose of the entity making a loan to a microenterprise under certain circumstances; altering certain definitions; and generally relating to microenterprise loans and the Neighborhood Business Development Program ~~and the Microenterprise Loan Program~~ in the Department of Housing and Community Development.

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 6–301(a) ~~and (e)~~
Annotated Code of Maryland
(2006 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 6–301(e) and (g), 6–306, and 6–307(b)
Annotated Code of Maryland
(2006 Volume and 2009 Supplement)

BY adding to
Article – Housing and Community Development
Section 6–308.1
Annotated Code of Maryland
(2006 Volume and 2009 Supplement)

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

House Bill 191 – Delegates Malone, Conway, Costa, Jennings, Mathias, Morhaim, Stull, and Weir

EMERGENCY BILL

AN ACT concerning

Criminal Law – Sale of Novelty Lighters – Prohibition

FOR the purpose of prohibiting a person from selling at retail, offering for sale at retail, or distributing for retail sale in the State a novelty lighter; establishing a certain penalty for a violation of this Act; providing for the application of this Act; defining a certain term; making this Act an emergency measure; and generally relating to the sale of novelty lighters.

BY adding to
Article – Criminal Law
Section 10–112.1
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

House Bill 257 – Delegate Rosenberg

AN ACT concerning

Evidence – Journalist's Testimonial Privileges – Student

FOR the purpose of providing that certain testimonial privileges apply to a student engaged in a news gathering or news disseminating capacity under certain circumstances; making stylistic changes; providing for the application of this Act; and generally relating to certain testimonial privileges.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 9–112

Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 277 – Howard County Delegation

AN ACT concerning

Howard County and Prince George's County – Tax Sales – Auctioneers' Fees
Ho. Co. 4–10

FOR the purpose of altering the fees auctioneers are allowed at tax sales in Howard County and Prince George's County; and generally relating to tax sales in Howard County and Prince George's County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–813(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 283 – Delegates Waldstreicher, Dumais, Ali, Anderson, Barkley, Barnes, Barve, Carr, Dwyer, Eckardt, Feldman, Frush, Haddaway, Hecht, Hubbard, Hucker, Kullen, McComas, McDonough, Montgomery, Morhaim, O'Donnell, Ramirez, Rosenberg, Shank, Shewell, Smigiel, and Vaughn

AN ACT concerning

Criminal Law – ~~Sexual Solicitation of a Minor and~~ Human Trafficking – Prohibitions ~~and Proof~~

FOR the purpose of prohibiting a person from knowingly engaging in a device, scheme, or continuing course of conduct intended to cause another to believe that if the other did not take part in a sexually explicit performance the other or a third person would suffer physical restraint or serious physical harm; prohibiting a person from knowingly destroying, concealing, removing, confiscating, or possessing certain documents of another person while violating certain prohibitions; ~~providing that the State need only prove that a reasonable person, based on certain criteria, should have known that a certain minor had not attained a certain age under certain circumstances;~~ making it a felony to knowingly take or detain another with the intent to use force, threat, coercion, or fraud to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse; providing that a person who

knowingly benefits from participation in a violation of this Act is subject to the same penalties that would apply if the person had violated this Act; providing that a person who knowingly aids, abets, or conspires with one or more other persons to violate this Act shall be subject to the same penalties that apply for a violation of this Act; defining a certain term; and generally relating to ~~sexual solicitation of a minor and~~ human trafficking.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section ~~3–324, 11–301,~~ 11–301 and 11–303
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

House Bill 295 – Delegate O'Donnell

EMERGENCY BILL

AN ACT concerning

Natural Resources – Incidental Taking Permit for Endangered Puritan Tiger Beetle – Requirements

FOR the purpose of requiring the Secretary of Natural Resources to issue a permit to an applicant that authorizes an incidental taking of the endangered Puritan Tiger Beetle under certain circumstances; requiring the Secretary to adopt certain regulations relating to an incidental taking permit for the endangered Puritan Tiger Beetle; making this Act an emergency measure; and generally relating to an incidental taking permit for the endangered Puritan Tiger Beetle.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–2A–05.1
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 372 – Delegates Barnes, Frush, Manno, and Pena–Melnyk

AN ACT concerning

Business Occupations and Professions – Plumbers – Lead–Free Materials

FOR the purpose of prohibiting certain plumbing materials containing more than a certain amount of lead from being used in the installation or repair of plumbing intended to dispense water for human consumption; prohibiting the sale of certain plumbing materials containing more than a certain amount of lead; requiring the State Board of Plumbing to adopt certain regulations; defining certain terms; providing for a delayed effective date; and generally relating to the lead content of materials used in plumbing.

BY adding to
Article – Business Occupations and Professions
Section 12–101(h–1) and (q), 12–605.1, and 12–605.2
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 12–205(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 12–605(a)(1)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 402 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Collection Agencies – Application and Renewal Fees

FOR the purpose of authorizing the State Collection Agency Licensing Board to ~~adopt certain regulations and to~~ set by regulation collection agency license application fees, renewal fees, and investigation fees; requiring the fees to be reasonable and set in a manner to produce funds that are sufficient to cover the direct and indirect costs of regulating collection agency licensees; requiring the Board to publish a certain fee schedule; providing that certain fees remain in effect until certain other fees take effect; and generally relating to the regulation of collection agencies.

BY adding to
Article – Business Regulation

Section ~~7–207 and~~ 7–302.1
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 7–302
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 487 – Delegate McIntosh (Chair, Environmental Matters Committee)

AN ACT concerning

Environment – State Board of Waterworks and Waste Systems Operators – Sunset Extension and Revisions

FOR the purpose of continuing the State Board of Waterworks and Waste Systems Operators in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; altering the composition of the Board; clarifying that the Department of the Environment is responsible for the enforcement of certain provisions; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the Board to submit a certain report on or before a certain date; repealing obsolete language; and generally relating to the State Board of Waterworks and Waste Systems Operators.

BY repealing and reenacting, with amendments,
Article – Environment
Section 12–101(c)(2), 12–202(a)(2), 12–308, 12–402, 12–501, and 12–602
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing
Article – Environment
Section 12–305(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)

Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(67)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 661 – Delegate Barnes

AN ACT concerning

Criminal Procedure – Arrest – Violation of Protective Order

FOR the purpose of codifying in the Criminal Procedure Article a requirement in the Family Law Article that an officer arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of a certain protective order; and generally relating to arrests for violations of protective orders.

BY adding to
Article – Criminal Procedure
Section 2–204.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–508.1(c) and 4–509(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 766 – Delegate Heller (Chair, Joint Committee on the Management of Public Funds) and Delegates Elmore, Howard, and Levy

AN ACT concerning

Capital Debt Affordability

FOR the purpose of altering the due date for the annual report of the Capital Debt Affordability Committee and the annual deadline for the Governor to determine

the amount of advisable new State debt; and generally relating to State debt affordability.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 8–112 and 8–113
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 770 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Bates, Branch, Haynes, Heller, James, and Levy

AN ACT concerning

State Police Retirement System – Deferred Vested Members – Survivor Benefits

FOR the purpose of clarifying that a certain death benefit is payable on behalf of certain former members of the State Police Retirement System; and generally relating to death benefits payable on behalf of former members receiving a deferred vested retirement allowance from the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 24–403
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 771 – Delegates Griffith, Branch, Conway, and Proctor

AN ACT concerning

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

FOR the purpose of requiring the Blue Ribbon Commission to Study Retiree Health Care Funding Options to issue a certain report by a certain date; altering the date by which the Blue Ribbon Commission to Study Retiree Health Care Funding Options is required to submit a certain report; extending the termination date of the Commission until a certain date; and generally relating to the reporting and termination dates of the Blue Ribbon Commission to Study Retiree Health Care Funding Options.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 34–201(g)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Chapter 433 of the Acts of the General Assembly of 2006, as amended by Chapter 229 of the Acts of the General Assembly of 2008
Section 3

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 772 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Bates, Branch, Haynes, Heller, James, and Levy

AN ACT concerning

State Retirement and Pension System – Noncontributory Former Vested Members – Vested Retirement Allowance

FOR the purpose of repealing certain provisions of the State Personnel and Pensions Article that permit certain former members of the State Retirement and Pension System to withdraw certain member contributions plus interest and receive a vested retirement allowance based only on certain employer contributions; and generally relating to vested retirement allowances for noncontributory former members of the State Retirement and Pension System.

BY repealing
Article – State Personnel and Pensions
Section 29–303(h)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 773 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Bates, Branch, Haynes, Heller, James, and Levy

AN ACT concerning

Law Enforcement Officers' Pension System – Deferred Retirement Option Program – Participation

FOR the purpose of clarifying that "creditable service" does not include certain unused sick leave with regard to determining eligibility to participate in the Deferred

Retirement Option Program (DROP) by certain members of the Law Enforcement Officers' Pension System; clarifying that "creditable service" does not include certain unused sick leave with regard to determining the length of time certain members of the Law Enforcement Officers' Pension System may participate in the DROP; and generally relating to participation in the Deferred Retirement Option Program in the Law Enforcement Officers' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 26–401.1(c) and (d)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 796 – Delegates Murphy, Jameson, Levy, and Wood

AN ACT concerning

Charles County – Property Tax Credit for Homes Formerly Owned by Habitat for Humanity of Charles County

FOR the purpose of authorizing the governing body of Charles County to grant, by law, a property tax credit against the county property tax imposed on certain real property formerly owned by Habitat for Humanity of Charles County under certain circumstances; providing for the amount of the tax credit; authorizing the governing body of Charles County to provide, by law, for any other provision necessary to carry out the tax credit; providing for the application of this Act; and generally relating to a county property tax credit for certain property formerly owned by Habitat for Humanity of Charles County.

BY adding to
Article – Tax – Property
Section 9–310(h)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 850 – Delegates Barve, Branch, Cane, Donoghue, Dumais, Elmore, Frick, Hammen, Hixson, James, Jones, Kach, Love, Mathias, McHale, Morhaim, Murphy, O'Donnell, Shank, Sophocleus, ~~and Stifler~~ Stifler, Bartlett, Boteler, Cardin, Doory, George, Gilchrist, Howard, Ivey, Kaiser, Myers, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Property Tax Credit – Habitat for Humanity

FOR the purpose of authorizing the Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on certain real property owned by Habitat for Humanity; requiring Habitat for Humanity to submit an annual report to certain governing bodies under certain circumstances; authorizing the Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation to set, by law, the amount, terms, scope, and duration of the tax credit and to provide for any other provision necessary to carry out the tax credit; providing for the application of this Act; and generally relating to authorization for a property tax credit for certain real property owned by Habitat for Humanity.

BY adding to
Article – Tax – Property
Section 9–252
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 252 – Senators Frosh, Forehand, Garagiola, Gladden, Jacobs, Kelley, King, Muse, Raskin, and Stone

AN ACT concerning

Child Support Guidelines – Revision

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (3) OFFERED FROM THE FLOOR BY SENATOR ZIRKIN.

FLOOR AMENDMENT

SB0252/693223/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 252
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "guidelines;" insert "requiring a court, on the request of any party, to hear certain evidence and find certain facts relating to an award of child support; providing that a certain presumption related to child support guidelines may be rebutted if a court makes a certain finding; requiring a court to base an award of child support on the reasonable needs of the child or children and the relative ability of each parent to provide support if the combined adjusted actual income of the parents exceeds a certain amount;"; in line 6, after "changes;" insert "providing for a delayed effective date;"; in line 14, after "(k)" insert ", 12–202(a),"; and in the same line, strike "12–204(e)" and substitute "12–204(d), (e)".

AMENDMENT NO. 2

On page 2, after line 14, insert:

"12–202.

(a) (1) Subject to the provisions of paragraph (2) of this subsection, in any proceeding to establish or modify child support, whether pendente lite or permanent, the court shall use the child support guidelines set forth in this subtitle.

(2) (i) There is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded.

(ii) **ON REQUEST OF ANY PARTY, THE COURT SHALL HEAR EVIDENCE AND FROM THE EVIDENCE FIND THE FACTS RELATING TO THE REASONABLE NEEDS OF THE CHILD FOR SUPPORT AND THE RELATIVE ABILITY OF EACH PARENT TO PROVIDE SUPPORT.**

(III) The presumption **UNDER THIS PARAGRAPH** may be rebutted **[**by evidence that the application of the guidelines would be**] IF, AFTER CONSIDERING THE EVIDENCE, THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT THE APPLICATION OF THE GUIDELINES WOULD NOT MEET OR WOULD EXCEED THE REASONABLE NEEDS OF THE CHILD OR CHILDREN CONSIDERING THE RELATIVE ABILITY OF EACH PARENT TO PROVIDE SUPPORT OR WOULD OTHERWISE BE** unjust or inappropriate in a particular case.

[(iii)**] (IV)** In determining whether **[**the application of the**] TO APPLY THE** guidelines **[**would be unjust or inappropriate**]** in a particular case, the court may consider:

1. the terms of any existing separation or property settlement agreement or court order, including any provisions for payment of mortgages or marital debts, payment of college education expenses, the terms of any use and possession order or right to occupy the family home under an agreement, any direct payments made for the benefit of the children required by agreement or order, or any other financial considerations set out in an existing separation or property settlement agreement or court order; and

2. the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

[(iv)**] (V)** The presumption may not be rebutted solely on the basis of evidence of the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

[(v)**] (VI)** 1. If the court **[**determines that the application of**] CHOOSES NOT TO APPLY** the guidelines **[**would be unjust or inappropriate**]** in a particular case, the court shall make a written finding or specific finding on the record stating the reasons for departing from the guidelines.

2. The court's finding shall state:

A. the amount of child support that would have been required under the guidelines;

B. how the order varies from the guidelines;

C. how the finding serves the best interests of the child; and

D. in cases in which items of value are conveyed instead of a portion of the support presumed under the guidelines, the estimated value of the items conveyed.";

and after line 15, insert:

"(d) If the combined adjusted actual income exceeds the highest level specified in the schedule in subsection (e) of this section, the court **[**may use its discretion in setting**]** **SHALL SET** the amount of child support **BASED ON THE REASONABLE NEEDS OF THE CHILD OR CHILDREN AND THE RELATIVE ABILITY OF EACH PARENT TO PROVIDE SUPPORT**.".

On pages 10 through 19, strike in their entirety the lines beginning with line 30 on page 10 through line 33 on page 19, inclusive.

AMENDMENT NO. 3

On page 21, in line 11, strike "2010" and substitute "2011".

The preceding 3 amendments were withdrawn.

FLOOR AMENDMENT

SB0252/653524/2

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 252
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "guidelines;" insert "requiring a court, at the request of a party, to hear certain evidence and make a certain determination relating to an award of child support;"; and in line 14, after "(k)" insert ", 12–202(a),".

AMENDMENT NO. 2

On page 2, after line 14, insert:

"12–202.

(a) (1) Subject to the provisions of paragraph (2) of this subsection, in any proceeding to establish or modify child support, whether pendente lite or permanent, the court shall use the child support guidelines set forth in this subtitle.

(2) (i) There is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded.

(ii) The presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case.

(iii) In determining whether the application of the guidelines would be unjust or inappropriate in a particular case, the court**:**

1. AT THE REQUEST OF A PARTY, SHALL HEAR EVIDENCE OF THE REASONABLE NEEDS OF THE CHILD OR CHILDREN AND THE RELATIVE ABILITY OF EACH PARENT TO PROVIDE SUPPORT AND DETERMINE WHETHER THE APPLICATION OF THE GUIDELINES WOULD NOT MEET OR WOULD EXCEED THE REASONABLE NEEDS OF THE CHILD OR CHILDREN IN LIGHT OF THE RELATIVE ABILITY OF EACH PARENT TO PROVIDE SUPPORT; AND

2. may consider:

[1.**]** **A.** the terms of any existing separation or property settlement agreement or court order, including any provisions for payment of mortgages or marital debts, payment of college education expenses, the terms of any use and possession order or right to occupy the family home under an agreement, any direct payments made for the benefit of the children required by agreement or order, or any other financial considerations set out in an existing separation or property settlement agreement or court order; and

[2.**]** **B.** the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

(iv) The presumption may not be rebutted solely on the basis of evidence of the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

(v) 1. If the court determines that the application of the guidelines would be unjust or inappropriate in a particular case, the court shall make a written finding or specific finding on the record stating the reasons for departing from the guidelines.

2. The court's finding shall state:

A. the amount of child support that would have been required under the guidelines;

B. how the order varies from the guidelines;

C. how the finding serves the best interests of the child; and

D. in cases in which items of value are conveyed instead of a portion of the support presumed under the guidelines, the estimated value of the items conveyed.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 7 Negative – 39 (See Roll Call No. 332)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 333)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #25
CONSENT CALENDAR #3

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 151	Sen. Pinsky	Prince George's County – Acoholic	EHE

		Beverages – Class B-AE (Arts and Entertainment) License	
SB 152	Sen.Glassman	Harford County – Sheriff's Office – Power to Enforce Noise Control Laws	EHE
SB 153	Sen. Glassman	Harford County – Liquor Control Board Membership – Nomination Process	EHE
SB 182	Sen. Exum	Prince George's County – Alcoholic Beverages – Drive Through Purchase Facilities	EHE
SB 195	Sen. Colburn	Wicomico County – Alcoholic Beverages – Micro-Brewery Licenses	EHE
SB 201	Sen. Exum	Prince George's County – Alcoholic Beverages – Appeal of Order to Close Place of Business	EHE
SB 289	Sen. Edwards	Allegany County and Garrett County – Turkey Hunting – Sundays	EHE
SB 377	Sen. Della	Baltimore City – Alcoholic Beverages – Class C Licensees to Reimburse Board for Costs	EHE
SB 378	Sen. Della	Balt. City – 46th Dist – Alc Bevs – Issnce or Transf of Lics Prohibited in Crtn Precincts – Food Sales	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 3 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 334)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #26

Senate Bill 131 – Senators Pugh, Currie, Exum, Harrington, Jones, King, Lenett, Madaleno, Muse, ~~and Raskin~~ Raskin, and Peters

AN ACT concerning

State Procurement – Minority Business Enterprises – Electronic Certification Process

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 1 (See Roll Call No. 335)

The Bill was then sent to the House of Delegates.

Senate Bill 165 – Senator Conway

AN ACT concerning

Health Occupations – Therapy Management Contracts – ~~Repeal~~ Extension of Sunset

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 336)

The Bill was then sent to the House of Delegates.

Senate Bill 171 – Senators Peters, Astle, Colburn, Conway, DeGrange, Garagiola, Harrington, Kasemeyer, Klausmeier, Lenett, Munson, Pugh, ~~and Robey~~ Robey, and Dyson

AN ACT concerning

Procurement – Service–Disabled Veteran Business Enterprise Participation

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 337)

The Bill was then sent to the House of Delegates.

Senate Bill 174 – Senator Glassman

AN ACT concerning

~~Charter~~ Counties – Local Laws – Digital Copies

Read the third time and passed by yeas and nays as follows:

Affirmative – 42 Negative – 0 (See Roll Call No. 338)

The Bill was then sent to the House of Delegates.

Senate Bill 176 – Senator McFadden

AN ACT concerning

Family Law – Family Day Care Homes and Child Care Centers – Inspections

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 339)

The Bill was then sent to the House of Delegates.

Senate Bill 204 – Senators Pinsky, Harrington, Lenett, and Madaleno

AN ACT concerning

Student Stigma Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 340)

The Bill was then sent to the House of Delegates.

Senate Bill 229 – Senators Garagiola, Astle, Colburn, Conway, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Glassman, Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Mooney, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Simonaire, and Stone

AN ACT concerning

Blue Ribbon Commission on Maryland Transportation Funding

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 341)

The Bill was then sent to the House of Delegates.

Senate Bill 256 – Senators Harrington, Frosh, Garagiola, Kasemeyer, Lenett, Madaleno, McFadden, Peters, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Public Schools – Physical Education Facilities

Read the third time and passed by yeas and nays as follows:

Affirmative – 37 Negative – 10 (See Roll Call No. 342)

The Bill was then sent to the House of Delegates.

Senate Bill 286 – The President (By Request – Administration) and Senators Currie and Conway

AN ACT concerning

Governor's P–20 Leadership Council of Maryland

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 343)

The Bill was then sent to the House of Delegates.

Senate Bill 325 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

State Board of Dental Examiners – Sunset Extension and Revisions

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 344)

The Bill was then sent to the House of Delegates.

Senate Bill 412 – Senators Pugh, Forehand, Harrington, Harris, Lenett, Madaleno, Miller, Muse, Peters, and Raskin

AN ACT concerning

Teacher Certification – Career Professionals

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 345)

The Bill was then sent to the House of Delegates.

Senate Bill 454 – Senator Pinsky

AN ACT concerning

State Licensing Agencies – Justification Statements Required for Fee Increases Proposed by Regulations

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 346)

The Bill was then sent to the House of Delegates.

Senate Bill 541 – Senator Harrington

AN ACT concerning

Natural Resources – Park Advisory Commission – Membership

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 347)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #27

Senate Bill 21 – Senators Robey ~~and Raskin~~, Raskin, Forehand, and Stone

AN ACT concerning

Criminal Law – Animal Cruelty – Penalties and Conditions of Sentencing

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 348)

The Bill was then sent to the House of Delegates.

Senate Bill 22 – Senator Muse

AN ACT concerning

Criminal Law – Prohibitions on Wearing, Carrying, or Transporting Firearms – Exceptions

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 349)

The Bill was then sent to the House of Delegates.

Senate Bill 45 – Senator Haines

AN ACT concerning

Motor Vehicles – Registration Plates – "Home of Our National Anthem"

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 350)

The Bill was then sent to the House of Delegates.

Senate Bill 123 – Senators Brochin, Frosh, and Zirkin

AN ACT concerning

Criminal Procedure – Victim's Compensation – Temporary Lodging for Domestic Violence Victims

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 351)

The Bill was then sent to the House of Delegates.

Senate Bill 135 – Senator Kelley

EMERGENCY BILL

AN ACT concerning

Criminal Procedure – Petition for Writ of Actual Innocence – Notice of Filing and Hearing

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 352)

The Bill was then sent to the House of Delegates.

Senate Bill 224 – Senators King, Frosh, Garagiola, Kelley, Madaleno, Peters, Pugh, and Robey

AN ACT concerning

Real Property – Restrictions – Clotheslines or Other Similar Laundry Drying Devices

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 353)

The Bill was then sent to the House of Delegates.

Senate Bill 230 – Senators Conway, Brochin, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Jones, Kelley, McFadden, Munson, Pugh, Raskin, Rosapepe, Stoltzfus, ~~and Stone~~ Stone, Colburn, Harrington, Peters, and Pinsky

AN ACT concerning

Education – Instruction of Blind and Visually Impaired Students – Use of Braille

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 354)

The Bill was then sent to the House of Delegates.

Senate Bill 248 – Senators Frosh, Brochin, Forehand, Gladden, Haines, Muse, Raskin, and Stone

AN ACT concerning

Civil Cases – Maryland Legal Services Corporation Fund – Surcharges

Read the third time and passed by yeas and nays as follows:

Affirmative – 36 Negative – 11 (See Roll Call No. 355)

The Bill was then sent to the House of Delegates.

Senate Bill 255 – Senators Stone, DeGrange, Forehand, Klausmeier, Raskin, and Robey

AN ACT concerning

Criminal Law – Assault – Law Enforcement Officers and Parole and Probation Agents

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 356)

The Bill was then sent to the House of Delegates.

Senate Bill 343 – Senators Stone, Della, Jacobs, Klausmeier, McFadden, Mooney, Pinsky, and Simonaire

AN ACT concerning

Vehicle Laws – Accidents Resulting in Death – Appearance in Court for Traffic Citations

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 357)

The Bill was then sent to the House of Delegates.

Senate Bill 361 – Senator Astle

AN ACT concerning

Natural Resources – Local Forest Conservation Funds – Use of Money

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 358)

The Bill was then sent to the House of Delegates.

Senate Bill 481 – Senator Robey

AN ACT concerning

Criminal Procedure – Warrantless Arrest – Second Degree Assault

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 359)

The Bill was then sent to the House of Delegates.

Senate Bill 494 – Senator Astle

AN ACT concerning

Department of Natural Resources – Regulation of For–Hire Water Carriers

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 360)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON FINANCE REPORT #8

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 107 – The President (By Request – Administration)

EMERGENCY BILL

AN ACT concerning

Labor and Employment – Unemployment Insurance – Modernization and Tax Relief Act

SB0107/147870/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 107
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Administration)" insert "and Senators Middleton, Della, Exum, Garagiola, and Kelley"; in line 2, strike "Labor and Employment –"; in the same line, before "Modernization" insert "Tax Deferment, Trust Fund Solvency, and Cost–Neutral"; in the same line, strike "and Tax"; in line 3, strike "Relief"; strike beginning with "reducing" in line 11 down through "circumstances;" in line 13 and substitute "altering the minimum amount of wages paid to a claimant for

covered employment for the claimant to be eligible for benefits; decreasing the threshold for subtracting wages to determine an eligible claimant's weekly benefit amount; repealing a provision that prohibits the denial of certain benefits for failure to meet a certain requirement if the failure results from a certain illness or disability; altering the criteria used to determine when a disqualification for a finding of gross misconduct in connection with employment ends; altering the criteria used to determine when a disqualification for a finding of misconduct in connection with employment ends; requiring certain regulations to require the Secretary to offer certain payment plan options under certain circumstances; requiring the Secretary to offer certain payment plan options for certain calendar years; reducing the interest rate on certain late payments under certain circumstances; reducing the interest rate of certain late payments for certain calendar years; clarifying that certain money received during a certain period under the federal American Recovery and Reinvestment Act shall be included among certain total funds available for benefits; requiring the Joint Committee on Unemployment Insurance Oversight to study certain changes that would provide a certain cost–neutral plan to effectuate a certain increase in the maximum weekly benefit amount; requiring the study to include a certain determination of the impact of lowering the amount of wages that may be subtracted in the calculation of the weekly benefit amount; requiring the Joint Committee to report on or before a certain date;"; in line 19, after "8–101(a)" insert ", 8–607(a) through (c),"; and in line 24, strike "8–611(e), 8–612(d)(6), 8–628, and 8–903(a)" and substitute "8–607(d), 8–611(e), 8–628, 8–903(a), 8–907, 8–1002, and 8–1003".

On page 1, after line 26, insert:

"BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 8–803(a) and (c)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)
(As enacted by Chapters 287 and 288 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–803(b) and (d)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

(As enacted by Chapters 287 and 288 of the Acts of the General Assembly of 2009)".

On page 2, in line 11, strike "25" and substitute "28"; in line 31, strike "reducing and"; in line 32, after "obligations" insert "and by returning rates to lower levels more quickly by securing $126.8 million for the Fund without imposing any short– or long–term costs on employers"; and strike beginning with "Reducing" in line 33 down through "benefits" in line 36 and substitute "Securing the $126.8 million will also benefit workers as employers feel less pressure to lay off more employees as the State works to climb out of the recession, and the cost–neutral modernization measures will make more workers eligible for benefits without putting additional pressure on the Fund or imposing any costs on employers".

AMENDMENT NO. 2

On pages 3 through 5, strike the lines beginning with line 24 on page 3 through line 12 on page 5, inclusive.

AMENDMENT NO. 3

On page 9, after line 2, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Labor and Employment

8–803.

(a) (1) To determine the weekly benefit amount to assign to a claimant in the schedule of benefits in subsection (b) of this section, the line in the schedule of benefits shall be located in which the high quarter wages in column (A) correspond to wages that the claimant was paid for covered employment in the calendar quarter of the claimant's base period in which those wages were highest.

(2) The claimant shall be assigned:

(i) the weekly benefit amount in column (B) of the schedule for that line; or

(ii) if the claimant is not eligible under § 8–802 of this subtitle for that weekly benefit amount but was paid wages to qualify in 1 of the next 6 lower lines of the schedule, the weekly benefit amount in the next lower line in column (B) of the schedule.

(b)

SCHEDULE OF BENEFITS

Line	High Quarter Wages (A)	Weekly Benefit Amount (B)	Minimum Qualifying Wages (C)
[(1)	$ 576.01 to $ 600.00	25.00	900.00
(2)	$ 600.01 to $ 624.00	26.00	936.00
(3)	$ 624.01 to $ 648.00	27.00	972.00
(4)	$ 648.01 to $ 672.00	28.00	1,008.00
(5)	$ 672.01 to $ 696.00	29.00	1,044.00
(6)	$ 696.01 to $ 720.00	30.00	1,080.00
(7)	$ 720.01 to $ 744.00	31.00	1,116.00
(8)	$ 744.01 to $ 768.00	32.00	1,152.00
(9)	$ 768.01 to $ 792.00	33.00	1,188.00
(10)	$ 792.01 to $ 816.00	34.00	1,224.00
(11)	$ 816.01 to $ 840.00	35.00	1,260.00
(12)	$ 840.01 to $ 864.00	36.00	1,296.00
(13)	$ 864.01 to $ 888.00	37.00	1,332.00
(14)	$ 888.01 to $ 912.00	38.00	1,368.00
(15)	$ 912.01 to $ 936.00	39.00	1,404.00
(16)	$ 936.01 to $ 960.00	40.00	1,440.00
(17)	$ 960.01 to $ 984.00	41.00	1,476.00
(18)	$ 984.01 to $1,008.00	42.00	1,512.00
(19)	$1,008.01 to $1,032.00	43.00	1,548.00
(20)	$1,032.01 to $1,056.00	44.00	1,584.00
(21)	$1,056.01 to $1,080.00	45.00	1,620.00
(22)	$1,080.01 to $1,104.00	46.00	1,656.00
(23)	$1,104.01 to $1,128.00	47.00	1,692.00
(24)	$1,128.01 to $1,152.00	48.00	1,728.00
(25)	$1,152.01 to $1,176.00	49.00	1,764.00
(26)**] (1)**	$1,176.01 to $1,200.00	50.00	1,800.00
[(27)**] (2)**	$1,200.01 to $1,224.00	51.00	1,836.00

[(28)**] (3)**	$1,224.01 to $1,248.00	52.00	1,872.00
[(29)**] (4)**	$1,248.01 to $1,272.00	53.00	1,908.00
[(30)**] (5)**	$1,272.01 to $1,296.00	54.00	1,944.00
[(31)**] (6)**	$1,296.01 to $1,320.00	55.00	1,980.00
[(32)**] (7)**	$1,320.01 to $1,344.00	56.00	2,016.00
[(33)**] (8)**	$1,344.01 to $1,368.00	57.00	2,052.00
[(34)**] (9)**	$1,368.01 to $1,392.00	58.00	2,088.00
[(35)**] (10)**	$1,392.01 to $1,416.00	59.00	2,124.00
[(36)**] (11)**	$1,416.01 to $1,440.00	60.00	2,160.00
[(37)**] (12)**	$1,440.01 to $1,464.00	61.00	2,196.00
[(38)**] (13)**	$1,464.01 to $1,488.00	62.00	2,232.00
[(39)**] (14)**	$1,488.01 to $1,512.00	63.00	2,268.00
[(40)**] (15)**	$1,512.01 to $1,536.00	64.00	2,304.00
[(41)**] (16)**	$1,536.01 to $1,560.00	65.00	2,340.00
[(42)**] (17)**	$1,560.01 to $1,584.00	66.00	2,376.00
[(43)**] (18)**	$1,584.01 to $1,608.00	67.00	2,412.00
[(44)**] (19)**	$1,608.01 to $1,632.00	68.00	2,448.00
[(45)**] (20)**	$1,632.01 to $1,656.00	69.00	2,484.00
[(46)**] (21)**	$1,656.01 to $1,680.00	70.00	2,520.00
[(47)**] (22)**	$1,680.01 to $1,704.00	71.00	2,556.00
[(48)**] (23)**	$1,704.01 to $1,728.00	72.00	2,592.00
[(49)**] (24)**	$1,728.01 to $1,752.00	73.00	2,628.00
[(50)**] (25)**	$1,752.01 to $1,776.00	74.00	2,664.00
[(51)**] (26)**	$1,776.01 to $1,800.00	75.00	2,700.00
[(52)**] (27)**	$1,800.01 to $1,824.00	76.00	2,736.00
[(53)**] (28)**	$1,824.01 to $1,848.00	77.00	2,772.00
[(54)**] (29)**	$1,848.01 to $1,872.00	78.00	2,808.00
[(55)**] (30)**	$1,872.01 to $1,896.00	79.00	2,844.00
[(56)**] (31)**	$1,896.01 to $1,920.00	80.00	2,880.00
[(57)**] (32)**	$1,920.01 to $1,944.00	81.00	2,916.00
[(58)**] (33)**	$1,944.01 to $1,968.00	82.00	2,952.00
[(59)**] (34)**	$1,968.01 to $1,992.00	83.00	2,988.00
[(60)**] (35)**	$1,992.01 to $2,016.00	84.00	3,024.00
[(61)**] (36)**	$2,016.01 to $2,040.00	85.00	3,060.00
[(62)**] (37)**	$2,040.01 to $2,064.00	86.00	3,096.00
[(63)**] (38)**	$2,064.01 to $2,088.00	87.00	3,132.00

[(64)] **(39)**	$2,088.01 to $2,112.00	88.00	3,168.00
[(65)] **(40)**	$2,112.01 to $2,136.00	89.00	3,204.00
[(66)] **(41)**	$2,136.01 to $2,160.00	90.00	3,240.00
[(67)] **(42)**	$2,160.01 to $2,184.00	91.00	3,276.00
[(68)] **(43)**	$2,184.01 to $2,208.00	92.00	3,312.00
[(69)] **(44)**	$2,208.01 to $2,232.00	93.00	3,348.00
[(70)] **(45)**	$2,232.01 to $2,256.00	94.00	3,384.00
[(71)] **(46)**	$2,256.01 to $2,280.00	95.00	3,420.00
[(72)] **(47)**	$2,280.01 to $2,304.00	96.00	3,456.00
[(73)] **(48)**	$2,304.01 to $2,328.00	97.00	3,492.00
[(74)] **(49)**	$2,328.01 to $2,352.00	98.00	3,528.00
[(75)] **(50)**	$2,352.01 to $2,376.00	99.00	3,564.00
[(76)] **(51)**	$2,376.01 to $2,400.00	100.00	3,600.00
[(77)] **(52)**	$2,400.01 to $2,424.00	101.00	3,636.00
[(78)] **(53)**	$2,424.01 to $2,448.00	102.00	3,672.00
[(79)] **(54)**	$2,448.01 to $2,472.00	103.00	3,708.00
[(80)] **(55)**	$2,472.01 to $2,496.00	104.00	3,744.00
[(81)] **(56)**	$2,496.01 to $2,520.00	105.00	3,780.00
[(82)] **(57)**	$2,520.01 to $2,544.00	106.00	3,816.00
[(83)] **(58)**	$2,544.01 to $2,568.00	107.00	3,852.00
[(84)] **(59)**	$2,568.01 to $2,592.00	108.00	3,888.00
[(85)] **(60)**	$2,592.01 to $2,616.00	109.00	3,924.00
[(86)] **(61)**	$2,616.01 to $2,640.00	110.00	3,960.00
[(87)] **(62)**	$2,640.01 to $2,664.00	111.00	3,996.00
[(88)] **(63)**	$2,664.01 to $2,688.00	112.00	4,032.00
[(89)] **(64)**	$2,688.01 to $2,712.00	113.00	4,068.00
[(90)] **(65)**	$2,712.01 to $2,736.00	114.00	4,104.00
[(91)] **(66)**	$2,736.01 to $2,760.00	115.00	4,140.00
[(92)] **(67)**	$2,760.01 to $2,784.00	116.00	4,176.00
[(93)] **(68)**	$2,784.01 to $2,808.00	117.00	4,212.00
[(94)] **(69)**	$2,808.01 to $2,832.00	118.00	4,248.00
[(95)] **(70)**	$2,832.01 to $2,856.00	119.00	4,284.00
[(96)] **(71)**	$2,856.01 to $2,880.00	120.00	4,320.00
[(97)] **(72)**	$2,880.01 to $2,904.00	121.00	4,356.00
[(98)] **(73)**	$2,904.01 to $2,928.00	122.00	4,392.00
[(99)] **(74)**	$2,928.01 to $2,952.00	123.00	4,428.00

[(100)**] (75)**	$2,952.01 to $2,976.00	124.00	4,464.00
[(101)**] (76)**	$2,976.01 to $3,000.00	125.00	4,500.00
[(102)**] (77)**	$3,000.01 to $3,024.00	126.00	4,536.00
[(103)**] (78)**	$3,024.01 to $3,048.00	127.00	4,572.00
[(104)**] (79)**	$3,048.01 to $3,072.00	128.00	4,608.00
[(105)**] (80)**	$3,072.01 to $3,096.00	129.00	4,644.00
[(106)**] (81)**	$3,096.01 to $3,120.00	130.00	4,680.00
[(107)**] (82)**	$3,120.01 to $3,144.00	131.00	4,716.00
[(108)**] (83)**	$3,144.01 to $3,168.00	132.00	4,752.00
[(109)**] (84)**	$3,168.01 to $3,192.00	133.00	4,788.00
[(110)**] (85)**	$3,192.01 to $3,216.00	134.00	4,824.00
[(111)**] (86)**	$3,216.01 to $3,240.00	135.00	4,860.00
[(112)**] (87)**	$3,240.01 to $3,264.00	136.00	4,896.00
[(113)**] (88)**	$3,264.01 to $3,288.00	137.00	4,932.00
[(114)**] (89)**	$3,288.01 to $3,312.00	138.00	4,968.00
[(115)**] (90)**	$3,312.01 to $3,336.00	139.00	5,004.00
[(116)**] (91)**	$3,336.01 to $3,360.00	140.00	5,040.00
[(117)**] (92)**	$3,360.01 to $3,384.00	141.00	5,076.00
[(118)**] (93)**	$3,384.01 to $3,408.00	142.00	5,112.00
[(119)**] (94)**	$3,408.01 to $3,432.00	143.00	5,148.00
[(120)**] (95)**	$3,432.01 to $3,456.00	144.00	5,184.00
[(121)**] (96)**	$3,456.01 to $3,480.00	145.00	5,220.00
[(122)**] (97)**	$3,480.01 to $3,504.00	146.00	5,256.00
[(123)**] (98)**	$3,504.01 to $3,528.00	147.00	5,292.00
[(124)**] (99)**	$3,528.01 to $3,552.00	148.00	5,328.00
[(125)**] (100)**	$3,552.01 to $3,576.00	149.00	5,364.00
[(126)**] (101)**	$3,576.01 to $3,600.00	150.00	5,400.00
[(127)**] (102)**	$3,600.01 to $3,624.00	151.00	5,436.00
[(128)**] (103)**	$3,624.01 to $3,648.00	152.00	5,472.00
[(129)**] (104)**	$3,648.01 to $3,672.00	153.00	5,508.00
[(130)**] (105)**	$3,672.01 to $3,696.00	154.00	5,544.00
[(131)**] (106)**	$3,696.01 to $3,720.00	155.00	5,580.00
[(132)**] (107)**	$3,720.01 to $3,744.00	156.00	5,616.00
[(133)**] (108)**	$3,744.01 to $3,768.00	157.00	5,652.00
[(134)**] (109)**	$3,768.01 to $3,792.00	158.00	5,688.00
[(135)**] (110)**	$3,792.01 to $3,816.00	159.00	5,724.00

[(136)**] (111)**	$3,816.01 to $3,840.00	160.00	5,760.00
[(137)**] (112)**	$3,840.01 to $3,864.00	161.00	5,796.00
[(138)**] (113)**	$3,864.01 to $3,888.00	162.00	5,832.00
[(139)**] (114)**	$3,888.01 to $3,912.00	163.00	5,868.00
[(140)**] (115)**	$3,912.01 to $3,936.00	164.00	5,904.00
[(141)**] (116)**	$3,936.01 to $3,960.00	165.00	5,940.00
[(142)**] (117)**	$3,960.01 to $3,984.00	166.00	5,976.00
[(143)**] (118)**	$3,984.01 to $4,008.00	167.00	6,012.00
[(144)**] (119)**	$4,008.01 to $4,032.00	168.00	6,048.00
[(145)**] (120)**	$4,032.01 to $4,056.00	169.00	6,084.00
[(146)**] (121)**	$4,056.01 to $4,080.00	170.00	6,120.00
[(147)**] (122)**	$4,080.01 to $4,104.00	171.00	6,156.00
[(148)**] (123)**	$4,104.01 to $4,128.00	172.00	6,192.00
[(149)**] (124)**	$4,128.01 to $4,152.00	173.00	6,228.00
[(150)**] (125)**	$4,152.01 to $4,176.00	174.00	6,264.00
[(151)**] (126)**	$4,176.01 to $4,200.00	175.00	6,300.00
[(152)**] (127)**	$4,200.01 to $4,224.00	176.00	6,336.00
[(153)**] (128)**	$4,224.01 to $4,248.00	177.00	6,372.00
[(154)**] (129)**	$4,248.01 to $4,272.00	178.00	6,408.00
[(155)**] (130)**	$4,272.01 to $4,296.00	179.00	6,444.00
[(156)**] (131)**	$4,296.01 to $4,320.00	180.00	6,480.00
[(157)**] (132)**	$4,320.01 to $4,344.00	181.00	6,516.00
[(158)**] (133)**	$4,344.01 to $4,368.00	182.00	6,552.00
[(159)**] (134)**	$4,368.01 to $4,392.00	183.00	6,588.00
[(160)**] (135)**	$4,392.01 to $4,416.00	184.00	6,624.00
[(161)**] (136)**	$4,416.01 to $4,440.00	185.00	6,660.00
[(162)**] (137)**	$4,440.01 to $4,464.00	186.00	6,696.00
[(163)**] (138)**	$4,464.01 to $4,488.00	187.00	6,732.00
[(164)**] (139)**	$4,488.01 to $4,512.00	188.00	6,768.00
[(165)**] (140)**	$4,512.01 to $4,536.00	189.00	6,804.00
[(166)**] (141)**	$4,536.01 to $4,560.00	190.00	6,840.00
[(167)**] (142)**	$4,560.01 to $4,584.00	191.00	6,876.00
[(168)**] (143)**	$4,584.01 to $4,608.00	192.00	6,912.00
[(169)**] (144)**	$4,608.01 to $4,632.00	193.00	6,948.00
[(170)**] (145)**	$4,632.01 to $4,656.00	194.00	6,984.00
[(171)**] (146)**	$4,656.01 to $4,680.00	195.00	7,020.00

[(172)**] (147)**	$4,680.01 to $4,704.00	196.00	7,056.00
[(173)**] (148)**	$4,704.01 to $4,728.00	197.00	7,092.00
[(174)**] (149)**	$4,728.01 to $4,752.00	198.00	7,128.00
[(175)**] (150)**	$4,752.01 to $4,776.00	199.00	7,164.00
[(176)**] (151)**	$4,776.01 to $4,800.00	200.00	7,200.00
[(177)**] (152)**	$4,800.01 to $4,824.00	201.00	7,236.00
[(178)**] (153)**	$4,824.01 to $4,848.00	202.00	7,272.00
[(179)**] (154)**	$4,848.01 to $4,872.00	203.00	7,308.00
[(180)**] (155)**	$4,872.01 to $4,896.00	204.00	7,344.00
[(181)**] (156)**	$4,896.01 to $4,920.00	205.00	7,380.00
[(182)**] (157)**	$4,920.01 to $4,944.00	206.00	7,416.00
[(183)**] (158)**	$4,944.01 to $4,968.00	207.00	7,452.00
[(184)**] (159)**	$4,968.01 to $4,992.00	208.00	7,488.00
[(185)**] (160)**	$4,992.01 to $5,016.00	209.00	7,524.00
[(186)**] (161)**	$5,016.01 to $5,040.00	210.00	7,560.00
[(187)**] (162)**	$5,040.01 to $5,064.00	211.00	7,596.00
[(188)**] (163)**	$5,064.01 to $5,088.00	212.00	7,632.00
[(189)**] (164)**	$5,088.01 to $5,112.00	213.00	7,668.00
[(190)**] (165)**	$5,112.01 to $5,136.00	214.00	7,704.00
[(191)**] (166)**	$5,136.01 to $5,160.00	215.00	7,740.00
[(192)**] (167)**	$5,160.01 to $5,184.00	216.00	7,776.00
[(193)**] (168)**	$5,184.01 to $5,208.00	217.00	7,812.00
[(194)**] (169)**	$5,208.01 to $5,232.00	218.00	7,848.00
[(195)**] (170)**	$5,232.01 to $5,256.00	219.00	7,884.00
[(196)**] (171)**	$5,256.01 to $5,280.00	220.00	7,920.00
[(197)**] (172)**	$5,280.01 to $5,304.00	221.00	7,956.00
[(198)**] (173)**	$5,304.01 to $5,328.00	222.00	7,992.00
[(199)**] (174)**	$5,328.01 to $5,352.00	223.00	8,028.00
[(200)**] (175)**	$5,352.01 to $5,376.00	224.00	8,064.00
[(201)**] (176)**	$5,376.01 to $5,400.00	225.00	8,100.00
[(202)**] (177)**	$5,400.01 to $5,424.00	226.00	8,136.00
[(203)**] (178)**	$5,424.01 to $5,448.00	227.00	8,172.00
[(204)**] (179)**	$5,448.01 to $5,472.00	228.00	8,208.00
[(205)**] (180)**	$5,472.01 to $5,496.00	229.00	8,244.00
[(206)**] (181)**	$5,496.01 to $5,520.00	230.00	8,280.00
[(207)**] (182)**	$5,520.01 to $5,544.00	231.00	8,316.00

[(208)**] (183)**	$5,544.01 to $5,568.00	232.00	8,352.00
[(209)**] (184)**	$5,568.01 to $5,592.00	233.00	8,388.00
[(210)**] (185)**	$5,592.01 to $5,616.00	234.00	8,424.00
[(211)**] (186)**	$5,616.01 to $5,640.00	235.00	8,460.00
[(212)**] (187)**	$5,640.01 to $5,664.00	236.00	8,496.00
[(213)**] (188)**	$5,664.01 to $5,688.00	237.00	8,532.00
[(214)**] (189)**	$5,688.01 to $5,712.00	238.00	8,568.00
[(215)**] (190)**	$5,712.01 to $5,736.00	239.00	8,604.00
[(216)**] (191)**	$5,736.01 to $5,760.00	240.00	8,640.00
[(217)**] (192)**	$5,760.01 to $5,784.00	241.00	8,676.00
[(218)**] (193)**	$5,784.01 to $5,808.00	242.00	8,712.00
[(219)**] (194)**	$5,808.01 to $5,832.00	243.00	8,748.00
[(220)**] (195)**	$5,832.01 to $5,856.00	244.00	8,784.00
[(221)**] (196)**	$5,856.01 to $5,880.00	245.00	8,820.00
[(222)**] (197)**	$5,880.01 to $5,904.00	246.00	8,856.00
[(223)**] (198)**	$5,904.01 to $5,928.00	247.00	8,892.00
[(224)**] (199)**	$5,928.01 to $5,952.00	248.00	8,928.00
[(225)**] (200)**	$5,952.01 to $5,976.00	249.00	8,964.00
[(226)**] (201)**	$5,976.01 to $6,000.00	250.00	9,000.00
[(227)**] (202)**	$6,000.01 to $6,024.00	251.00	9,036.00
[(228)**] (203)**	$6,024.01 to $6,048.00	252.00	9,072.00
[(229)**] (204)**	$6,048.01 to $6,072.00	253.00	9,108.00
[(230)**] (205)**	$6,072.01 to $6,096.00	254.00	9,144.00
[(231)**] (206)**	$6,096.01 to $6,120.00	255.00	9,180.00
[(232)**] (207)**	$6,120.01 to $6,144.00	256.00	9,216.00
[(233)**] (208)**	$6,144.01 to $6,168.00	257.00	9,252.00
[(234)**] (209)**	$6,168.01 to $6,192.00	258.00	9,288.00
[(235)**] (210)**	$6,192.01 to $6,216.00	259.00	9,324.00
[(236)**] (211)**	$6,216.01 to $6,240.00	260.00	9,360.00
[(237)**] (212)**	$6,240.01 to $6,264.00	261.00	9,396.00
[(238)**] (213)**	$6,264.01 to $6,288.00	262.00	9,432.00
[(239)**] (214)**	$6,288.01 to $6,312.00	263.00	9,468.00
[(240)**] (215)**	$6,312.01 to $6,336.00	264.00	9,504.00
[(241)**] (216)**	$6,336.01 to $6,360.00	265.00	9,540.00
[(242)**] (217)**	$6,360.01 to $6,384.00	266.00	9,576.00
[(243)**] (218)**	$6,384.01 to $6,408.00	267.00	9,612.00

[(244)**] (219)**	$6,408.01 to $6,432.00	268.00	9,648.00
[(245)**] (220)**	$6,432.01 to $6,456.00	269.00	9,684.00
[(246)**] (221)**	$6,456.01 to $6,480.00	270.00	9,720.00
[(247)**] (222)**	$6,480.01 to $6,504.00	271.00	9,756.00
[(248)**] (223)**	$6,504.01 to $6,528.00	272.00	9,792.00
[(249)**] (224)**	$6,528.01 to $6,552.00	273.00	9,828.00
[(250)**] (225)**	$6,552.01 to $6,576.00	274.00	9,864.00
[(251)**] (226)**	$6,576.01 to $6,600.00	275.00	9,900.00
[(252)**] (227)**	$6,600.01 to $6,624.00	276.00	9,936.00
[(253)**] (228)**	$6,624.01 to $6,648.00	277.00	9,972.00
[(254)**] (229)**	$6,648.01 to $6,672.00	278.00	10,008.00
[(255)**] (230)**	$6,672.01 to $6,696.00	279.00	10,044.00
[(256)**] (231)**	$6,696.01 to $6,720.00	280.00	10,080.00
[(257)**] (232)**	$6,720.01 to $6,744.00	281.00	10,116.00
[(258)**] (233)**	$6,744.01 to $6,768.00	282.00	10,152.00
[(259)**] (234)**	$6,768.01 to $6,792.00	283.00	10,188.00
[(260)**] (235)**	$6,792.01 to $6,816.00	284.00	10,224.00
[(261)**] (236)**	$6,816.01 to $6,840.00	285.00	10,260.00
[(262)**] (237)**	$6,840.01 to $6,864.00	286.00	10,296.00
[(263)**] (238)**	$6,864.01 to $6,888.00	287.00	10,332.00
[(264)**] (239)**	$6,888.01 to $6,912.00	288.00	10,368.00
[(265)**] (240)**	$6,912.01 to $6,936.00	289.00	10,404.00
[(266)**] (241)**	$6,936.01 to $6,960.00	290.00	10,440.00
[(267)**] (242)**	$6,960.01 to $6,984.00	291.00	10,476.00
[(268)**] (243)**	$6,984.01 to $7,008.00	292.00	10,512.00
[(269)**] (244)**	$7,008.01 to $7,032.00	293.00	10,548.00
[(270)**] (245)**	$7,032.01 to $7,056.00	294.00	10,584.00
[(271)**] (246)**	$7,056.01 to $7,080.00	295.00	10,620.00
[(272)**] (247)**	$7,080.01 to $7,104.00	296.00	10,656.00
[(273)**] (248)**	$7,104.01 to $7,128.00	297.00	10,692.00
[(274)**] (249)**	$7,128.01 to $7,152.00	298.00	10,728.00
[(275)**] (250)**	$7,152.01 to $7,176.00	299.00	10,764.00
[(276)**] (251)**	$7,176.01 to $7,200.00	300.00	10,800.00
[(277)**] (252)**	$7,200.01 to $7,224.00	301.00	10,836.00
[(278)**] (253)**	$7,224.01 to $7,248.00	302.00	10,872.00
[(279)**] (254)**	$7,248.01 to $7,272.00	303.00	10,908.00

[(280)**] (255)**	$7,272.01 to $7,296.00	304.00	10,944.00
[(281)**] (256)**	$7,296.01 to $7,320.00	305.00	10,980.00
[(282)**] (257)**	$7,320.01 to $7,344.00	306.00	11,016.00
[(283)**] (258)**	$7,344.01 to $7,368.00	307.00	11,052.00
[(284)**] (259)**	$7,368.01 to $7,392.00	308.00	11,088.00
[(285)**] (260)**	$7,392.01 to $7,416.00	309.00	11,124.00
[(286)**] (261)**	$7,416.01 to $7,440.00	310.00	11,160.00
[(287)**] (262)**	$7,440.01 to $7,464.00	311.00	11,196.00
[(288)**] (263)**	$7,464.01 to $7,488.00	312.00	11,232.00
[(289)**] (264)**	$7,488.01 to $7,512.00	313.00	11,268.00
[(290)**] (265)**	$7,512.01 to $7,536.00	314.00	11,304.00
[(291)**] (266)**	$7,536.01 to $7,560.00	315.00	11,340.00
[(292)**] (267)**	$7,560.01 to $7,584.00	316.00	11,376.00
[(293)**] (268)**	$7,584.01 to $7,608.00	317.00	11,412.00
[(294)**] (269)**	$7,608.01 to $7,632.00	318.00	11,448.00
[(295)**] (270)**	$7,632.01 to $7,656.00	319.00	11,484.00
[(296)**] (271)**	$7,656.01 to $7,680.00	320.00	11,520.00
[(297)**] (272)**	$7,680.01 to $7,704.00	321.00	11,556.00
[(298)**] (273)**	$7,704.01 to $7,728.00	322.00	11,592.00
[(299)**] (274)**	$7,728.01 to $7,752.00	323.00	11,628.00
[(300)**] (275)**	$7,752.01 to $7,776.00	324.00	11,664.00
[(301)**] (276)**	$7,776.01 to $7,800.00	325.00	11,700.00
[(302)**] (277)**	$7,800.01 to $7,824.00	326.00	11,736.00
[(303)**] (278)**	$7,824.01 to $7,848.00	327.00	11,772.00
[(304)**] (279)**	$7,848.01 to $7,872.00	328.00	11,808.00
[(305)**] (280)**	$7,872.01 to $7,896.00	329.00	11,844.00
[(306)**] (281)**	$7,896.01 to $7,920.00	330.00	11,880.00
[(307)**] (282)**	$7,920.01 to $7,944.00	331.00	11,916.00
[(308)**] (283)**	$7,944.01 to $7,968.00	332.00	11,952.00
[(309)**] (284)**	$7,968.01 to $7,992.00	333.00	11,988.00
[(310)**] (285)**	$7,992.01 to $8,016.00	334.00	12,024.00
[(311)**] (286)**	$8,016.01 to $8,040.00	335.00	12,060.00
[(312)**] (287)**	$8,040.01 to $8,064.00	336.00	12,096.00
[(313)**] (288)**	$8,064.01 to $8,088.00	337.00	12,132.00
[(314)**] (289)**	$8,088.01 to $8,112.00	338.00	12,168.00
[(315)**] (290)**	$8,112.01 to $8,136.00	339.00	12,204.00

[(316)**] (291)**	$8,136.01 to $8,160.00	340.00	12,240.00
[(317)**] (292)**	$8,160.01 to $8,184.00	341.00	12,276.00
[(318)**] (293)**	$8,184.01 to $8,208.00	342.00	12,312.00
[(319)**] (294)**	$8,208.01 to $8,232.00	343.00	12,348.00
[(320)**] (295)**	$8,232.01 to $8,256.00	344.00	12,384.00
[(321)**] (296)**	$8,256.01 to $8,280.00	345.00	12,420.00
[(322)**] (297)**	$8,280.01 to $8,304.00	346.00	12,456.00
[(323)**] (298)**	$8,304.01 to $8,328.00	347.00	12,492.00
[(324)**] (299)**	$8,328.01 to $8,352.00	348.00	12,528.00
[(325)**] (300)**	$8,352.01 to $8,376.00	349.00	12,564.00
[(326)**] (301)**	$8,376.01 to $8,400.00	350.00	12,600.00
[(327)**] (302)**	$8,400.01 to $8,424.00	351.00	12,636.00
[(328)**] (303)**	$8,424.01 to $8,448.00	352.00	12,672.00
[(329)**] (304)**	$8,448.01 to $8,472.00	353.00	12,708.00
[(330)**] (305)**	$8,472.01 to $8,496.00	354.00	12,744.00
[(331)**] (306)**	$8,496.01 to $8,520.00	355.00	12,780.00
[(332)**] (307)**	$8,520.01 to $8,544.00	356.00	12,816.00
[(333)**] (308)**	$8,544.01 to $8,568.00	357.00	12,852.00
[(334)**] (309)**	$8,568.01 to $8,592.00	358.00	12,888.00
[(335)**] (310)**	$8,592.01 to $8,616.00	359.00	12,924.00
[(336)**] (311)**	$8,616.01 to $8,640.00	360.00	12,960.00
[(337)**] (312)**	$8,640.01 to $8,664.00	361.00	12,996.00
[(338)**] (313)**	$8,664.01 to $8,688.00	362.00	13,032.00
[(339)**] (314)**	$8,688.01 to $8,712.00	363.00	13,068.00
[(340)**] (315)**	$8,712.01 to $8,736.00	364.00	13,104.00
[(341)**] (316)**	$8,736.01 to $8,760.00	365.00	13,140.00
[(342)**] (317)**	$8,760.01 to $8,784.00	366.00	13,176.00
[(343)**] (318)**	$8,784.01 to $8,808.00	367.00	13,212.00
[(344)**] (319)**	$8,808.01 to $8,832.00	368.00	13,248.00
[(345)**] (320)**	$8,832.01 to $8,856.00	369.00	13,284.00
[(346)**] (321)**	$8,856.01 to $8,880.00	370.00	13,320.00
[(347)**] (322)**	$8,880.01 to $8,904.00	371.00	13,356.00
[(348)**] (323)**	$8,904.01 to $8,928.00	372.00	13,392.00
[(349)**] (324)**	$8,928.01 to $8,952.00	373.00	13,428.00
[(350)**] (325)**	$8,952.01 to $8,976.00	374.00	13,464.00
[(351)**] (326)**	$8,976.01 to $9,000.00	375.00	13,500.00

[(352)**] (327)**	$9,000.01 to $9,024.00	376.00	13,536.00
[(353)**] (328)**	$9,024.01 to $9,048.00	377.00	13,572.00
[(354)**] (329)**	$9,048.01 to $9,072.00	378.00	13,608.00
[(355)**] (330)**	$9,072.01 to $9,096.00	379.00	13,644.00
[(356)**] (331)**	$9,096.01 to $9,120.00	380.00	13,680.00
[(357)**] (332)**	$9,120.01 to $9,144.00	381.00	13,716.00
[(358)**] (333)**	$9,144.01 to $9,168.00	382.00	13,752.00
[(359)**] (334)**	$9,168.01 to $9,192.00	383.00	13,788.00
[(360)**] (335)**	$9,192.01 to $9,216.00	384.00	13,824.00
[(361)**] (336)**	$9,216.01 to $9,240.00	385.00	13,860.00
[(362)**] (337)**	$9,240.01 to $9,264.00	386.00	13,896.00
[(363)**] (338)**	$9,264.01 to $9,288.00	387.00	13,932.00
[(364)**] (339)**	$9,288.01 to $9,312.00	388.00	13,968.00
[(365)**] (340)**	$9,312.01 to $9,336.00	389.00	14,004.00
[(366)**] (341)**	$9,336.01 to $9,360.00	390.00	14,040.00
[(367)**] (342)**	$9,360.01 to $9,384.00	391.00	14,076.00
[(368)**] (343)**	$9,384.01 to $9,408.00	392.00	14,112.00
[(369)**] (344)**	$9,408.01 to $9,432.00	393.00	14,148.00
[(370)**] (345)**	$9,432.01 to $9,456.00	394.00	14,184.00
[(371)**] (346)**	$9,456.01 to $9,480.00	395.00	14,220.00
[(372)**] (347)**	$9,480.01 to $9,504.00	396.00	14,256.00
[(373)**] (348)**	$9,504.01 to $9,528.00	397.00	14,292.00
[(374)**] (349)**	$9,528.01 to $9,552.00	398.00	14,328.00
[(375)**] (350)**	$9,552.01 to $9,576.00	399.00	14,364.00
[(376)**] (351)**	$9,576.01 to $9,600.00	400.00	14,400.00
[(377)**] (352)**	$9,600.01 to $9,624.00	401.00	14,436.00
[(378)**] (353)**	$9,624.01 to $9,648.00	402.00	14,472.00
[(379)**] (354)**	$9,648.01 to $9,672.00	403.00	14,508.00
[(380)**] (355)**	$9,672.01 to $9,696.00	404.00	14,544.00
[(381)**] (356)**	$9,696.01 to $9,720.00	405.00	14,580.00
[(382)**] (357)**	$9,720.01 to $9,744.00	406.00	14,616.00
[(383)**] (358)**	$9,744.01 to $9,768.00	407.00	14,652.00
[(384)**] (359)**	$9,768.01 to $9,792.00	408.00	14,688.00
[(385)**] (360)**	$9,792.01 to $9,816.00	409.00	14,724.00
[(386)**] (361)**	$9,816.01 to $9,840.00	410.00	14,760.00
[(387)**] (362)**	$9,840.01 to $9,864.00	411.00	14,796.00

[(388)**] (363)**	$9,864.01 to $9,888.00	412.00	14,832.00
[(389)**] (364)**	$9,888.01 to $9,912.00	413.00	14,868.00
[(390)**] (365)**	$9,912.01 to $9,936.00	414.00	14,904.00
[(391)**] (366)**	$9,936.01 to $9,960.00	415.00	14,940.00
[(392)**] (367)**	$9,960.01 to $9,984.00	416.00	14,976.00
[(393)**] (368)**	$9,984.01 to $10,008.00	417.00	15,012.00
[(394)**] (369)**	$10,008.01 to $10,032.00	418.00	15,048.00
[(395)**] (370)**	$10,032.01 to $10,056.00	419.00	15,084.00
[(396)**] (371)**	$10,056.01 to $10,080.00	420.00	15,120.00
[(397)**] (372)**	$10,080.01 to $10,104.00	421.00	15,156.00
[(398)**] (373)**	$10,104.01 to $10,128.00	422.00	15,192.00
[(399)**] (374)**	$10,128.01 to $10,152.00	423.00	15,228.00
[(400)**] (375)**	$10,152.01 to $10,176.00	424.00	15,264.00
[(401)**] (376)**	$10,176.01 to $10,200.00	425.00	15,300.00
[(402)**] (377)**	$10,200.01 to $10,224.00	426.00	15,336.00
[(403)**] (378)**	$10,224.01 to $10,248.00	427.00	15,372.00
[(404)**] (379)**	$10,248.01 to $10,272.00	428.00	15,408.00
[(405)**] (381)**	$10,272.01 to $10,296.00	429.00	15,444.00
[(406)**] (382)**	$10,296.01 and over	430.00	15,480.00

(c) The schedule of benefits that is in effect on the 1st day of a claimant's benefit year applies to the claimant throughout that benefit year.".

AMENDMENT NO. 4

On page 9, before line 3, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Labor and Employment

8–803.

(d) (1) Except as provided in § 8–1207 of this title for the work sharing program and § 8–1604 of this title for the Self–Employment Assistance Program, an eligible claimant shall be paid a weekly benefit amount that is computed by:

(i) determining the claimant's weekly benefit amount under this section;

(ii) adding any allowance for a dependent to which the claimant is entitled under § 8–804 of this subtitle; and

(iii) subtracting any wages exceeding **[**$100**] $50** payable to the claimant for the week.

(2) In computing benefits under this subsection, a fraction of a dollar shall be rounded to the next lower dollar.

8–907.

(a) **[**An individual may not be denied benefits for any week of unemployment for failure to meet the requirements of § 8–903(a)(1) of this subtitle to be able to work, available for work, and actively seeking work if the failure results from illness or disability that occurs after the individual has registered for work, provided that no work that would have been considered suitable at the time of the initial registration is offered to the individual after the beginning of the illness or disability.

(b)**]** An individual may not be denied benefits for any week of unemployment for failure to meet the requirements of § 8–903(a)(1) of this subtitle to be able to work, be available to work, and actively seeking work if the failure results from a summons to appear for jury duty.

[(c)**](B)** An individual may not be denied benefits for any week of unemployment for failure to meet the requirement of § 8–903(a)(1)(iii) of this subtitle to seek work actively if the individual:

(1) is at least 60 years old; and

(2) has been furloughed temporarily and is subject to recall.

8–1002.

(a) In this section, "gross misconduct":

(1) means conduct of an employee that is:

(i) deliberate and willful disregard of standards of behavior that an employing unit rightfully expects and that shows gross indifference to the interests of the employing unit; or

(ii) repeated violations of employment rules that prove a regular and wanton disregard of the employee's obligations; and

(2) does not include:

(i) aggravated misconduct, as defined under § 8–1002.1 of this subtitle; or

(ii) other misconduct, as defined under § 8–1003 of this subtitle.

(b) An individual who otherwise is eligible to receive benefits is disqualified from receiving benefits if unemployment results from discharge or suspension as a disciplinary measure for behavior that the Secretary finds is gross misconduct in connection with employment.

(c) A disqualification under this section shall:

(1) begin with the first week for which unemployment is caused by discharge or suspension for gross misconduct as determined under this section; and

(2) continue until the individual is reemployed and has earned wages in covered employment that equal at least **[**20**]** **25** times the weekly benefit amount of the individual.

8–1003.

(a) An individual who otherwise is eligible to receive benefits is disqualified from receiving benefits if the Secretary finds that unemployment results from discharge or suspension as a disciplinary measure for behavior that the Secretary finds is misconduct in connection with employment but that is not:

(1) aggravated misconduct, under § 8–1002.1 of this subtitle; or

(2) gross misconduct under § 8–1002 of this subtitle.

(b) A disqualification under this section shall:

(1) begin with the first week for which unemployment is caused by discharge or suspension for misconduct; and

(2) continue for a total of at least **[**5**] 10** but not more than **[**10**] 15** weeks, as determined by the Secretary, based on the seriousness of the misconduct.

SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Labor and Employment

8–607.

(a) Except as provided in Part III of this subtitle, an employing unit shall pay to the Secretary contributions for the Unemployment Insurance Fund on taxable wages for covered employment that is performed for the employing unit.

(b) (1) Subject to paragraph (2) of this subsection, the taxable wage base is the first $8,500 in wages that:

(i) an employing unit pays to each employee for covered employment during a calendar year;

(ii) an employing unit pays to each employee for covered employment in this State and another state during a calendar year if the employee was continuously employed immediately before and after a transfer of a business from another state during a calendar year;

(iii) a reorganized employer pays to each employee for covered employment if the employee was continuously employed immediately before and after the reorganization in a calendar year and if the contribution rate of the reorganized employer is based on the experience with payrolls and benefit charges of the employing unit before the reorganization in accordance with § 8–613(b) of this subtitle; or

(iv) an employing unit or predecessor employer or combination of both pays to each employee for covered employment during a calendar year if the payrolls and benefit charges of the predecessor employing unit are transferred to the successor employing unit in accordance with § 8–613(d) or (e) of this subtitle.

(2) If the Federal Unemployment Tax Act or any other federal tax law that allows a credit for a contribution to a state unemployment insurance fund increases the maximum amount of wages taxable under that law in a calendar year to more than $8,500, the taxable wage base under paragraph (1) of this subsection shall be the same as under the federal law.

(c) (1) The Secretary shall determine the rate of contribution for each employing unit as of the computation date for the next calendar year.

(2) The rate of contribution is effective for 1 calendar year.

(d) (1) **(I)** By regulation, the Secretary shall set:

[(i)**]1.** the date when contributions are due; and

[(ii)**]2.** the manner in which contributions are to be paid.

(II) THE REGULATIONS SHALL REQUIRE THAT, FOR ANY CALENDAR YEAR IN WHICH TABLE F IS APPLICABLE UNDER § 8–612(6) OF THIS TITLE, THE SECRETARY OFFER A VARIETY OF PAYMENT PLAN OPTIONS THAT SPREAD THROUGH THE END OF AUGUST THE DATES WHEN CONTRIBUTIONS ARE DUE ON TAXABLE WAGES FOR COVERED EMPLOYMENT OF THE FIRST 6 MONTHS OF THE CALENDAR YEAR.

(2) In accordance with regulations adopted by the Secretary, an employing unit shall:

(i) submit to the Secretary periodic reports for determination of the amount of contributions due; and

(ii) pay the contribution.

(3) For payment of contributions, a fractional part of a cent:

(i) that is less than one–half cent shall be disregarded; and

(ii) that is one–half cent or more shall be increased to 1 cent.

SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Labor and Employment

8–628.

(A) Except as provided in § 8–201.1 of this title, a contribution or reimbursement payment that is due and unpaid shall accrue interest at the rate of 1.5% per month or part of a month from the date on which it is due until the Secretary receives the contribution or payment in lieu of contributions and the interest.

(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, EXCEPT AS PROVIDED IN § 8–201.1 OF THIS TITLE, FOR ANY CALENDAR YEAR IN WHICH TABLE F IS APPLICABLE UNDER § 8–612(6) OF THIS SUBTITLE, A CONTRIBUTION OR REIMBURSEMENT PAYMENT THAT IS DUE AND UNPAID SHALL ACCRUE INTEREST AT THE RATE OF 0.5% PER MONTH OR PART OF A MONTH FROM THE DATE ON WHICH IT IS DUE UNTIL THE SECRETARY RECEIVES THE CONTRIBUTION OR PAYMENT IN LIEU OF CONTRIBUTIONS AND THE INTEREST.

SECTION 8. AND BE IT FURTHER ENACTED, That, for the purpose of making any computation under § 8–612 of the Labor and Employment Article for calendar year 2011, any money receivable by the Unemployment Insurance Fund under the federal American Recovery and Reinvestment Act during calendar year 2010 as a result of the enactment of this Act shall be included among the total funds available for benefits under § 8–612(e) of the Labor and Employment Article.

SECTION 9. AND BE IT FURTHER ENACTED, That, for calendar years 2010 and 2011, the Secretary of Labor, Licensing, and Regulation shall offer a variety of payment plan options that spread through the end of December the dates when

contributions are due on taxable wages for covered employment of the first 9 months of the calendar year.

SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding § 8–628 of the Labor and Employment Article, as enacted by Section 7 of this Act, for calendar years 2010 and 2011, a contribution or reimbursement payment that is due and unpaid shall accrue interest at a rate of 0.5% per month or part of a month from the date on which it is due until the Secretary receives the contribution or payment in lieu of contributions and the interest.

SECTION 11. AND BE IT FURTHER ENACTED, That:

(1) The Joint Committee on Unemployment Insurance Oversight shall study changes to the unemployment insurance system that would provide a cost–neutral plan to effectuate a graduated increase of the maximum weekly benefit to 54% of the average weekly wage.

(2) (i) The study shall include a determination of whether the change made under § 8–803(d)(1)(iii) of the Labor and Employment Article, as enacted by Section 5 of this Act, serves as a disincentive for claimants to return to work and whether the computation under § 8–803(d)(1)(iii) of the Labor and Employment Article, as enacted by Section 5 of this Act, should be changed to be based on the amount of weekly wages. The Joint Committee shall review any research on this issue to assist in this determination.

(ii) If the study indicates that the computation under § 8–803(d)(1)(iii) of the Labor and Employment Article, as enacted by Section 5 of this Act, should be changed in a manner that increases benefit payouts, the Joint Committee shall determine a method for obtaining an equivalent amount of savings to the Unemployment Insurance Fund.

(iii) If the study is inconclusive, the Joint Committee shall continue each year to monitor whether the change made under § 8–803(d)(1)(iii) of the Labor and Employment Article, as enacted by Section 5 of this Act, serves as a disincentive for claimants to return to work.

(3) The Joint Committee shall report on or before December 1, 2010, to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly with its recommendations.

SECTION 12. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall take effect March 1, 2012, and shall apply to all claims filed establishing a new benefit year on or after March 4, 2012.

SECTION 13. AND BE IT FURTHER ENACTED, That Sections 6 and 7 of this Act shall take effect January 1, 2012, and shall apply to contributions on taxable wages for covered employment beginning on or after January 1, 2012.";

in lines 3, 6, and 9, strike "4.", "5.", and "6.", respectively, and substitute "14.", "15.", and "16.", respectively; in line 3, strike "Section 1" and substitute "Sections 1, 2, and 5"; and in line 13, strike "4 and 5" and substitute "12, 13, 14, and 15".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0107/917073/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 107, AS AMENDED

On page 17 of the Finance Committee Amendments (SB0107/147870/2), in lines 22 and 23 of Amendment No. 3, strike "**(381)**" and "**(382)**", respectively, and substitute "**(380)**" and "**(381)**", respectively.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 523 – Senators Pugh, Conway, Exum, Harrington, Jones, McFadden, Peters, and Raskin

AN ACT concerning

Credit Card Blacklisting Prevention Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 598 – Senator Rosapepe

AN ACT concerning

Public Utility Companies – University of Maryland, College Park Bus Service – Motor Carrier Permit Exemption – Removal of Sunset

SB0598/447676/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 598
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "Sunset" insert "and Service Expansion"; in line 6, after "Park;" insert "altering certain provisions of law relating to the geographic area in which the University of Maryland, College Park may provide certain bus service and the persons eligible to use the bus service;"; in line 7, strike "a"; in line 8, strike "corporation" and substitute "corporations"; and in line 9, strike "without" and substitute "with".

AMENDMENT NO. 2

On page 2, in line 28, strike the first "the" and substitute "**ANY**"; and in line 29, after "located" insert "**OR HAS PROPERTY**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 787 – Senator Pugh

AN ACT concerning

Financial Institutions – Mortgage Lenders – Net Worth Requirements

SB0787/997877/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 787
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "an" and substitute "a certain"; and in line 7, after "accounting" insert "approved by the Commissioner of Financial Regulation".

AMENDMENT NO. 2

On page 2, in line 7, after "**OR**" insert "**, WITH RESPECT TO AN APPLICANT OR LICENSEE DESCRIBED IN ITEM (1) OF THIS SUBSECTION,**"; and in the same line, after "**ACCOUNTING**" insert" **APPROVED BY THE COMMISSIONER**".

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 REPORT #7

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 902 – Senator McFadden

AN ACT concerning

State Employee and Retiree Health and Welfare Benefits Program – Attorney Grievance Commission and the Client Protection Fund of the Bar of Maryland – Eligibility for Enrollment and Participation

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 981 – Senator Zirkin

AN ACT concerning

Creation of a State Debt – Baltimore County – Baltimore County Humane Society

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs and the Committee on Budget and Taxation:

Senate Bill 987 – Senator Astle

AN ACT concerning

Natural Resources – Conservation Law Enforcement Act of 2010

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs and the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 988 – Senators Forehand and Raskin

AN ACT concerning

Consumer Protection – Cable Operators – Purchase of Cable Converter Box

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 990 – Senators Forehand, Madaleno, Pinsky, and Raskin

AN ACT concerning

Courts and Judicial Proceedings – Strategic Lawsuits Against Public Participation

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 991 – Senator Pipkin

AN ACT concerning

Maryland Transportation Authority – Chesapeake Bay Bridge – Tolls

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 996 – Senator Pipkin

AN ACT concerning

Creation of a State Debt – Queen Anne's County – Cross County Trail Phase I

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 997 – Senator Pipkin

AN ACT concerning

Creation of a State Debt – Queen Anne's County – Queen Anne's County YMCA

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 998 – Senators Pipkin and Brinkley

CONSTITUTIONAL AMENDMENT

AN ACT concerning

State Budget

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 999 – Senator Pipkin

AN ACT concerning

Creation of a State Debt – Queen Anne's County – Hospice of Queen Anne's

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1000 – Senator Robey

AN ACT concerning

State Employee and Retiree Health and Welfare Benefits Program – Baltimore Metropolitan Council – Eligibility

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1001 – Senator Brinkley

AN ACT concerning

Vehicle Laws – Overtaking and Passing School Vehicles – School Bus Monitoring Cameras

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1002 – Senators Muse, Harrington, and Peters

AN ACT concerning

Satellite Simulcast Betting – Instant Horse Racing Machines

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1005 – Senator Pugh

AN ACT concerning

Health Services Cost Review Commission – Podiatric Medical Examiners Residency Program

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1008 – Senator Exum

AN ACT concerning

Wireless Telephone Service – Trial Periods and Termination of Service

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1012 – Senator Stoltzfus

AN ACT concerning

Employees' Pension System – Eligibility Service Credit – Early Service Retirement Allowance

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1013 – Senator Jacobs

AN ACT concerning

Harford County Property Tax Credit – Homes near a Refuse Disposal System – Extension to Additional Properties

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1017 – Senators Kasemeyer, Astle, Della, Edwards, Exum, Forehand, Garagiola, Gladden, Haines, Jacobs, King, Madaleno, McFadden, Muse, Pinsky, and Rosapepe

AN ACT concerning

Child Welfare Training Act of 2010

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1019 – Senator Kelley

AN ACT concerning

Real Property – Real Estate Settlements – Disclosures

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1020 – Senator Dyson

AN ACT concerning

Natural Resources – Incidental Taking Permit for Endangered Puritan Tiger Beetle – Requirements

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1022 – Senator McFadden

AN ACT concerning

Baltimore City Charter – Community Benefits District – East Baltimore

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1025 – Senator Garagiola

AN ACT concerning

Vehicle Laws – Required Security – Increase in Minimum Amounts

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1029 – Senators Klausmeier, Brochin, and Stone

AN ACT concerning

Baltimore County – Use of Public School Facilities – Games of Chance

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1031 – Senator Middleton

AN ACT concerning

Health Insurance – Surgical Treatment of Morbid Obesity – Repeal of Reporting Requirement

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1036 – Senator Muse

AN ACT concerning

Commissioner of Financial Regulation – Financial Education Resources Clearinghouse

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1041 – Senator Lenett

AN ACT concerning

State Board of Examiners of Psychologists – Criminal History Records Check

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1044 – Senator Stone

AN ACT concerning

Homeowner's Insurance – Coverage for Other Structures

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1045 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Dayspring Square

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1050 – Senator Kelley

AN ACT concerning

Title Insurance – Title Insurers and Title Insurance Producers – Regulation and Reports

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1052 – Senator Zirkin

AN ACT concerning

Income Tax – Subtraction Modification – Maryland Defense Force

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings and the Committee on Budget and Taxation:

Senate Bill 1056 – Senator Haines

AN ACT concerning

Real Property – Indemnity Mortgage – Effect of Foreclosure on Payment of Recordation Tax

The bill was re–referred to the Committee on Judicial Proceedings and the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1057 – Senator Stone

AN ACT concerning

Criminal Law – Leaving Dogs Outside and Unattended by Use of Restraint – Restricted Hours and Conditions

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1058 – Senators Munson, Edwards, and Mooney

AN ACT concerning

Creation of a State Debt – Washington County – Museum of Fine Arts

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1061 – Senator Madaleno

AN ACT concerning

State Retirement and Pension System – Funding

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1062 – Senator Madaleno

AN ACT concerning

Creation of a State Debt – Montgomery County – Threshold Services Group Home Renovations

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1065 – Senators Colburn, Jacobs, and Stoltzfus

AN ACT concerning

Sexual Offenders Omnibus Act of 2010

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1067 – Senators Rosapepe, Currie, Exum, Harrington, Miller, Muse, Peters, and Pinsky

AN ACT concerning

Task Force on Solar Hot Water Systems in Prince George's County

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1068 – Senator Stoltzfus

AN ACT concerning

Creation of a State Debt – Worcester County – Pocomoke City Volunteer Fire Company Community Center

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1069 – Senator Stoltzfus

AN ACT concerning

Creation of a State Debt – Wicomico County – Parsonsburg Volunteer Fire Company Community Center

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1070 – Senator Robey

AN ACT concerning

Creation of a State Debt – Howard County – Linwood Center

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1072 – Senator Colburn

AN ACT concerning

Creation of a State Debt – Wicomico County – Salisbury Zoological Park Animal Health Clinic

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1073 – Senator Klausmeier

AN ACT concerning

Creation of a State Debt – Maryland Food Bank

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1074 – Senator Klausmeier

AN ACT concerning

Health Insurance – Nonparticipating Providers – Disclosure of Status and Charges

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1080 – Senator Jones

AN ACT concerning

Creation of a State Debt – Baltimore City – The Women's Veteran's Center

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1081 – Senators DeGrange and Garagiola

AN ACT concerning

Rebate Programs for Retail Sales – Collection of Sales and Use Tax

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1084 – Senator Conway

AN ACT concerning

Maryland Higher Education Commission – Review of Program Proposals

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1085 – Senator Currie

AN ACT concerning

Creation of a State Debt – Prince George's County – District Heights Field Renovation

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1087 – Senator Stone

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2008 – Baltimore County – Community Post

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1088 – Senator Stone

AN ACT concerning

Property Tax Credit – Disabled State Troopers and Natural Resources Police Residing in Baltimore County

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1089 – Senator Stone

AN ACT concerning

Creation of a State Debt – Baltimore County – Dundalk Fire Station

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1090 – Senator Harrington

AN ACT concerning

Creation of a State Debt – Prince George's County – Bladensburg Market Square II

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1093 – Senator Kramer

AN ACT concerning

Creation of a State Debt – Montgomery County – Maydale Nature Center

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Joint Resolution be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Joint Resolution 6 – Senator Gladden

A Senate Joint Resolution concerning

Earth Hour

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 212 – Senator Mooney

AN ACT concerning

Residential Property – Prohibited Restrictions on Exercise of Free Speech

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0212/118579/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 212
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Mooney" and substitute "Senators Mooney, Jacobs, Muse, and Raskin".

AMENDMENT NO. 2

On page 1, in line 6, after "premises," insert "and a person may not be prohibited from"; in the same line, strike the second "their" and substitute "a homeowner's or tenant's"; in the same line, after "property" insert a comma; in the same line, strike "or"; in line 7, strike "their neighbors" and substitute "homeowners or tenants"; in lines 7 and 20 and 21, in each instance, strike "constitutionally protected" and substitute "certain lawful"; in line 8, strike "their" and substitute "a"; in lines 9 and 21, in each instance, strike "the" and substitute "a"; in lines 10 and 23, in each instance, strike "the" and substitute "certain"; in line 19, strike "a" and substitute "the"; in the same line, after "tenant," insert "or prohibit a person from"; in the same line, strike "the" and substitute "a"; in line 20, strike "neighbors" and substitute "homeowners or tenants"; in line 24, strike "constitutionally"; in line 31, strike

"activity" and substitute "expression"; and in the same line, after "requiring" insert "certain".

On page 2, in line 1, strike "an" and substitute "a certain"; and in the same line, strike "under this section".

AMENDMENT NO. 3

On page 3, in line 16, strike "**HOMEOWNERS AND TENANTS**" and substitute "**PEOPLE**"; in line 21, after "**COMMUNITY**" insert a comma; in the same line, strike "**AND**"; and in the same line, after "**TENANTS**" insert "**, AND OTHERS**".

On page 4, in lines 1 and 2, strike "**,** a homeowner or tenant"; in line 3, strike "**MAY**" and substitute "**A HOMEOWNER OR TENANT MAY**"; in lines 11 and 16, in each instance, strike "**MAY**" and substitute "**A PERSON MAY**"; in line 12, strike "**THE**" and substitute "**A**"; in line 15, strike "**THE HOMEOWNER'S OR TENANT'S NEIGHBORS**" and substitute "**HOMEOWNERS OR TENANTS**"; in line 17, strike "**THE**" and substitute "**A**"; in line 20, strike the second "**THE**" and substitute "**A**"; in line 22, after "**TENANTS,**" insert "**A PERSON**"; and in line 30, strike "by a homeowner or tenant".

On page 5, in line 6, strike "**HOMEOWNER OR TENANT**" and substitute "**PERSON**"; in line 8, strike "**THE**" and substitute "**A**"; in line 11, strike "**THE HOMEOWNER'S OR TENANT'S NEIGHBORS**" and substitute "**HOMEOWNERS OR TENANTS**"; in line 13, strike "**THE**" and substitute "**A**"; and in line 16, strike the second "**THE**" and substitute "**A**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, rejected by roll call vote as follows:

Affirmative – 21 Negative – 26 (See Roll Call No. 361)

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #4

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #4
March 4, 2010

Blind Industries and Services of Maryland, Board of Trustees of

1. Millicent Morris District 43
4611 Marble Hall Road
Baltimore, MD 21239

Member of the Board of Trustees of Blind Industries and Services of Maryland; reappointed to serve a term of three years from July 1, 2007

2. Martha E. Seabrooks District 43
1016 East Lake Avenue
Baltimore, MD 21212

Member of the Board of Trustees of Blind Industries and Services of Maryland; reappointed to serve a term of three years from July 1, 2008

Clean Energy Center, Board of Directors for Maryland

3. Jill A. T. Sorensen District 41
5804 Stony Run Drive
Baltimore, MD 21210

Member of the Board of Directors for the Maryland Clean Energy Center; appointed to serve a term to expire September 30, 2010

Community Health Resources Commission, Maryland

4. Mark Li District 18
1721 University Boulevard West
Silver Spring, MD 20902

Member of the Maryland Community Health Resources Commission; appointed to serve a term to expire June 30, 2013

5. Nelson Sabatini District 31
391 South Drive
Severna Park, MD 21146

Member of the Maryland Community Health Resources Commission; appointed to serve a term to expire June 30, 2011

Dietetic Practice, State Board of

6. Judith Feola Gordon District 5
2868 Constellation Way
Finksburg, MD 21048

Member of the State Board of Dietetic Practice; appointed to serve remainder of a term of four years from July 1, 2006

Economic Development Commission, Maryland

7. Timothy J. Adams District 23
14302 Dunwood Valley Drive
Bowie, MD 20721

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2009

8. Steven Dubin District 13
14240 Triadelphia Road
Glenelg, MD 21737

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2007

9. Susan J. Ganz District 11
11103 Valley Heights Drive
Owings Mills, MD 21117

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2008

10. Edwin F. Hale, Sr. District 37
1501 Clinton Street
Baltimore, MD 21224

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2009

11. Ricardo Martinez District 42
10370 Pot Spring Road
Timonium, MD 21093

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2007

12. John J. McLaughlin District 46
1310 William Street
Baltimore, MD 21230

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2008

13. Dawn Deiter Rich District 29
22927 Cattail Lane
California, MD 20619

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2008

14. Harold S. Stinger District 99
16147 Waterford Creek Circle
Hamilton, VA 20158

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2007

Elections, State Board of

15. Rachel T. McGuckian District 14
3500 King William Drive
Olney, MD 20832

Member of the State Board of Elections; appointed to serve remainder of a term of four years from July 1, 2007

Emergency Number Systems Board

16. John L. Chew, Jr. District 30
1273 Bugeye Court
Annapolis, MD 21403

Member of the Emergency Number Systems Board; appointed to serve remainder of a term of four years from July 1, 2006

17. John Moulton, Jr. District 2
50 N. Burhans Blvd.
Hagerstown, MD 21740

Member of the Emergency Number Systems Board; appointed to serve remainder of a term of four years from July 1, 2006

Handgun Permit Review Board

18. Denis H. Gallagher District 9
3284 Elmmede Road
Ellicott City, MD 21042

Member of the Handgun Permit Review Board; appointed to serve remainder of a term of three years from March 27, 2008

Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors, State Board of

19. Frederick L. Matusky District 5
25 Brett Manor Court
Hunt Valley, MD 21030

Member of the State Board of Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors; appointed to serve a term of three years from January 1, 2010

Human Relations Commission

20. Gary C. Norman, Esq. District 40
4145 Falls Road
Baltimore, MD 21211

Member of the Human Relations Commission; appointed to serve remainder of a term of six years from July 1, 2005

Judicial Disabilities, Commission on

21. Marcy Canavan District 27
16504 Old Marshall Hall Road
Accokeek, MD 20607

Member of the Commission on Judicial Disabilities; appointed to serve remainder of four years from January 1, 2009

22. Samuel F. Saxton, Sr. District 24
11509 Chantilly Lane
Mitchellville, MD 20721

Member of the Commission on Judicial Disabilities; reappointed to serve remainder of four years from January 1, 2009

23. Steven D. Silverman District 11
10 Tremblant Court
Lutherville–Timonium, MD 21093

Member of the Commission on Judicial Disabilities; reappointed to serve remainder of four years from January 1, 2009

Land Reclamation Committee

24. Timothy J. Carney District 1
13900 Bald Knob Road, NW
Mt. Savage, MD 21545

Member of the Land Reclamation Committee; reappointed to serve a term of three years from July 1, 2009

Maryland School for the Blind, Board of Directors of the

25. Cheryl D. Glenn District 45
6 Bladen Street
Annapolis, MD 21401

Member of the Board of Directors of the Maryland School for the Blind; appointed to serve remainder of a term of three years from July 1, 2007

Patuxent Institution Board of Review

26. Arnold J. Hopkins District 5
404 Rockfleet Road, Unit 204
Lutherville, MD 21093

Member of the Patuxent Institution Board of Review; appointed to serve remainder of a term of four years from March 21, 2008

Physicians, State Board of

27. Samuel K. Himmelrich, Sr. District 42
2507 Stone Mill Road
Baltimore, MD 21208

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2006

28. Harry Clarke Knipp, M.D. District 5
603 Earlton Court
Reisterstown, MD 21136

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2009

Rural Legacy Board, Advisory Committee to the

29. Vera Mae E. Schultz District 39
18312 Metz Drive
Germantown, MD 20874

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve remainder of a term of three years from July 1, 2006 and a term of three years from July 1, 2009

30. Kent Whitehead District 99
2125 14th Street, NW #413
Washington, DC 20009

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve a term of three years from July 1, 2009

School for the Deaf, Board of Trustees of the Maryland

31. Ernest E. Hairston District 23
6414 Gallery Street
Bowie, MD 20720

Member of the Board of Trustees of the Maryland School for the Deaf; reappointed to serve a term of six years from October 1, 2009

32. Angela P. McCaskill, Ph.D. District 25
10308 Bunch Berry Lane
Upper Marlboro, MD 20772

Member of the Board of Trustees of the Maryland School for the Deaf; appointed to serve remainder of a term of six years from October 1, 2008

33. Heather Zeolla District 28
2442 Pimplico Court
Waldorf, MD 20662

Member of the Board of Trustees of the Maryland School for the Deaf; appointed to serve remainder of a term of six years from October 1, 2009

Seafood Marketing Advisory Commission

34. Benjamin G. Parks District 37
311 Nathans Avenue
Cambridge, MD 21613

Member of the Seafood Marketing Advisory Commission; reappointed to serve a term of four years from July 1, 2009

Stadium Authority, Maryland

35. Manervia W. Riddick District 26
801 Othman Drive
Fort Washington, MD 20744

Member of the Maryland Stadium Authority; appointed to serve remainder of a term of four years from July 1, 2009

Uninsured Employers Fund Board

36. John L. Veney District 44
2549 W. Lafayette Avenue
Baltimore, MD 21216

Member of the Uninsured Employers Fund Board; appointed to serve remainder of four years from July 1, 2007

Workforce Corporation Board of Directors, Maryland

37. Jean C. Drummond District 23
12815 Odens Bequest Drive
Bowie, MD 20715

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2011

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Deaf and Hard of Hearing, Maryland Advisory Council for the

S–1. Gary Franklin Monroe District 27
10509 Gentian Court
Upper Marlboro, MD 20772

Member of the Maryland Advisory Council for the Deaf and Hard of Hearing; reappointed to serve a term of three years from October 1, 2009

Economic Development Commission, Maryland

S–2. Walter (Butch) A. Tilley, III District 35
68 Crystal Court
Bel Air, MD 21014

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2009

Elections, State Board of

S–3. Robert L. Walker District 31
302 Dega Lane
Pasadena, MD 21122

Member of the State Board of Elections; reappointed to serve a term of four years from July 1, 2009

Handgun Permit Review Board

S–4. Rolinda S. Collinson District 27
9905 Lucky Lure Lane
Owings, MD 20758

Member of the Handgun Permit Review Board; reappointed to serve remainder of a term of three years from July 1, 2008

S–5. Charles L. Washington District 27
10711 Mattaponi Road
Upper Marlboro, MD 20772

Member of the Handgun Permit Review Board; reappointed to serve remainder of a term of three years from March 27, 2008

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nominations of the Executive?"

The above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 362)

Senate Bill 398 – Senators Raskin, Gladden, Kelley, and Muse

AN ACT concerning

Courts – County Administrative Judge – Responsibilities

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

Senator Frosh moved, duly seconded, to make the Bill a Special Order for March 12, 2010.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 363)

ADJOURNMENT

At 1:03 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 8, 2010.

Annapolis, Maryland
Monday, March 8, 2010
8:00 P.M. Session

The Senate met at 8:06 P.M.

Prayer by Senator Stoltzfus.

The Journal of March 5, 2010 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 365)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 445 – Senator Brian E. Frosh and Senator Richard S. Madaleno, Jr.:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The Bethesda Chevy Chase Girls Varsity Soccer Team
in recognition of
the skill, dedication, and hard work that earned you the 3–A Maryland State Championship in 2008 and the 4–A Maryland State Championship in 2009.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 8th day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 366)

Senate Resolution No. 288 – Senator Allan H. Kittleman:

Be it hereby known to all that

The Senate of Maryland
offers its sincerest congratulations to
Marriotts Ridge High School Boys Varsity Soccer Team
in recognition of
your winning record of 18–2 and winning the Class 2A Maryland State Boys Soccer Championship for 2009. We applaud your outstanding season and wish you many, many more. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 8th day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 367)

Senate Resolution No. 420 – Senator Donald F. Munson:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Grace Academy Soccer Team
in recognition of
winning the NACA National Championship. We applaud your outstanding season and wish you many more. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 8th day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 368)

Senate Resolution No. 344 – Senator J. Lowell Stoltzfus:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
2009 Salisbury University Field Hockey Team
in recognition of
winning the 2009 Division III NCAA
National Championship in Field Hockey.
Congratulations!

The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 8th day of March 2010.

Senate Resolution No. 345 – Senator J. Lowell Stoltzfus:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Coach Dawn Chamberlin
in recognition of
winning the 2009 Division III NCAA National Championship in Field Hockey, and
being named Division III National Field Hockey Coach of the Year.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 8th day of March 2010.

The preceding Resolutions (2) were read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 369)

INTRODUCTION OF BILLS

Senate Bill 1103 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Southern and Broadneck High Schools Field Lights

FOR the purpose of authorizing the creation of a State Debt not to exceed $500,000, the proceeds to be used as a grant to Anne Arundel County Public Schools for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1104 – Senator Astle

AN ACT concerning

Environment – Heating Oil – Sulfur Content

FOR the purpose of prohibiting, on or after a certain date, a person from selling certain heating oil in the State with a sulfur content exceeding a certain proportion to a consumer for a certain use; defining a certain term; and generally relating to the sulfur content of heating oil sold in the State.

BY adding to
Article – Environment
Section 2–701 and 2–702 to be under the new subtitle "Subtitle 7. Heating Oil"
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1105 – Senator Zirkin

AN ACT concerning

Creation of a State Debt – Baltimore County – HopeWell Cancer Support Facility

FOR the purpose of authorizing the creation of a State Debt not to exceed $500,000, the proceeds to be used as a grant to the Board of Trustees of HopeWell Cancer Support, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1106 – Senator Zirkin

AN ACT concerning

Creation of a State Debt – Baltimore County – Owings Mills High School Stadium

FOR the purpose of authorizing the creation of a State Debt not to exceed $250,000, the proceeds to be used as a grant to the Board of Directors of the Owings Mills High School Sports Boosters, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1107 – Senator Garagiola

AN ACT concerning

Renewable Energy Portfolio Standard – Renewable Energy Credits – Solar Water Heating Systems

FOR the purpose of providing that energy from a certain solar water heating system is eligible for inclusion in meeting the renewable energy portfolio standard; providing that a person that owns and operates a certain solar water heating system shall receive a certain renewable energy credit under certain circumstances; requiring the total amount of energy generated and consumed by a commercial solar water heating system to be measured by a certain meter; requiring the total amount of energy generated and consumed by a residential solar water heating system to be measured in a certain way; prohibiting a residential solar water heating system from producing more than a certain number of solar renewable energy credits in any one year; defining a certain term; altering a certain definition; and generally relating to the eligibility of solar water heating systems for inclusion in meeting the renewable energy portfolio standard.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–701(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Public Utility Companies
Section 7–701(k–1) and 7–704(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–701(l)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1108 – Senator Garagiola

AN ACT concerning

Electric Companies – Renewable Energy Portfolio Standard for Solar Energy

FOR the purpose of providing that the renewable energy portfolio standard for solar energy applies to all retail electricity delivered in the State and that the responsibility for meeting the solar renewable energy portfolio standard shall be fulfilled only by electric companies; altering the eligibility criteria for inclusion in meeting the renewable energy portfolio standard for certain energy from a certain Tier 1 source; requiring that the owner of a certain solar generating system offer certain solar renewable energy credits for sale first to a certain electric company under certain circumstances; providing that certain provisions relating to the solar renewable energy portfolio standard for solar energy apply only to electric companies; authorizing a certain electric company to request that the Public Service Commission delay a certain scheduled percentage increase of the standard for solar energy under certain circumstances; authorizing a certain electric company to request that the Commission allow a certain standard for solar energy for a certain year to apply to the electric company for the following year; altering a certain factor that the Commission is required to consider in making a certain determination; requiring a certain electric company to provide certain evidence under certain circumstances; providing that a certain delay continues for a certain period of time under certain circumstances; providing that a certain standard subject to a delay shall be increased under certain circumstances; authorizing certain electric companies to recover certain costs in the form of a surcharge payable by certain electric customers under certain circumstances; authorizing a certain electric company to enter into a long–term contract for a certain time period for the purchase of solar renewable energy credits on review and approval of the Commission under certain circumstances; altering the minimum number of years for a certain contract term for the purchase of certain solar renewable energy credits; requiring a certain electric company to purchase certain solar renewable energy credits from a certain renewable on–site generator; requiring a certain electric company to purchase certain renewable energy credits by a certain single initial payment under certain circumstances; requiring the Commission to require an electric company to enter into a certain mix of short–term and long–term contracts under certain circumstances; making certain clarifying changes; and generally relating to the renewable energy portfolio standard for solar energy.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 1–101(a), (h), and (j)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–702(b), 7–703(a), 7–704(a)(2), 7–705(e), 7–706, and 7–709(c)

Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1109 – Senator Kasemeyer

AN ACT concerning

Creation of a State Debt – Baltimore County – Little Sisters of the Poor

FOR the purpose of authorizing the creation of a State Debt in the amount of $500,000, the proceeds to be used as a grant to the Board of Directors of the Little Sisters of the Poor of Baltimore, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds; establishing a deadline for the encumbrance or expenditure of the loan proceeds; prohibiting the use of the loan proceeds or matching funds for sectarian religious purposes; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1110 – Senator Rosapepe

AN ACT concerning

Sexual Supplement Safety Act

FOR the purpose of prohibiting, except on a valid prescription of a certain authorized prescriber, a person from marketing, selling, offering for sale, or distributing a certain aphrodisiac drug product; providing civil penalties for a violation of this Act; defining a certain term; and generally relating to aphrodisiac drug products.

BY adding to
Article – Health – General
Section 24–304
Annotated Code of Maryland
(2009 Replacement Volume)

Read the first time and referred to the Committee on Rules.

Senate Bill 1111 – Senator Currie

AN ACT concerning

Creation of a State Debt – Prince George's County – Olde Mill Community and Teaching Center

FOR the purpose of authorizing the creation of a State Debt not to exceed $50,000, the proceeds to be used as a grant to the Board of Directors of the Olde Mill Foundation, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1112 – Senator Peters

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2009 – Prince George's County – Kappa Alpha Psi Playground Equipment

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2009 to expand the scope of a certain grant.

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA03(BD)

Read the first time and referred to the Committee on Rules.

Senate Bill 1113 – Senator Frosh

AN ACT concerning

Maryland Consolidated Capital Bond Loans of 2008 and 2009 – Montgomery County – Imagination Stage

FOR the purpose of amending the Maryland Consolidated Capital Bond Loans of 2008 and 2009 to alter the matching fund requirement of certain grants to include funds expended on or after a certain date and extending the deadline under certain grants to present evidence that a certain matching fund will be provided.

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA02(AV)

BY repealing and reenacting, with amendments,

Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA02(AH) and Item ZA03(AM)

Read the first time and referred to the Committee on Rules.

Senate Bill 1114 – Senator Jones

AN ACT concerning

State Personnel – Equal Employment Opportunity Program – Revisions

FOR the purpose of requiring the Secretary of Budget and Management to establish a certain equal employment opportunity unit in the Department of Budget and Management to oversee the administration of the Equal Employment Opportunity Program in a certain manner; requiring the unit to report directly to the Equal Employment Opportunity Coordinator; requiring the Secretary, in consultation with the Joint Committee on Fair Practices and State Personnel Oversight, to establish by regulation a certain mediation or arbitration process; requiring certain units of State government to cooperate with certain commissions in the investigation of certain complaints, prepare a certain plan, develop and implement certain programs, and provide certain training; altering the process for appointing the Coordinator; requiring a fair practices officer or an equal employment opportunity officer to refer a certain complaint to the Coordinator under certain circumstances; requiring the Coordinator to take certain actions within a certain period of time after receiving the complaint; authorizing a person aggrieved by a decision of the Secretary or designee to appeal the decision to the Office of Administrative Hearings; making certain conforming changes; and generally relating to the Equal Employment Opportunity Program.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 5–201 and 5–211
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 5–202, 5–204, 5–205(a), 5–206, 5–212, and 5–213
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1115 – Senator Jones

AN ACT concerning

Maryland Higher Education Commission – Review of Duplicative Academic Programs

FOR the purpose of requiring the Maryland Higher Education Commission to make certain determinations concerning certain programs approved or implemented after a certain date under certain circumstances; requiring the Commission to include certain findings as part of certain determinations; authorizing the Commission to take certain actions as a result of certain determinations; providing that certain decisions of the Commission concerning certain duplication of academic programs are subject to judicial review in the circuit court in accordance with certain rules and certain provisions of the Administrative Procedure Act; providing that this Act shall be construed to require the Commission to review certain determinations regarding certain duplication of academic programs; and generally relating to the review of duplicative academic programs.

BY repealing and reenacting, with amendments,
Article – Education
Section 11–206 and 11–206.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1116 – Senator Garagiola

AN ACT concerning

Creation of a State Debt – Montgomery County – Miracle League Baseball Field

FOR the purpose of authorizing the creation of a State Debt not to exceed $250,000, the proceeds to be used as a grant to the Board of Directors of the Miracle League of Montgomery County Maryland, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 56 – Delegates Conway and Mathias

AN ACT concerning

Worcester County – Slot Machines for Nonprofit Organizations

FOR the purpose of adding Worcester County to the list of counties in which certain nonprofit fraternal, religious, and war veterans' organizations may own and operate a certain number of slot machines under certain circumstances; and generally relating to slot machines in Worcester County.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–304
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 250 – Delegates Morhaim, Bobo, Cane, Glenn, Hecht, Heller, Hixson, Hubbard, Lafferty, Lee, Levi, Montgomery, Nathan–Pulliam, Oaks, Reznik, Shewell, Stocksdale, Tarrant, V. Turner, ~~and Walker~~ Walker, and Kramer

AN ACT concerning

Procurement – Minority Business Enterprises – ~~Reciprocal~~ Certification Process

FOR the purpose of requiring the Board of Public Works to adopt regulations to ~~recognize and accommodate, for the purpose of certification under the State minority business enterprise program, minority business enterprises that receive~~ promote and facilitate certification under the State minority business enterprise program of minority business enterprises that have received certification from a certain federal agency or ~~from a~~ county government ~~in the State~~ that uses a certification process substantially similar to the State's certification process; requiring the Board to keep certain records and submit a certain annual report to the General Assembly about the certification of certain minority business enterprises; and generally relating to a ~~reciprocal~~ certification process for certain minority business enterprises.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–303
Annotated Code of Maryland

(2009 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 251 – Delegates Morhaim, Bobo, Cane, Cardin, Conaway, Glenn, Hecht, Heller, Hixson, Hubbard, Kaiser, Lafferty, Lee, Levi, Montgomery, Nathan–Pulliam, Oaks, Reznik, Robinson, Shewell, Stocksdale, Tarrant, V. Turner, ~~and Walker~~ Walker, Kramer, Pendergrass, Benson, Kullen, and Pena–Melnyk

AN ACT concerning

State Procurement – Minority Business Enterprises – Electronic Certification Process

FOR the purpose of requiring the Board of Public Works to adopt regulations that include provisions that ~~allow a business seeking certification as a minority business enterprise to complete the application~~ promote and facilitate the submission of certain applications for certification as a minority business enterprise through an electronic process; and generally relating to an electronic certification process for minority business enterprises.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–303
Annotated Code of Maryland
(2009 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 267 – Delegate Taylor (Joint Committee on Unemployment Insurance Oversight) and Delegates Jameson, King, Ali, Feldman, Manno, and Rice

AN ACT concerning

Joint Committee on Unemployment Insurance Oversight – Repeal of Termination Date

FOR the purpose of repealing the termination date of the Joint Committee on Unemployment Insurance Oversight.

BY repealing and reenacting, without amendments,
Article – State Government
Section 2–10A–11

Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Chapter 50 of the Acts of the General Assembly of 2007
Section 2

BY repealing and reenacting, with amendments,
Chapter 51 of the Acts of the General Assembly of 2007
Section 2

Read the first time and referred to the Committee on Finance.

House Bill 291 – Delegate King

AN ACT concerning

Maryland Locksmiths Act – Revisions – Definitions and Records Inspection

FOR the purpose of altering the definition of "fixed business address" as it relates to the Maryland Locksmiths Act to include a business location outside Maryland where a licensed locksmith conducts a business and is available at certain times; altering the definition of "local law enforcement unit" as it relates to the Maryland Locksmiths Act to include only in–State police departments and sheriffs that are designated by certain entities based on the address of a licensed locksmith for certain purposes; requiring licensed locksmiths to make certain records available for inspection by the Department of Labor, Licensing, and Regulation under certain circumstances; and generally relating to the revision of definitions and records requirements of the Maryland Locksmiths Act.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12.5–101 and 12.5–302
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 305 – Delegates Davis, Burns, Love, Manno, Taylor, and Vaughn

AN ACT concerning

Insurance – Domestic Reinsurers

FOR the purpose of specifying a certain assessment fee payable by certain domestic reinsurers to the Maryland Insurance Commissioner; exempting certain domestic reinsurers from a certain requirement to have an office in the State; requiring certain domestic reinsurers to keep certain assets in the State; authorizing certain domestic reinsurers to keep certain records outside the State under certain circumstances; defining a certain term; and generally relating to domestic reinsurers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 2–502 and 4–115
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 384 – Delegates James ~~and Riley~~, Riley, Benson, McDonough, and Nathan–Pulliam

AN ACT concerning

Task Force to Study Financial Matters Relating to Long–Term Care Facilities – Extension

FOR the purpose of extending the termination date of the Task Force to Study Financial Matters Relating to Long–Term Care Facilities; altering certain dates by which certain reports are required to be submitted; and generally relating to the Task Force to Study Financial Matters Relating to Long–Term Care Facilities.

BY repealing and reenacting, with amendments,
Chapter 672 of the Acts of the General Assembly of 2008
Section 1 and 2

Read the first time and referred to the Committee on Finance.

House Bill 406 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Real Estate Licensees – Services Provided Through Teams

FOR the purpose of requiring a team of licensed associate real estate brokers and licensed real estate salespersons that provides real estate brokerage services to designate a team leader; establishing qualifications for the team leader; establishing certain duties of the team leader, the team members, the real

estate broker, and the branch office manager; authorizing the designation of intracompany agents under certain circumstances; prohibiting the name of a team from containing certain terms; regulating the contents of certain advertising; requiring team members to conduct business from certain offices; defining a certain term; and generally relating to the provision of real estate brokerage services.

BY adding to
Article – Business Occupations and Professions
Section 17–543 through 17–548 to be under the new part "Part V. Provision of Real Estate Brokerage Services Through a Team"
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 459 – Delegates Healey, Bronrott, Eckardt, Feldman, Morhaim, ~~and Smigiel~~ Smigiel, Elliott, Jenkins, Krebs, and McDonough

AN ACT concerning

State Licensing Agencies – Justification Statements Required for Fee Increases Proposed by Regulations

FOR the purpose of requiring units of State government, when adopting by regulation increases or decreases in fees for licenses to practice any business activity, business or health occupation, or business or health profession licensed or otherwise regulated under State law, to submit to the Joint Committee on Administrative, Executive, and Legislative Review certain information explaining or justifying the reasons for the proposed increase or decrease; and generally relating to regulations proposed by units of State government that license and regulate various occupations, professions, and business activities.

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–110
Annotated Code of Maryland
(2009 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 618 – Allegany County Delegation

AN ACT concerning

Workers' Compensation – Allegany County Deputy Sheriffs

FOR the purpose of providing that an Allegany County deputy sheriff who suffers from heart disease or hypertension is presumed, under certain circumstances, to have an occupational disease that was suffered in the line of duty; providing for enhanced workers' compensation benefits for certain Allegany County deputy sheriffs for a compensable permanent partial disability of less than a certain number of weeks; providing for the application of this Act; and generally relating to workers' compensation benefits for Allegany County deputy sheriffs.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–503(b)(1) and 9–628
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–629
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Finance.

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

Senate Bill 987 – Senator Astle

AN ACT concerning

Natural Resources – Conservation Law Enforcement Act of 2010

Reassigned to the Committee on Education, Health, and Environmental Affairs under Rule 33(d).

Read and ordered journalized.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #14

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 161 – Senators Simonaire and Reilly

AN ACT concerning

Anne Arundel County Public Schools – Office Discipline Referrals – Accountability Policy

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 239 – Senators Pugh, King, Conway, Currie, Exum, Forehand, Frosh, Garagiola, Glassman, Harrington, Jones, Kasemeyer, Kelley, Kramer, Lenett, Madaleno, McFadden, Muse, Peters, Raskin, Robey, and Rosapepe

AN ACT concerning

Education – Age of Compulsory Attendance – Exemptions

Senator Stoltzfus moved, duly seconded, to make the Bill and Report a Special Order for March 10, 2010.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 453 – Senators Pinsky, Frosh, Harrington, and Lenett

EMERGENCY BILL

AN ACT concerning

Education – Teachers – National Board Certified Teacher Pilot Program

SB0453/834135/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 453
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike the first "the"; and in the same line, after "funding" insert "for an expansion".

AMENDMENT NO. 2

On page 4, in line 15, strike the first "the"; in the same line, after "funding" insert "for an expansion".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #7

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 235 – Senators Robey, Currie, Forehand, Frosh, Gladden, Harrington, Jones, Kasemeyer, King, Klausmeier, Lenett, Madaleno, McFadden, Muse, Peters, Pugh, Raskin, Rosapepe, Stone, and Zirkin

AN ACT concerning

Real Property – Mobile Home Parks – Plans for Dislocated Residents

Senator Stoltzfus moved, duly seconded, to make the Bill and Report a Special Order for March 10, 2010.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 337 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

Estates and Trusts – Construction of References in Will or Trust to Federal Estate Tax or Generation–Skipping Transfer Tax

Senator Brinkley moved, duly seconded, to make the Bill and Report a Special Order for March 9, 2010.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 390 – Senator McFadden

AN ACT concerning

Baltimore City – Marriage License Fee – Increase

SB0390/498174/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 390
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Increase" insert " – The Carole Alexander Act".

AMENDMENT NO. 2

On page 1, strike beginning with "providing" in line 3 down through "year" in line 8 and substitute "requiring the Mayor and City Council of Baltimore City to set by resolution an additional marriage license fee of up to a certain amount".

AMENDMENT NO. 3

On page 1, in line 19, strike "may" and substitute "**SHALL**"; and in the same line, strike "ordinance" and substitute "**RESOLUTION**".

AMENDMENT NO. 4

On page 1, in line 22, strike the brackets; and in the same line, strike "**HOUSE OF RUTH**".

On page 2, in lines 1 and 2, in each instance, strike the bracket; and strike beginning with "**THE**" in line 2 down through "**YEAR**" in line 5.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 501 – Senator Raskin

AN ACT concerning

Real Estate Investment Trusts – Miscellaneous Provisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 370)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #28

Senate Bill 278 – The President (By Request – Administration) and Senators Astle, Della, Exum, Forehand, Gladden, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Miller, Peters, Pinsky, Pugh, and Stone

AN ACT concerning

Smart, Green, and Growing – Maryland Sustainable Growth Commission

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 2 (See Roll Call No. 371)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 372)

ADJOURNMENT

At 9:01 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 9, 2010.

Annapolis, Maryland
Tuesday, March 9, 2010
10:00 A.M. Session

The Senate met at 10:20 A.M.

Prayer by Reverend Dr. Alvin C. Hathaway, Union Baptist Church of Baltimore, guest of Senator Kelley.

(See Exhibit A of Appendix III)

The Journal of March 8, 2010 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senator Stoltzfus be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 375)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 438 – Senator Nancy J. King:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Simone Laura Feldman
in recognition of
her being crowned Miss Maryland USA 2010 and representing the State of Maryland in the
2010 Miss USA Pageant.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 9th day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 376)

Senate Resolution No. 407 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The Prince George's County, Maryland Chapter of
The Links, Incorporated
in recognition of
your 2010 "Links at the Legislature" to promote the
health and wellness of the youth of Maryland.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 9th day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 377)

Senate Resolution No. 376 – Senator David R. Brinkley:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Bryan Voltaggio
in recognition of
your hard work and dedication to the culinary arts. Your accomplishments as a Top Chef contestant have brought
national distinction to the City of Frederick and
the State of Maryland. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 9th day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 378)

MESSAGE FROM THE EXECUTIVE

Message from the Executive

March 9, 2010

The Honorable Thomas V. Mike Miller, Jr.
President
Maryland State Senate
State House
Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, § 13 of the Constitution of Maryland, I am pleased to submit the following appointment nominations for confirmation by the Maryland State Senate. These individuals bring exceptional knowledge and ability to the offices for which they have been nominated. I am confident they will provide the strength of experience and leadership to instill confidence among our citizens and ensure we succeed in our goals for Marylanders.

I look forward to your favorable approval of these nominees. Thank you for your assistance and support.

Sincerely,

Governor

BLIND INDUSTRIES AND SERVICES OF MARYLAND BOARD OF TRUSTEES	
Peter L. Gehlbach, M.D., Ph.D. 400 Symphony Circle, Unit 514-I Hunt Valley, Maryland 21030 Baltimore County/07	Appointment Member Remainder of a term of 3 years from July 1, 2009
CONSUMER COUNCIL	
Kendra Watts Abaidoo 3319 Sequoia Avenue Baltimore, Maryland 21215 Baltimore City/41	Appointment Business Group Remainder of a term of 6 years from July 1, 2006
EDUCATION, STATE BOARD OF	
Luisa Montero-Diaz 432 Lincoln Avenue Takoma Park, Maryland 20912 Montgomery/20	Appointment Member Remainder of a term of 4 years from July 1, 2007

Sayed M. Naved 14617 Snapdragon Circle N. Potomac, Maryland 20878 Montgomery/15	Appointment Member Remainder of a term of 4 years from July 1, 2007
FISHERIES COMMISSION, ATLANTIC STATES MARINE	
William J. Goldsborough 1355 Moyer Road Annapolis, Maryland 21403 Anne Arundel/30	Reappointment Governor's Appointee Term of 3 years from June 1, 2010
HART-MILLER PLEASURE ISLAND CITIZENS OVERSIGHT COMMITTEE	
Fred Thiess 4102 Beachwood Road Baltimore, Maryland 21222 Baltimore County/06	Appointment 6th Legislative District Citizen Term of 2 years from July 1, 2009
HIGHER EDUCATION COMMISSION, MARYLAND	
Sandra L. Jimenez 8807 Orwood Lane Laurel, Maryland 20708 Prince George's/23	Appointment Member Remainder of a term of 5 years from July 1, 2007
INTERIOR DESIGNERS, STATE BOARD OF CERTIFIED	
Melanie Hartwig-Davis 3201 Belleview Avenue Cheverly, Maryland 20785 Prince George's/47	Appointment Architect/Design Services Remainder of a term of 3 years from July 1, 2010 and a term of 3 years from July 1, 2010

UNIVERSITY SYSTEM OF MARYLAND BOARD OF REGENTS	
Paul L. Vance, Ed.D. 20625 Hazelnut Court Germantown, Maryland 20874 Montgomery/15	Appointment Member Term of 5 years from July 1, 2010
Louise M. Gonzales, Esq. 2221 Foxbane Square Baltimore, Maryland 21209 Baltimore City/41	Appointment Member Term of 5 years from July 1, 2009
Leslie Donald Hall 6136 Central Avenue Capitol Heights, Maryland 20743 Prince George's/24	Appointment Student Term of 1 year from July 1, 2010

The Message from the Executive, being of an Executive nature, was referred to the Committee on Executive Nominations.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 379)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #29

Senate Bill 107 – The President (By Request – Administration) and Senators Middleton, Della, Exum, Garagiola, and Kelley

EMERGENCY BILL

AN ACT concerning

~~Labor and Employment –~~ Unemployment Insurance – Tax Deferment, Trust Fund Solvency, and Cost–Neutral Modernization ~~and Tax Relief~~ Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 380)

The Bill was then sent to the House of Delegates.

Senate Bill 252 – Senators Frosh, Forehand, Garagiola, Gladden, Jacobs, Kelley, King, Muse, Raskin, and Stone

AN ACT concerning

Child Support Guidelines – Revision

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 2 (See Roll Call No. 381)

The Bill was then sent to the House of Delegates.

Senate Bill 523 – Senators Pugh, Conway, Exum, Harrington, Jones, McFadden, Peters, and Raskin

AN ACT concerning

Credit Card Blacklisting Prevention Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 382)

The Bill was then sent to the House of Delegates.

Senate Bill 598 – Senator Rosapepe

AN ACT concerning

Public Utility Companies – University of Maryland, College Park Bus Service – Motor Carrier Permit Exemption – Removal of Sunset and Service Expansion

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 383)

The Bill was then sent to the House of Delegates.

Senate Bill 787 – Senator Pugh

AN ACT concerning

Financial Institutions – Mortgage Lenders – Net Worth Requirements

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 384)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #15

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 28 – Senators Lenett and Raskin

AN ACT concerning

Election Law – Voter Qualifications – Individuals Under Guardianship for Mental Disability

SB0028/794135/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 28
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Election Law – Voter Qualifications –" and substitute "Honorable Lorraine M. Sheehan Act to Protect Voting Rights for".

AMENDMENT NO. 2

On page 2, in line 9, strike "October" and substitute "July".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 163 – Senator Conway

AN ACT concerning

State Board of Pharmacy – Wholesale Distributors – Accreditation and Reciprocity

SB0163/274430/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 163
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Wholesale" in line 2 down through "Reciprocity" in line 3 and substitute "Wholesale Distributor Permitting and Prescription Drug Integrity Act – Revisions"; in line 4, after the first "of" insert "authorizing the State Department of Health and Mental Hygiene to purchase and distribute certain drugs and devices for certain purposes; requiring the Department to adopt certain regulations, in consultation with the State Board of Pharmacy, for certain purposes;"; in the same line, strike "State Board of Pharmacy" and substitute "Board"; strike beginning with "the" in line 9 down through the first "and" in line 10 and substitute "certain definitions and"; in line 20, after "Section" insert "12-6C-01(u) and"; and after line 22, insert:

"BY adding to
Article - Health Occupations
Section 12-6C-03.1
Annotated Code of Maryland
(2009 Replacement Volume)".

AMENDMENT NO. 2

On page 2, after line 5, insert:

"(u) (1) "Wholesale distribution" means the distribution of prescription drugs or prescription devices to persons other than a consumer or patient.

(2) "Wholesale distribution" does not include:

(i) Intracompany sales;

(ii) The sale, purchase, distribution, trade, or transfer of a prescription drug or an offer to sell, purchase, distribute, trade, or transfer a prescription drug for emergency medical reasons;

(III) THE SALE, PURCHASE, DISTRIBUTION, TRADE, OR TRANSFER OF A PRESCRIPTION DRUG OR PRESCRIPTION DEVICE BY THE DEPARTMENT FOR PUBLIC HEALTH PURPOSES;

[(iii)**] (IV)** The distribution of samples of a prescription drug by a manufacturer's representative;

[(iv)**] (V)** Prescription drug returns conducted by a hospital, health care entity, or charitable institution in accordance with 21 C.F.R. § 203.23;

[(v)**] (VI)** The sale of minimal quantities of prescription drugs by retail pharmacies to licensed health care practitioners for office use;

[(vi)**] (VII)** The sale, purchase, or trade of a prescription drug, an offer to sell, purchase, or trade a prescription drug, or the dispensing of a prescription drug in accordance with a prescription;

[(vii)**] (VIII)** The sale, transfer, merger, or consolidation of all or part of the business of a pharmacy to or with another pharmacy, whether accomplished as a purchase and sale of stock or business assets;

[(viii)**] (IX)** The sale, purchase, distribution, trade, or transfer of a prescription drug from one authorized distributor of record to one additional authorized distributor of record if:

1. The manufacturer has stated in writing to the receiving authorized distributor of record that the manufacturer is unable to supply the prescription drug; and

2. The supplying authorized distributor of record states in writing that the prescription drug being supplied had until that time been exclusively in the normal distribution channel;

[(ix)**] (X)** The delivery of, or offer to deliver, a prescription drug by a common carrier solely in the common carrier's usual course of business of transporting prescription drugs, if the common carrier does not store, warehouse, or take legal ownership of the prescription drug; or

[(x)**] (XI)** The sale or transfer from a retail pharmacy or pharmacy warehouse of expired, damaged, returned, or recalled prescription drugs to the original manufacturer or to a third party returns processor.";

and after line 29, insert:

"**12-6C-03.1.**

(A) THE DEPARTMENT IS AUTHORIZED TO PURCHASE AND DISTRIBUTE PRESCRIPTION DRUGS AND PRESCRIPTION DEVICES FOR PUBLIC HEALTH PURPOSES.

(B) THE DEPARTMENT SHALL ADOPT REGULATIONS, IN CONSULTATION WITH THE BOARD, TO IMPLEMENT THIS SECTION.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 166 – Senator Conway

AN ACT concerning

State Government – State Designations – Review, Evaluation, and Recommendation by the State Archivist

SB0166/844839/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 166
(First Reading File Bill)

On page 2, in line 10, strike "**OR**" and substitute a comma; and in line 11, after "**HOUSE,**" insert "**THE CHAIR OF THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, OR THE CHAIR OF THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE,**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 327 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

State Board of Barbers and State Board of Cosmetologists – Sunset Extension and Revisions

SB0327/304031/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 327
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "altering the membership composition of the boards;"; strike beginning with the first "requiring" in line 21 down through "Fund;" in line 27; and in line 30, strike "providing for a delayed effective date for certain provisions of this Act;".

On page 2, in line 5, strike "4-202(a),"; in the same line, strike "4-207,"; in line 6, strike "5-202(a),"; in the same line, strike "5-208,"; and strike in their entirety lines 25 through 29, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 33 on page 2 through line 3 on page 3, inclusive.

On pages 8 and 9, strike in their entirety the lines beginning with line 27 on page 8 through line 5 on page 9, inclusive.

AMENDMENT NO. 3

On pages 15 through 17, strike in their entirety the lines beginning with line 26 on page 15 through line 23 on page 17, inclusive.

On page 17, in line 24, strike "3." and substitute "2.".

On page 18, strike in their entirety lines 7 and 8; in line 9, strike "5." and substitute "3."; and strike beginning with the second comma in line 9 down through "Act," in line 10.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 402 – Senators Klausmeier, Conway, Currie, Mooney, and Stone

AN ACT concerning

Physicians – Professional Liability Insurance Coverage – Notification and Posting Requirements

SB0402/884033/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 402
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "each visit" and substitute "certain visits"; in line 6, after "be" insert "provided to a patient at a certain time,"; and in line 7, after "time" insert a comma.

AMENDMENT NO. 2

On page 1, in line 22, strike "**AND ON EACH VISIT**".

On page 2, in line 1, after "**THE**" insert "**LICENSEE HAS BEEN NOTIFIED BY THE LICENSEE'S LIABILITY INSURANCE CARRIER THAT THE**"; in line 2, strike "**AND**" and substitute "**OR**"; in line 4, strike "**PROVIDED TO THE PATIENT**" and substitute "**REQUIRED**"; strike in their entirety lines 6 and 7 and substitute:

"**(1) (I) PROVIDED AT THE PATIENT'S FIRST VISIT IF THE LICENSEE DOES NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE COVERAGE; OR**

(II) PROVIDED AT THE PATIENT'S FIRST VISIT FOLLOWING THE LICENSEE'S RECEIPT OF NOTIFICATION OF THE LAPSE OR NONRENEWAL OF THE LICENSEE'S PROFESSIONAL LIABILITY INSURANCE COVERAGE;

(2) SIGNED BY THE PATIENT AT THE TIME OF THE VISIT AT WHICH THE WRITTEN NOTIFICATION IS PROVIDED TO THE PATIENT; AND";

and in line 8, strike "**(2)**" and substitute "**(3)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 662 – Senator Klausmeier

AN ACT concerning

Prescription Drugs – Controlled Dangerous Substances – Certification of Information on Delivery

SB0662/314336/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 662
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Klausmeier" and substitute "Senators Klausmeier and Della"; strike in their entirety lines 2 and 3, inclusive; after line 3, insert "Pharmacies – Delivery of Controlled Dangerous Substances"; strike beginning with "requiring" in line 4 down through "patients" in line 9 and substitute "requiring certain pharmacies to require an adult to sign for the delivery of certain controlled dangerous substances to a residence; requiring the State Board of Pharmacy to waive certain requirements for certain pharmacies under certain circumstances; and generally relating to pharmacies and the delivery of controlled dangerous substances"; and in line 12, after "12-403" insert "(b)(17) and (c)(3)".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 19 and 20.

On pages 1 through 3, strike in their entirety the lines beginning with line 23 on page 1 through line 27 on page 3, inclusive.

On page 3, in line 35, strike "and".

On page 4, in line 4, after "medications;" insert "**AND**

(III) REQUIRE AN ADULT TO SIGN FOR THE DELIVERY OF A PRESCRIPTION DRUG OR SUBSTANCE THAT IS LISTED IN SCHEDULE II AS A CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, TO A RESIDENCE;".

On pages 4 and 5, strike in their entirety the lines beginning with line 5 on page 4 through line 6 on page 5, inclusive.

On page 5, strike beginning with "(1)" in line 7 down through "Board." in line 12; in line 14, strike "**(B)(21)**" and substitute "**(B)(17)(III) AND (20)**"; in the same line, after "pharmacy" insert "**SERVICING A NURSING FACILITY OR**".

On pages 5 and 6, strike in their entirety the lines beginning with line 17 on page 5 through line 29 on page 6, inclusive.

The preceding 2 amendments were read only.

Senator Jacobs moved, duly seconded, to make the Bill and Amendments a Special Order for the end of today's business.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 715 – Senators Dyson, Astle, Brinkley, Colburn, Conway, DeGrange, Forehand, Garagiola, Gladden, Glassman, Haines, Harris, Jacobs, Jones, King, Kittleman, Klausmeier, Kramer, Lenett, Middleton, Munson, Pipkin, Raskin, Rosapepe, Stoltzfus, Stone, and Zirkin

AN ACT concerning

State Government – Commemorative Days – Fire, Rescue, and Emergency Services Workers

SB0715/574537/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 715
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Zirkin" and substitute "Zirkin, and Harrington".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senator Conway moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1117 – Senator Conway

AN ACT concerning

Environment – Maryland Oil Disaster Containment, Clean–Up and Contingency Fund and Oil Contaminated Site Environmental Cleanup Fund

FOR the purpose of altering the basis for calculating a certain license fee credited to the Maryland Oil Disaster Containment, Clean–Up and Contingency Fund; extending the deadline by which the owner of a certain eligible heating oil tank may apply for reimbursement of certain costs from the Oil Contaminated Site Environmental Cleanup Fund; authorizing, in a certain fiscal year, the Secretary of the Environment to transfer up to a certain amount of money from the Oil Contaminated Site Environmental Cleanup Fund to the Maryland Oil Disaster Containment, Clean–Up and Contingency Fund; requiring the Secretary to convene a certain work group for a certain purpose; requiring, by a certain date, the Department of the Environment to report to certain committees of the General Assembly; and generally relating to the Maryland Oil Disaster Containment, Clean–Up and Contingency Fund and the Oil Contaminated Site Environmental Cleanup Fund.

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–411 and 4–705
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules.

Senator Conway moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1118 – Senator Conway

AN ACT concerning

Vehicle Laws – Accidents Involving Self–Insured Vehicles – Required Information

FOR the purpose of requiring the driver of a certain self–insured vehicle involved in an accident to give evidence of self–insurance in the form required by the Motor Vehicle Administration to certain persons; requiring the Administration to adopt certain regulations; requiring the evidence of self–insurance to include certain information; and generally relating to evidence of self–insurance for self–insured vehicles.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 20–104(b) and (c)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 20–105.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules.

Senator Munson moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1119 – Senator Munson

AN ACT concerning

Family Law – Registration of Family Day Care Homes – Exemption

FOR the purpose of providing that certain family day care homes that provide care to certain children for less than a certain period of time monthly are not required to register with the State Department of Education; and generally relating to an exemption from the requirement of registration for family day care homes.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–550(a), (b), and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–550.1
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #16

CONSENT CALENDAR #54

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 194 – Senator Colburn

AN ACT concerning

Dorchester and Wicomico Counties – Alcoholic Beverages – Pub–Brewery and Micro–Brewery Licenses

SB0194/974732/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 194
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "and Wicomico Counties" and substitute "County"; in line 6, strike "persons" and substitute "applicants"; strike beginning with "expanding" in line 6 down through "licenses" in line 9 and substitute "specifying that certain provisions of this Act do not limit the number of certain licenses that may be issued in Dorchester County"; in line 9, after "making" insert "a"; in the same line, strike "corrections" and substitute "correction"; strike beginning with "and" in line 10 down through "County" in line 11; and after line 16, insert:

"BY adding to
Article 2B – Alcoholic Beverages
Section 12-104(e)(6)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 1, in line 21, strike the bracket; in line 23, strike "Board of License Commissioners" and substitute "**STATE COMPTROLLER**".

On page 2, in line 6, strike the bracket; in line 7, before "**THE**" insert "**(6)(I)**"; in the same line, after "**ISSUE**" insert "**TO A SINGLE APPLICANT**"; in line 9, strike the colon; in line 10, strike "**(I) FOR**" and substitute "**FOR**"; in line 11, strike "**TO A PERSON**" and substitute "**IF THE APPLICANT**"; strike beginning with "**; AND**" in line 13 down through "**COUNTY**" in line 17; and after line 17, insert:

"**(II) THIS PARAGRAPH DOES NOT LIMIT THE NUMBER OF CLASS 6 PUB-BREWERY LICENSES OR CLASS 7 MICRO-BREWERY LICENSES THAT THE STATE COMPTROLLER MAY ISSUE IN DORCHESTER COUNTY.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 196 – Senator Colburn

AN ACT concerning

Wicomico County – Alcoholic Beverages Act of 2010

SB0196/504233/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 196
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "restricting" in line 8 down through "events;" in line 9 and substitute "altering the number of days during which certain events may be held;".

AMENDMENT NO. 2

On page 4, in line 19, strike "15 **FOR EACH EVENT**" and substitute "**20**".

On page 5, in line 11, strike "A" and substitute "**ONE**"; in the same line, strike "a" and substitute "**ONE**"; and in line 12, after "paragraph" insert "**BUT NOT BOTH**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 449 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Alcoholic Beverages – Sales Hours

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #8

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 86 – Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Medication for Chronic or Acute Medical Condition – Waiver of Liability

SB0086/738979/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 86
(First Reading File Bill)

On page 2, in line 4, after "**IF**" insert "**:**

(1)";

in lines 6, 8, and 10, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; and in line 10, after "**NARCOTIC**" insert "**; AND**

(2) THE MEDICATION IS DISPENSED BY A PHYSICIAN, DENTIST, PODIATRIST, OR NURSE PRACTITIONER AUTHORIZED TO DISPENSE MEDICATION IN ACCORDANCE WITH THE HEALTH OCCUPATIONS ARTICLE".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 261 – Senators Forehand, Raskin, and Gladden

AN ACT concerning

Criminal Law – Sexual Solicitation of a Minor and Human Trafficking – Prohibitions and Proof

SB0261/378875/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 261
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Gladden" and substitute "Gladden, Brochin, Haines, Jacobs, Simonaire, and Stone".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 463 – Senators Forehand, Raskin, Colburn, Frosh, Garagiola, Gladden, King, Klausmeier, Madaleno, and Pugh

AN ACT concerning

Criminal Procedure – Seizure and Forfeiture – Property Used in Human Trafficking

SB0463/758470/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 463
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after "purposes;" insert "specifying certain property subject to forfeiture; specifying certain conditions to exclude property from forfeiture;"; strike beginning with "requiring" in line 15 down through "party;" in line 21 and substitute "specifying certain standards and exceptions regarding the seizure of motor vehicles; requiring a certain law enforcement officer to recommend that a motor vehicle be forfeited under certain circumstances; requiring that a forfeiting authority surrender a motor vehicle on request to the owner under certain circumstances; specifying conditions under which an owner may obtain possession of seized property; specifying the time when seizure of real property occurs; authorizing an owner or owner's tenant to remain in possession of seized real property under certain circumstances; prohibiting an owner of real property from taking certain actions; specifying certain procedures for the conduct of forfeiture proceedings, including the filing of complaints and answers, posting and publishing of notice, and conducting hearings for real property and other property; specifying certain restrictions on forfeiture proceedings on property used as the principal family residence; specifying certain powers of a court in a certain forfeiture proceeding; requiring a court to issue a certain order after a full hearing under certain circumstances;"; and in line 24, after "purpose;" insert "specifying the terms of sale of forfeited property; specifying the law governing the sale of certain collateral; requiring certain proceeds from the sale of certain property to be distributed in a certain manner; requiring lienholders to take

certain actions before exercising the right to sell certain property and after the redemption of certain property; specifying the effect of this Act;".

On page 2, in line 6, strike "13-509" and substitute "13-535".

AMENDMENT NO. 2

On page 5, after line 11, insert:

"**(B) "CHIEF EXECUTIVE OFFICER" MEANS:**

(1) FOR BALTIMORE CITY, THE MAYOR;

(2) FOR A CHARTER COUNTY, THE COUNTY EXECUTIVE OR, IF THERE IS NO COUNTY EXECUTIVE, THE COUNTY COUNCIL;

(3) FOR A CODE COUNTY, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL;

(4) FOR A COUNTY COMMISSIONER COUNTY, THE COUNTY COMMISSIONERS; OR

(5) FOR A MUNICIPAL CORPORATION, THE LEGISLATIVE BODY ESTABLISHED BY MUNICIPAL CHARTER.

(C) "CONVICTED" MEANS FOUND GUILTY.

(D) "FINAL DISPOSITION" MEANS A DISMISSAL, ENTRY OF A NOLLE PROSEQUI, THE MARKING OF A CRIMINAL CHARGE "STET" ON THE DOCKET, ENTRY OF A NOT GUILTY VERDICT, THE PRONOUNCEMENT OF SENTENCE, OR IMPOSITION OF PROBATION UNDER § 6–220 OF THIS ARTICLE.

(E) "FORFEITING AUTHORITY" MEANS:

(1) THE UNIT OR PERSON DESIGNATED BY AGREEMENT BETWEEN THE STATE'S ATTORNEY FOR A COUNTY AND THE CHIEF EXECUTIVE OFFICER OF THE GOVERNING BODY HAVING JURISDICTION OVER ASSETS SUBJECT TO

FORFEITURE TO ACT ON BEHALF OF THE GOVERNING BODY REGARDING THOSE ASSETS; OR

(2) IF THE SEIZING AUTHORITY IS A UNIT OF THE STATE, A UNIT OR PERSON THAT THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE DESIGNATES BY AGREEMENT WITH A STATE'S ATTORNEY, COUNTY ATTORNEY, OR MUNICIPAL ATTORNEY TO ACT ON BEHALF OF THE STATE REGARDING ASSETS SUBJECT TO FORFEITURE BY THE STATE.

(F) "GOVERNING BODY" INCLUDES:

(1) THE STATE, IF THE SEIZING AUTHORITY IS A UNIT OF THE STATE;

(2) A COUNTY, IF THE SEIZING AUTHORITY IS A UNIT OF A COUNTY;

(3) A MUNICIPAL CORPORATION, IF THE SEIZING AUTHORITY IS A UNIT OF A MUNICIPALITY; AND

(4) BALTIMORE CITY, IF THE SEIZING AUTHORITY IS THE BALTIMORE POLICE DEPARTMENT.";

in line 12, strike "**(B)**" and substitute "**(G)**"; after line 13, insert:

"(H) "LIEN" INCLUDES A MORTGAGE, DEED OF TRUST, PLEDGE, SECURITY INTEREST, ENCUMBRANCE, OR RIGHT OF SETOFF.

(I) "LIENHOLDER" MEANS A PERSON WHO HAS A LIEN OR A SECURED INTEREST ON PROPERTY CREATED BEFORE THE SEIZURE.

(J) "LOCAL FINANCIAL AUTHORITY" MEANS:

(1) IF THE SEIZING AUTHORITY IS A UNIT OF A COUNTY, THE TREASURER OR DIRECTOR OF FINANCE OF THE COUNTY; OR

(2) IF THE SEIZING AUTHORITY IS A UNIT OF A MUNICIPAL CORPORATION, THE TREASURER OR DIRECTOR OF FINANCE OF THE MUNICIPAL CORPORATION.";

and in lines 14 and 24 strike "**(C)**" and "**(D)**", respectively, and substitute "**(K)**" and "**(L)**", respectively.

AMENDMENT NO. 3

On page 6, in line 22, strike "**(E)**" and substitute "**(M)**".

On page 7, strike in their entirety lines 3 through 6, inclusive, and substitute:

"**(N) "SEIZING AUTHORITY" MEANS A LAW ENFORCEMENT UNIT IN THE STATE THAT IS AUTHORIZED TO INVESTIGATE VIOLATIONS OF THE HUMAN TRAFFICKING LAW AND THAT HAS SEIZED PROPERTY UNDER THIS SUBTITLE.**

13–502.

THE FOLLOWING ARE SUBJECT TO FORFEITURE:";

in line 7, after "**(1)**" insert "**EXCEPT AS PROVIDED IN § 13-503 OF THIS SUBTITLE,**"; in line 15, after "**(4)**" insert "**EXCEPT AS PROVIDED IN § 13-503 OF THIS SUBTITLE,**"; in line 17, after "**(5)**" insert "**EXCEPT AS PROVIDED IN § 13-503 OF THIS SUBTITLE,**".

On pages 7 and 8, strike in their entirety the lines beginning with line 23 on page 7 through line 3 on page 8, inclusive, and substitute:

"**(A) PROPERTY OR AN INTEREST IN PROPERTY DESCRIBED IN § 13–502(A)(1), (4), OR (5) OF THIS SUBTITLE MAY NOT BE FORFEITED IF THE OWNER ESTABLISHES BY A PREPONDERANCE OF THE EVIDENCE THAT THE VIOLATION OF THE HUMAN TRAFFICKING LAW WAS COMMITTED WITHOUT THE OWNER'S ACTUAL KNOWLEDGE.**

(B) (1) A CONVEYANCE USED AS A COMMON CARRIER OR VEHICLE FOR HIRE IN THE TRANSACTION OF BUSINESS AS A COMMON CARRIER OR VEHICLE FOR HIRE MAY NOT BE SEIZED OR FORFEITED UNDER THIS SUBTITLE

UNLESS IT APPEARS THAT THE OWNER OR OTHER PERSON IN CHARGE OF THE CONVEYANCE WAS A CONSENTING PARTY OR PRIVY TO A VIOLATION OF THE HUMAN TRAFFICKING LAW.

(2) A CONVEYANCE MAY NOT BE FORFEITED UNDER THIS SUBTITLE FOR AN ACT OR OMISSION THAT THE OWNER SHOWS WAS COMMITTED OR OMITTED BY A PERSON OTHER THAN THE OWNER WHILE THE PERSON OTHER THAN THE OWNER POSSESSED THE CONVEYANCE IN CRIMINAL VIOLATION OF FEDERAL LAW OR THE LAW OF ANY STATE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE MAY NOT BE FORFEITED UNDER THIS SUBTITLE UNLESS ONE OF THE OWNERS OF THE REAL PROPERTY WAS CONVICTED OF A VIOLATION OF THE HUMAN TRAFFICKING LAW OR OF AN ATTEMPT OR CONSPIRACY TO VIOLATE THE HUMAN TRAFFICKING LAW.

(2) WITHOUT A CONVICTION, A COURT MAY ORDER A FORFEITURE OF REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE IF THE OWNER OF THE FAMILY RESIDENCE:

(I) FAILS TO APPEAR FOR A REQUIRED COURT APPEARANCE; AND

(II) FAILS TO SURRENDER TO THE JURISDICTION OF THE COURT WITHIN 180 DAYS AFTER THE REQUIRED COURT APPEARANCE.

(D) REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE BY A HUSBAND AND WIFE AND HELD BY THE HUSBAND AND WIFE AS TENANTS BY THE ENTIRETY MAY NOT BE FORFEITED UNLESS:

(1) THE PROPERTY WAS USED IN CONNECTION WITH A VIOLATION OF THE HUMAN TRAFFICKING LAW OR WITH AN ATTEMPT OR CONSPIRACY TO VIOLATE THE HUMAN TRAFFICKING LAW; AND

(2) BOTH THE HUSBAND AND WIFE ARE CONVICTED OF A VIOLATION OF THE HUMAN TRAFFICKING LAW OR OF AN ATTEMPT OR CONSPIRACY TO VIOLATE THE HUMAN TRAFFICKING LAW.

13–504.

PROPERTY SUBJECT TO FORFEITURE UNDER THIS SUBTITLE MAY BE SEIZED:

(1) ON A WARRANT ISSUED BY A COURT THAT HAS JURISDICTION OVER THE PROPERTY; AND

(2) WITHOUT A WARRANT WHEN:

(I) THE SEIZURE IS INCIDENT TO AN ARREST OR A SEARCH UNDER A SEARCH WARRANT;

(II) THE SEIZURE IS INCIDENT TO AN INSPECTION UNDER AN ADMINISTRATIVE INSPECTION WARRANT;

(III) THE PROPERTY SUBJECT TO SEIZURE HAS BEEN THE SUBJECT OF A PRIOR JUDGMENT IN FAVOR OF THE STATE IN A CRIMINAL INJUNCTION OR FORFEITURE PROCEEDING UNDER THIS SUBTITLE;

(IV) THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PROPERTY IS DIRECTLY OR INDIRECTLY DANGEROUS TO HEALTH OR SAFETY; OR

(V) THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PROPERTY HAS BEEN USED OR IS INTENDED TO BE USED IN VIOLATION OF THE HUMAN TRAFFICKING LAW OR THIS SUBTITLE.".

AMENDMENT NO. 4

On page 8, in line 4, strike "**13-504.**" and substitute "**13-505.**".

On pages 8 and 9, strike in their entirety the lines beginning with line 14 on page 8 through line 9 on page 9, inclusive, and substitute:

"**13–506.**

(A) PROPERTY SEIZED UNDER THIS SUBTITLE:

(1) IS NOT REPLEVIABLE; BUT

(2) IS IN THE CUSTODY OF THE SEIZING AUTHORITY, SUBJECT ONLY TO THE ORDERS, JUDGMENTS, AND DECREES OF THE COURT OR THE OFFICIAL HAVING JURISDICTION OVER THE PROPERTY.

(B) A SEIZING AUTHORITY MAY PLACE SEIZED PROPERTY UNDER SEAL AND REMOVE THE PROPERTY TO A PLACE DESIGNATED BY THE COURT.

13–507.

(A) A SEIZING AUTHORITY SHALL SEIZE A MOTOR VEHICLE USED IN VIOLATION OF THE HUMAN TRAFFICKING LAW OR THIS SUBTITLE AND RECOMMEND FORFEITURE TO THE FORFEITING AUTHORITY IF THE TOTAL CIRCUMSTANCES OF THE CASE AS LISTED IN SUBSECTION (B) OF THIS SECTION DICTATE THAT SEIZURE AND FORFEITURE ARE JUSTIFIED.

(B) CIRCUMSTANCES TO BE CONSIDERED IN DECIDING WHETHER SEIZURE AND FORFEITURE ARE JUSTIFIED INCLUDE:

(1) AN EXTENSIVE CRIMINAL RECORD OF THE VIOLATOR;

(2) A PREVIOUS CONVICTION OF THE VIOLATOR FOR A HUMAN TRAFFICKING CRIME;

(3) EVIDENCE THAT THE MOTOR VEHICLE WAS ACQUIRED BY USE OF PROCEEDS FROM A TRANSACTION INVOLVING A HUMAN TRAFFICKING CRIME;

(4) CIRCUMSTANCES OF THE ARREST; AND

(5) THE WAY IN WHICH THE MOTOR VEHICLE WAS USED.

13–508.

(A) THE CHIEF LAW ENFORCEMENT OFFICER OF THE SEIZING AUTHORITY THAT SEIZES A MOTOR VEHICLE USED IN VIOLATION OF THIS SUBTITLE SHALL RECOMMEND TO THE APPROPRIATE FORFEITING AUTHORITY IN WRITING THAT THE MOTOR VEHICLE BE FORFEITED ONLY IF THE OFFICER:

(1) DETERMINES FROM THE RECORDS OF THE MOTOR VEHICLE ADMINISTRATION THE NAMES AND ADDRESSES OF ALL REGISTERED OWNERS AND SECURED PARTIES AS DEFINED IN THE CODE;

(2) PERSONALLY REVIEWS THE FACTS AND CIRCUMSTANCES OF THE SEIZURE; AND

(3) PERSONALLY DETERMINES, ACCORDING TO THE STANDARDS LISTED IN § 13–507 OF THIS SUBTITLE, AND REPRESENTS IN WRITING THAT FORFEITURE IS WARRANTED.

(B) (1) A SWORN AFFIDAVIT BY THE CHIEF LAW ENFORCEMENT OFFICER THAT THE OFFICER FOLLOWED THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION IS ADMISSIBLE IN EVIDENCE IN A PROCEEDING UNDER THIS SECTION.

(2) THE CHIEF LAW ENFORCEMENT OFFICER MAY NOT BE SUBPOENAED OR COMPELLED TO APPEAR AND TESTIFY IF ANOTHER LAW ENFORCEMENT OFFICER WITH PERSONAL KNOWLEDGE OF THE FACTS AND CIRCUMSTANCES SURROUNDING THE SEIZURE AND THE RECOMMENDATION OF FORFEITURE APPEARS AND TESTIFIES AT THE PROCEEDING.

13–509.

(A) THE FORFEITING AUTHORITY SHALL SURRENDER THE MOTOR VEHICLE ON REQUEST TO THE OWNER IF THE FORFEITING AUTHORITY DETERMINES, INDEPENDENT OF THE DECISION OF THE SEIZING AUTHORITY, THAT:

(1) THE MOTOR VEHICLE FALLS WITHIN THE PURVIEW OF § 13–508 OF THIS SUBTITLE; OR

(2) THE CIRCUMSTANCES LISTED UNDER § 13–507(B) OF THIS SUBTITLE WERE NOT MET.

(B) IN A PROCEEDING UNDER THIS SUBTITLE, THE COURT MAY DETERMINE, BASED ON THE CIRCUMSTANCES LISTED IN § 13-507(B) OF THIS SUBTITLE, WHETHER THE SEIZING AUTHORITY OR FORFEITING AUTHORITY ABUSED ITS DISCRETION OR WAS CLEARLY ERRONEOUS:

(1) IN RECOMMENDING THE FORFEITURE OF A MOTOR VEHICLE; OR

(2) IN NOT SURRENDERING ON REQUEST A MOTOR VEHICLE TO AN OWNER.

13–510.

(A) (1) EXCEPT AS PROVIDED IN §§ 13–512 AND 13–513 OF THIS SUBTITLE, AN OWNER OF SEIZED PROPERTY WHO WISHES TO OBTAIN POSSESSION OF THE PROPERTY, TO CONVEY AN INTEREST IN REAL PROPERTY, OR TO REMOVE A BUILDING OR FIXTURE FROM REAL PROPERTY SHALL NOTIFY THE CLERK OF THE PROPER COURT.

(2) IF FORFEITURE PROCEEDINGS HAVE BEGUN, THE PROPER COURT IS THE COURT WHERE THE PROCEEDINGS HAVE BEGUN.

(3) IF CRIMINAL PROCEEDINGS HAVE BEGUN BUT FORFEITURE PROCEEDINGS HAVE NOT BEGUN, THE PROPER COURT IS THE COURT WHERE THE CRIMINAL PROCEEDINGS HAVE BEGUN.

(4) IF BOTH FORFEITURE PROCEEDINGS AND CRIMINAL PROCEEDINGS HAVE NOT BEGUN, THE PROPER COURT IS THE CIRCUIT COURT FOR THE COUNTY WHERE THE PROPERTY WAS SEIZED.

(B) (1) UNLESS THE FORFEITING AUTHORITY AND THE OWNER AGREE TO A BOND IN ANOTHER AMOUNT, IF A MOTOR VEHICLE IS NOT NEEDED FOR EVIDENTIARY PURPOSES IN A JUDICIAL PROCEEDING:

(I) THE COURT SHALL APPRAISE THE VALUE OF THE MOTOR VEHICLE ON THE BASIS OF THE AVERAGE VALUE OF THE MOTOR VEHICLE SET FORTH IN THE NATIONAL AUTOMOBILE DEALER'S ASSOCIATION OFFICIAL USED CAR GUIDE; OR

(II) IF THE OWNER SHOWS THAT A LIEN IS ON THE MOTOR VEHICLE AND THE OWNER AGREES TO MAKE THE REQUIRED PAYMENTS TO THE LIENHOLDER, THE COURT SHALL REQUIRE A BOND IN AN AMOUNT OF THE AVERAGE VALUE OF THE MOTOR VEHICLE SET FORTH IN THE NATIONAL AUTOMOBILE DEALER'S ASSOCIATION OFFICIAL USED CAR GUIDE, LESS THE AMOUNT OWED ON THE LIEN.

(2) FOR A MOTOR VEHICLE, THE COURT SHALL APPRAISE THE VALUE IN THE MANNER PROVIDED IN THIS SUBSECTION AND PROVIDE THE APPRAISAL IN WRITING TO THE CLERK OF THE COURT.

(C) (1) IF PROPERTY OTHER THAN A MOTOR VEHICLE IS NOT NEEDED FOR EVIDENTIARY PURPOSES IN A JUDICIAL PROCEEDING, THE CLERK SHALL OBTAIN AN INDEPENDENT APPRAISAL OF THE VALUE OF THE PROPERTY.

(2) THE SHERIFF OR OTHER PERSON RESPONSIBLE FOR AN APPRAISAL UNDER THIS SUBSECTION SHALL PROMPTLY:

(I) INSPECT AND APPRAISE THE VALUE OF THE PROPERTY; AND

(II) RETURN THE APPRAISAL IN WRITING UNDER OATH TO THE CLERK OF THE COURT.

(D) NOTICE OF THE APPRAISAL SHALL BE SENT TO ALL LIENHOLDERS SHOWN IN THE RECORDS REQUIRED BY LAW FOR NOTICE OR THE PERFECTION OF THE LIEN.

(E) (1) ON THE FILING OF AN APPRAISAL, THE OWNER MAY GIVE BOND PAYABLE TO THE CLERK OF THE COURT IN AN AMOUNT EQUAL TO THE GREATER OF:

(I) THE APPRAISED VALUE OF THE PROPERTY PLUS ANY ACCRUED COSTS; OR

(II) THE AGGREGATE AMOUNT OF THE LIENS ON THE PROPERTY THAT ARE SHOWN IN THE RECORDS REQUIRED BY LAW FOR THE NOTICE OR PERFECTION OF LIENS.

(2) A PERSON MAY GIVE A BOND UNDER THIS SUBSECTION BY CASH, THROUGH A SURETY, THROUGH A LIEN ON REAL PROPERTY, OR BY OTHER MEANS THAT THE CLERK APPROVES.

(3) A BOND AUTHORIZED UNDER THIS SUBSECTION:

(I) SHALL BE CONDITIONED FOR PERFORMANCE ON FINAL JUDGMENT BY THE COURT;

(II) SHALL BE FILED IN THE DISTRICT COURT OR CIRCUIT COURT WHERE THE CRIMINAL ACTION THAT GAVE RISE TO THE SEIZURE IS PENDING; AND

(III) UNLESS A COMPLAINT FOR FORFEITURE HAS BEEN FILED, SHALL BE PART OF THE SAME CRIMINAL PROCEEDING.

(4) IF A CRIMINAL ACTION IS NOT PENDING OR A FORFEITURE COMPLAINT HAS NOT BEEN FILED, THE BOND SHALL BE FILED IN THE CIRCUIT COURT OR DISTRICT COURT WHERE THE PROPERTY WAS SEIZED.

(F) (1) IF THE COURT ORDERS THAT PROPERTY OR AN INTEREST OR EQUITY IN THE PROPERTY OR PROCEEDS BE FORFEITED UNDER THIS SUBTITLE, THE COURT SHALL ENTER JUDGMENT IN THE AMOUNT OF THE BOND AGAINST THE OBLIGORS ON THE BOND WITHOUT FURTHER PROCEEDINGS.

(2) PAYMENT OF THE AMOUNT OF THE BOND SHALL BE APPLIED AS PROVIDED UNDER § 13–527(D)(2) OF THIS SUBTITLE.

13–511.

SEIZURE OF REAL PROPERTY OCCURS ON THE EARLIER OF THE FILING:

(1) OF A COMPLAINT FOR FORFEITURE UNDER THIS SUBTITLE; OR

(2) OF A NOTICE OF PENDING LITIGATION IN THE CIRCUIT COURT OF THE COUNTY WHERE THE REAL PROPERTY IS LOCATED.

13–512.

(A) SUBJECT TO THE RIGHTS OF A LIENHOLDER TO SELL THE REAL PROPERTY, AN OWNER OR OWNER'S TENANT MAY REMAIN IN POSSESSION OF SEIZED REAL PROPERTY UNTIL FORFEITURE IS ORDERED.

(B) THE FORFEITING AUTHORITY MAY APPLY TO THE COURT FOR THE APPOINTMENT OF A RECEIVER TO APPLY INCOME FROM INCOME–PRODUCING PROPERTY.

(C) IF A PERSON WHO IS AN OWNER OR OWNER'S TENANT REMAINS IN POSSESSION OF THE REAL PROPERTY AND THE PERSON'S INTEREST IN THE REAL PROPERTY IS FORFEITED, THE PERSON SHALL IMMEDIATELY SURRENDER THE REAL PROPERTY TO THE SEIZING AUTHORITY IN SUBSTANTIALLY THE SAME CONDITION AS WHEN SEIZED.

13–513.

(A) THIS SECTION DOES NOT APPLY IF:

(1) AN ACT IS AGREED TO BY A FORFEITING AUTHORITY OR IS ORDERED BY THE COURT; OR

(2) AN OWNER POSTS A BOND UNDER § 13–510 OF THIS SUBTITLE.

(B) SUBJECT TO SUBSECTION (A) OF THIS SECTION, UNTIL THE COURT ENTERS JUDGMENT IN FAVOR OF THE OWNER, AN OWNER MAY NOT ATTEMPT:

(1) TO CONVEY OR ENCUMBER AN INTEREST IN SEIZED REAL PROPERTY; OR

(2) TO REMOVE A BUILDING OR FIXTURE ON SEIZED REAL PROPERTY.

13–514.

EXCEPT AS PROVIDED IN § 13–517(C) OF THIS SUBTITLE, IF PROPERTY IS SEIZED UNDER § 13–504(A)(2)(IV) AND (V) OF THIS SUBTITLE BECAUSE THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PROPERTY IS DIRECTLY OR INDIRECTLY DANGEROUS TO HEALTH OR SAFETY AND THAT THE PROPERTY WAS OR WILL BE USED TO VIOLATE THIS SUBTITLE, FORFEITURE PROCEEDINGS UNDER THIS SUBTITLE SHALL BE FILED PROMPTLY.

13–515.

EXCEPT AS PROVIDED IN § 13–516 OF THIS SUBTITLE, THE APPROPRIATE FORFEITING AUTHORITY SHALL FILE PROCEEDINGS UNDER THIS SUBTITLE IN THE CIRCUIT COURT.

13–516.

(A) TO APPLY FOR THE FORFEITURE OF MONEY, THE APPROPRIATE LOCAL FINANCIAL AUTHORITY OR THE ATTORNEY GENERAL SHALL FILE A COMPLAINT AND AFFIDAVIT IN THE DISTRICT COURT OR THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE MONEY WAS SEIZED.

(B) THE COMPLAINT AND AFFIDAVIT SHALL BE SERVED IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

13–517.

(A) EXCEPT AS PROVIDED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION, A COMPLAINT SEEKING FORFEITURE SHALL BE FILED WITHIN THE EARLIER OF:

(1) 90 DAYS AFTER THE SEIZURE; OR

(2) 1 YEAR AFTER THE FINAL DISPOSITION OF THE CRIMINAL CHARGE FOR THE VIOLATION GIVING RISE TO THE FORFEITURE.

(B) A COMPLAINT FOR THE FORFEITURE OF A MOTOR VEHICLE SHALL BE FILED WITHIN 45 DAYS AFTER THE MOTOR VEHICLE IS SEIZED.

(C) (1) A PROCEEDING ABOUT MONEY SHALL BE FILED WITHIN 90 DAYS AFTER THE FINAL DISPOSITION OF CRIMINAL PROCEEDINGS THAT ARISE OUT OF THE HUMAN TRAFFICKING LAW.

(2) IF THE STATE OR A POLITICAL SUBDIVISION DOES NOT FILE PROCEEDINGS ABOUT MONEY WITHIN THE 90–DAY PERIOD, THE MONEY SEIZED UNDER THIS SUBTITLE SHALL BE RETURNED TO THE OWNER ON REQUEST BY THE OWNER.

(3) IF THE OWNER FAILS TO ASK FOR THE RETURN OF THE MONEY WITHIN 1 YEAR AFTER THE FINAL DISPOSITION OF CRIMINAL PROCEEDINGS, AS PROVIDED UNDER § 13–528 OF THIS SUBTITLE, THE MONEY SHALL REVERT TO THE ANTI-HUMAN TRAFFICKING FUND UNDER § 11-920 OF THIS ARTICLE.

13–518.

(A) A COMPLAINT SEEKING FORFEITURE SHALL CONTAIN:

(1) A DESCRIPTION OF THE PROPERTY SEIZED;

(2) THE DATE AND PLACE OF THE SEIZURE;

(3) THE NAME OF THE OWNER, IF KNOWN;

(4) THE NAME OF THE PERSON IN POSSESSION, IF KNOWN;

(5) THE NAME OF EACH LIENHOLDER, IF KNOWN OR REASONABLY SUBJECT TO DISCOVERY;

(6) AN ALLEGATION THAT THE PROPERTY IS SUBJECT TO FORFEITURE;

(7) IF THE FORFEITING AUTHORITY SEEKS TO FORFEIT A LIENHOLDER'S INTEREST IN PROPERTY, AN ALLEGATION THAT THE LIEN WAS CREATED WITH ACTUAL KNOWLEDGE THAT THE PROPERTY WAS BEING OR WAS TO BE USED IN VIOLATION OF THE HUMAN TRAFFICKING LAW;

(8) A STATEMENT OF THE FACTS AND CIRCUMSTANCES SURROUNDING THE SEIZURE;

(9) A STATEMENT SETTING FORTH THE SPECIFIC GROUNDS FOR FORFEITURE; AND

(10) AN OATH OR AFFIRMATION BY THE FORFEITING AUTHORITY THAT THE CONTENTS OF THE COMPLAINT ARE TRUE TO THE BEST OF THE FORFEITING AUTHORITY'S KNOWLEDGE, INFORMATION, AND BELIEF.

(B) WITHIN 20 DAYS AFTER THE FILING OF THE COMPLAINT, COPIES OF THE SUMMONS AND COMPLAINT SHALL BE SENT BY CERTIFIED MAIL REQUESTING "RESTRICTED DELIVERY – SHOW TO WHOM, DATE, ADDRESS OF

DELIVERY" AND FIRST–CLASS MAIL TO ALL KNOWN OWNERS AND LIENHOLDERS WHOSE IDENTITIES ARE REASONABLY SUBJECT TO DISCOVERY, INCLUDING ALL REAL PROPERTY OWNERS AND LIENHOLDERS SHOWN IN THE RECORDS REQUIRED BY LAW FOR NOTICE OR PERFECTION OF THE LIEN.

13–519.

(A) A NOTICE SHALL BE SIGNED BY THE CLERK AND SHALL:

(1) INCLUDE THE CAPTION OF THE CASE;

(2) DESCRIBE THE SUBSTANCE OF THE COMPLAINT AND THE RELIEF SOUGHT;

(3) STATE THE LATEST DATE ON WHICH A RESPONSE MAY BE FILED;

(4) STATE THAT THE PROPERTY SHALL BE FORFEITED IF A RESPONSE IS NOT FILED ON TIME;

(5) STATE THAT THE OWNER OF THE PROPERTY MAY HAVE POSSESSION OF THE PROPERTY PENDING FORFEITURE BY POSTING A BOND AS PROVIDED IN § 13–510 OF THIS SUBTITLE; AND

(6) TELL WHERE TO FILE A RESPONSE AND WHO TO CONTACT FOR MORE INFORMATION CONCERNING THE FORFEITURE.

(B) WITHIN 20 DAYS AFTER THE FILING OF THE COMPLAINT, THE NOTICE SHALL BE:

(1) POSTED BY THE SHERIFF ON THE DOOR OF THE COURTHOUSE WHERE THE ACTION IS PENDING OR ON A BULLETIN BOARD WITHIN THE IMMEDIATE VICINITY OF THE DOOR;

(2) POSTED BY THE SHERIFF IN A CONSPICUOUS PLACE ON THE LAND, IF FORFEITURE OF REAL PROPERTY IS SOUGHT; AND

(3) PUBLISHED AT LEAST ONCE A WEEK IN EACH OF 3 SUCCESSIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN THE COUNTY IN WHICH THE ACTION IS PENDING, UNLESS THE PROPERTY IS A BOAT OR MOTOR VEHICLE.

13–520.

THE ANSWER TO A COMPLAINT SHALL:

(1) COMPLY WITH THE MARYLAND RULES;

(2) STATE THE NATURE AND EXTENT OF THE PERSON'S RIGHT IN, TITLE TO, OR INTEREST IN THE PROPERTY;

(3) STATE HOW AND WHEN THE PERSON ACQUIRED A RIGHT IN, TITLE TO, OR INTEREST IN THE PROPERTY; AND

(4) CONTAIN A REQUEST FOR RELIEF AND A REQUEST FOR A PROMPT HEARING.

13–521.

(A) IF AN ANSWER HAS BEEN FILED ON TIME, THE COURT SHALL SET A HEARING ON THE FORFEITURE CLAIM WITHIN 60 DAYS AFTER THE LATER OF:

(1) POSTING OF NOTICE UNDER § 13–519(B)(1) OR (2) OF THIS SUBTITLE; OR

(2) FINAL PUBLICATION OF NOTICE UNDER § 13–519(B)(3) OF THIS SUBTITLE.

(B) WITHOUT A HEARING, THE COURT MAY ORDER FORFEITURE OF THE PROPERTY INTEREST OF A PERSON WHO FAILS TO TIMELY FILE AN ANSWER.

13-522.

EXCEPT AS PROVIDED IN §§ 13-503(D) AND 13-524 OF THIS SUBTITLE, AN OWNER'S INTEREST IN REAL PROPERTY MAY BE FORFEITED IF THE REAL PROPERTY WAS USED IN CONNECTION WITH A VIOLATION OF THE HUMAN TRAFFICKING LAW OR THE OWNER OF THE REAL PROPERTY IS CONVICTED OF AN ATTEMPT OR CONSPIRACY TO VIOLATE THE HUMAN TRAFFICKING LAW.

13–523.

(A) FORFEITURE PROCEEDINGS FOR REAL PROPERTY MAY BE BROUGHT IN THE JURISDICTION WHERE:

(1) THE CRIMINAL CHARGES ARE PENDING;

(2) THE OWNER RESIDES; OR

(3) THE REAL PROPERTY IS LOCATED.

(B) (1) IF FORFEITURE PROCEEDINGS FOR REAL PROPERTY ARE BROUGHT IN A JURISDICTION OTHER THAN WHERE THE REAL PROPERTY IS LOCATED, A NOTICE OF PENDING LITIGATION SHALL BE FILED IN THE JURISDICTION WHERE THE PROPERTY IS LOCATED.

(2) A NOTICE OF PENDING LITIGATION REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE AT LEAST:

(I) THE NAME AND ADDRESS OF THE OWNER OF THE REAL PROPERTY;

(II) A DESCRIPTION OF THE REAL PROPERTY; AND

(III) A DESCRIPTION OF THE REASONS FOR THE FILING OF THE FORFEITURE PROCEEDINGS AND NOTICE OF PENDING LITIGATION.

13-524.

IF AN OWNER OF REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE IS CONVICTED UNDER THE HUMAN TRAFFICKING LAW OR IS CONVICTED OF AN ATTEMPT OR CONSPIRACY TO VIOLATE THE HUMAN TRAFFICKING LAW AND THE OWNER FILES AN APPEAL OF THE CONVICTION, THE COURT SHALL STAY FORFEITURE PROCEEDINGS UNDER § 13–503(D) OR § 13–525(B) OF THIS SUBTITLE AGAINST THE REAL PROPERTY DURING THE PENDENCY OF THE APPEAL.

13–525.

(A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THERE IS A REBUTTABLE PRESUMPTION THAT PROPERTY OR PART OF A PROPERTY IN WHICH A PERSON HAS AN OWNERSHIP INTEREST IS SUBJECT TO FORFEITURE AS PROCEEDS, IF THE STATE ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE THAT:

(I) THE PERSON HAS VIOLATED THE HUMAN TRAFFICKING LAW OR HAS ATTEMPTED OR CONSPIRED TO VIOLATE THE HUMAN TRAFFICKING LAW;

(II) THE PROPERTY WAS ACQUIRED BY THE PERSON DURING THE VIOLATION OR WITHIN A REASONABLE TIME AFTER THE VIOLATION; AND

(III) THERE WAS NO OTHER LIKELY SOURCE FOR THE PROPERTY.

(2) A CLAIMANT OF THE PROPERTY HAS THE BURDEN OF PROOF TO REBUT THE PRESUMPTION IN PARAGRAPH (1) OF THIS SUBSECTION.

(B) REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE MAY NOT BE FORFEITED UNDER THIS SECTION UNLESS:

(1) AN OWNER OF THE REAL PROPERTY WAS CONVICTED OF A CRIME DESCRIBED UNDER SUBSECTION (A)(1)(I) OF THIS SECTION; OR

(2) THE REAL PROPERTY IS COVERED BY § 13–503(D) OF THIS SUBTITLE.

13–526.

IN A PROCEEDING UNDER THIS SUBTITLE, A COURT:

(1) MAY GRANT REQUESTS FOR MITIGATION OR REMISSION OF FORFEITURE OR TAKE OTHER ACTION THAT PROTECTS THE RIGHTS OF INNOCENT PERSONS, IS CONSISTENT WITH THIS SUBTITLE, AND IS IN THE INTEREST OF JUSTICE;

(2) MAY RESOLVE CLAIMS ARISING UNDER THIS SUBTITLE; AND

(3) MAY TAKE APPROPRIATE MEASURES TO SAFEGUARD AND MAINTAIN PROPERTY FORFEITED UNDER THIS SUBTITLE PENDING THE DISPOSITION OF THE PROPERTY.

13–527.

(A) AFTER A FULL HEARING, IF THE COURT DETERMINES THAT THE PROPERTY SHOULD NOT BE FORFEITED, THE COURT SHALL ORDER THAT THE PROPERTY BE RELEASED.

(B) SUBJECT TO § 13–528(B) OF THIS SUBTITLE, IF THE COURT DETERMINES THAT THE PROPERTY SHOULD BE FORFEITED, THE COURT SHALL ORDER THAT THE PROPERTY BE FORFEITED TO THE APPROPRIATE GOVERNING BODY.

(C) IF THE COURT DETERMINES THAT THE FORFEITED PROPERTY IS SUBJECT TO A VALID LIEN CREATED WITHOUT ACTUAL KNOWLEDGE OF THE LIENHOLDER THAT THE PROPERTY WAS BEING OR WAS TO BE USED IN VIOLATION OF THE HUMAN TRAFFICKING LAW, THE COURT SHALL ORDER THAT THE PROPERTY BE RELEASED WITHIN 5 DAYS TO THE FIRST PRIORITY LIENHOLDER.

(D) (1) THE LIENHOLDER SHALL SELL THE PROPERTY IN A COMMERCIALLY REASONABLE MANNER.

(2) THE PROCEEDS OF THE SALE SHALL BE APPLIED AS FOLLOWS:

(I) TO THE COURT COSTS OF THE FORFEITURE PROCEEDING;

(II) TO THE BALANCE DUE THE LIENHOLDER, INCLUDING ALL REASONABLE COSTS INCIDENT TO THE SALE;

(III) TO PAYMENT OF ALL OTHER EXPENSES OF THE PROCEEDINGS FOR FORFEITURE, INCLUDING EXPENSES OF SEIZURE OR MAINTENANCE OF CUSTODY; AND

(IV) TO THE ANTI-HUMAN TRAFFICKING FUND UNDER § 11-920 OF THIS ARTICLE.".

AMENDMENT NO. 5

On page 9, in lines 10 and 20, in each instance, strike "**13-508.**" and "**13-509.**", respectively, and substitute "**13-528.**" and "**13-529.**", respectively; and after line 28, insert:

"**13–530.**

A SALE OF PROPERTY ORDERED UNDER THIS SUBTITLE SHALL BE MADE FOR CASH AND GIVES THE PURCHASER CLEAR AND ABSOLUTE TITLE.

13–531.

(A) BEFORE EXERCISING THE RIGHT TO SELL PROPERTY THAT HAS BEEN SEIZED UNDER THIS SUBTITLE, A LIENHOLDER SHALL GIVE TO THE FORFEITING AUTHORITY:

(1) WRITTEN NOTICE OF THE INTENTION TO SELL;

(2) COPIES OF DOCUMENTS GIVING RISE TO THE LIEN;

(3) AN AFFIDAVIT UNDER OATH BY THE LIENHOLDER:

(I) STATING THAT THE UNDERLYING OBLIGATION IS IN DEFAULT; AND

(II) STATING THE REASONS FOR THE DEFAULT.

(B) ON REQUEST OF THE LIENHOLDER, THE FORFEITING AUTHORITY SHALL RELEASE THE PROPERTY TO THE LIENHOLDER.

13–532.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE LAW GOVERNING THE SALE OF COLLATERAL SECURING AN OBLIGATION IN DEFAULT GOVERNS A LIENHOLDER'S REPOSSESSION AND SALE OF PROPERTY THAT HAS BEEN SEIZED UNDER THIS SUBTITLE.

(B) A LIENHOLDER MAY NOT BE REQUIRED TO TAKE POSSESSION OF THE PROPERTY BEFORE THE SALE OF THE PROPERTY.

13–533.

(A) ANY PART OF THE PROCEEDS FROM A SALE OF PROPERTY THAT HAS BEEN SEIZED UNDER THIS SUBTITLE THAT WOULD BE PAID TO AN OWNER OF THE PROPERTY UNDER THE APPLICABLE LAW RELATING TO DISTRIBUTION OF PROCEEDS:

(1) SHALL BE PAID TO THE SEIZING AUTHORITY; AND

(2) SHALL BE PROPERTY SUBJECT TO FORFEITURE.

(B) IF AN ORDER OF FORFEITURE IS NOT ENTERED, THE STATE SHALL RETURN TO THE OWNER THAT PART OF THE PROCEEDS AND ANY COSTS OF THE FORFEITURE PROCEEDINGS PAID FROM THE PROCEEDS OF THE SALE.

13–534.

(A) IF THE INTEREST OF THE OWNER IN PROPERTY THAT HAS BEEN SEIZED UNDER THIS SUBTITLE IS REDEEMED, THE LIENHOLDER SHALL MAIL A NOTICE OF THE REDEMPTION TO THE FORFEITING AUTHORITY WITHIN 10 DAYS AFTER THE REDEMPTION.

(B) (1) IF PROPERTY THAT HAS BEEN SEIZED UNDER THIS SUBTITLE HAS BEEN REPOSSESSED OR OTHERWISE LAWFULLY TAKEN BY THE LIENHOLDER, THE LIENHOLDER SHALL RETURN THE PROPERTY TO THE SEIZING AUTHORITY WITHIN 21 DAYS AFTER THE REDEMPTION.

(2) THE SEIZING AUTHORITY AND THE FORFEITING AUTHORITY MAY THEN PROCEED WITH THE FORFEITURE OF THE PROPERTY OR THE PROCEEDS FROM THE SALE OF THE PROPERTY.

(C) TIME LIMITATIONS REQUIRED UNDER THIS SUBTITLE FOR NOTICE AND FILING OF THE COMPLAINT FOR FORFEITURE RUN FROM THE DATE OF REDEMPTION OR PURCHASE OF THE PROPERTY THAT HAS BEEN SEIZED UNDER THIS SUBTITLE.

13–535.

THIS SUBTITLE DOES NOT PROHIBIT A LIENHOLDER FROM EXERCISING RIGHTS UNDER APPLICABLE LAW, INCLUDING THE RIGHT TO SELL PROPERTY THAT HAS BEEN SEIZED UNDER THIS SUBTITLE, IF A DEFAULT OCCURS IN THE OBLIGATION GIVING RISE TO THE LIEN.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #9

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 67 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Issuance of Temporary Registration Plates by Dealers – Transmission of Information and Record Keeping

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 85 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Electronic Transmission of Title Information by Dealers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 189 – Senators Simonaire, Haines, Jacobs, Kittleman, Reilly, Stoltzfus, and Stone

AN ACT concerning

Vehicle Laws – Reckless and Negligent Driving – Penalties for Death or Serious Bodily Injury

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 475 – Senator Stone

AN ACT concerning

Operating a Vessel While Under the Influence of or Impaired by Alcohol or Drugs – Compulsory Testing

SB0475/178473/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 475
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Compulsory"; in line 4, after the first "of" insert "providing that a person who operates or attempts to operate a vessel on the waters of the State is deemed to have consented, subject to certain provisions of law, to take a certain test to determine alcohol concentration or drug or controlled dangerous substance content if the person is detained under certain circumstances; providing that a person may not be compelled to take a certain test, subject to a certain exception; requiring a detaining officer to advise a person detained under certain circumstances that, if the person refuses to take a certain test, or takes the test and the results indicate a certain alcohol concentration, on conviction of a certain violation the court may prohibit the person from operating or attempting to operate a vessel for a certain period;"; after line 16, insert:

"BY renumbering
Article – Natural Resources
Section 8-738.1
to be Section 8-738.2
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)";

after line 26, insert:

"BY adding to
Article - Natural Resources
Section 8-738.1
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8-738.1 of Article – Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 8-738.2.";

in line 27, strike "1." and substitute "2. AND"; in the same line, after "IT" insert "FURTHER"; and strike beginning with "BY" in line 27 down through "MARYLAND" in line 28.

AMENDMENT NO. 2

On page 2, in line 4, strike "**8-738(B)(3)**" and substitute "**8-738.1**"; in line 15, strike "**8-738(B)(3)**" and substitute "**8-738.1**"; and in line 29, strike "10-308" and substitute "**10-309**".

On page 3, strike beginning with "**(I)**" in line 3 down through "**NEGLIGENCE**" in line 26 and substitute "**ANY PERSON WHO OPERATES OR ATTEMPTS TO OPERATE A VESSEL UPON THE WATERS OF THE STATE IS DEEMED TO HAVE CONSENTED, SUBJECT TO THE PROVISIONS OF §§ 10-302 THROUGH 10-309 OF THE COURTS ARTICLE, TO TAKE A TEST IF THE PERSON IS DETAINED BY A POLICE OFFICER WHO HAS REASONABLE GROUNDS TO BELIEVE THAT THE PERSON HAS BEEN OPERATING OR ATTEMPTING TO OPERATE A VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL, WHILE IMPAIRED BY ALCOHOL, WHILE SO FAR IMPAIRED BY ANY DRUG, ANY COMBINATION OF DRUGS, OR A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL THAT THE PERSON COULD NOT OPERATE OR ATTEMPT TO OPERATE A VESSEL SAFELY, OR WHILE IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE.**

(C) (1) EXCEPT AS PROVIDED IN § 8-738.1 OF THIS SUBTITLE, A PERSON MAY NOT BE COMPELLED TO TAKE A TEST.

(2) UPON CONVICTION AND IN ADDITION TO ANY OTHER PENALTIES, A COURT MAY PROHIBIT A PERSON FROM OPERATING A VESSEL ON THE WATERS OF THE STATE FOR A PERIOD OF 1 YEAR IF THE PERSON WAS DETAINED BY A POLICE OFFICER WHO HAD REASONABLE GROUNDS TO BELIEVE THAT THE PERSON WAS OPERATING A VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL, WHILE IMPAIRED BY ALCOHOL, WHILE SO FAR IMPAIRED BY ANY DRUG, ANY COMBINATION OF DRUGS, OR A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL THAT THE PERSON COULD NOT OPERATE OR ATTEMPT TO OPERATE A VESSEL SAFELY, OR WHILE IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE AND THE PERSON REFUSED TO TAKE A TEST, OR WAS TESTED AND THE RESULT INDICATED AN ALCOHOL CONCENTRATION OF 0.08 OR MORE.

(3) A DETAINING OFFICER WHO HAS REASONABLE GROUNDS TO BELIEVE THAT A PERSON WAS OPERATING A VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL, WHILE IMPAIRED BY ALCOHOL, WHILE SO FAR IMPAIRED BY ANY DRUG, ANY COMBINATION OF DRUGS, OR A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL THAT THE PERSON COULD NOT OPERATE OR ATTEMPT TO OPERATE A VESSEL SAFELY, OR WHILE IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE SHALL ADVISE THE PERSON OF THE SANCTIONS THAT MAY BE IMPOSED BY A COURT IF THE PERSON REFUSES TO TAKE A TEST OR TAKES A TEST AND THE RESULT INDICATES AN ALCOHOL CONCENTRATION OF 0.08 OR MORE";

and in lines 27 and 32, strike "(c)" and "(d)", respectively, and substitute "**(D)**" and "**(E)**", respectively.

On page 4, in line 12, strike "(e)" and substitute "**(F)**".

AMENDMENT NO. 3

On page 4, after line 13, insert:

"**8-738.1.**

(A) IF A PERSON IS INVOLVED IN AN ACCIDENT WHILE OPERATING OR ATTEMPTING TO OPERATE A VESSEL THAT RESULTS IN THE DEATH OF, OR A LIFE-THREATENING INJURY TO, ANOTHER PERSON AND THE PERSON IS

DETAINED BY A POLICE OFFICER WHO HAS REASONABLE GROUNDS TO BELIEVE THAT THE PERSON WAS OPERATING THE VESSEL OR ATTEMPTING TO OPERATE THE VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL, WHILE IMPAIRED BY ALCOHOL, WHILE SO FAR IMPAIRED BY ANY DRUG, ANY COMBINATION OF DRUGS, OR A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL THAT THE PERSON COULD NOT OPERATE THE VESSEL SAFELY, OR WHILE IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE, THE PERSON SHALL BE REQUIRED TO SUBMIT, AS DIRECTED BY THE POLICE OFFICER, TO A TEST OF:

(1) THE PERSON'S BREATH TO DETERMINE ALCOHOL CONCENTRATION;

(2) ONE SPECIMEN OF THE PERSON'S BLOOD TO DETERMINE ALCOHOL CONCENTRATION OR TO DETERMINE THE DRUG OR CONTROLLED DANGEROUS SUBSTANCE CONTENT OF THE PERSON'S BLOOD; OR

(3) BOTH THE PERSON'S BREATH UNDER ITEM (1) OF THIS SUBSECTION AND ONE SPECIMEN OF THE PERSON'S BLOOD UNDER ITEM (2) OF THIS SUBSECTION.

(B) IF A POLICE OFFICER DIRECTS THAT A PERSON BE TESTED, THEN THE PROVISIONS OF § 10-304 OF THE COURTS ARTICLE SHALL APPLY.

(C) ANY MEDICAL PERSONNEL WHO PERFORM ANY TEST REQUIRED BY THIS SECTION ARE NOT LIABLE FOR ANY CIVIL DAMAGES AS A RESULT OF ANY ACT OR OMISSION RELATED TO SUCH TESTS, NOT AMOUNTING TO GROSS NEGLIGENCE.";

and in line 14, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 477 – Senators Frosh, Forehand, Garagiola, King, Kramer, Madaleno, Middleton, and Raskin

AN ACT concerning

State Highways – Mobile Produce Vendors – Required State Lease

SB0477/718074/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 477
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "vendors;" insert "authorizing the State to require a mobile seafood or produce vendor to submit an application and pay a certain fee; prohibiting the State from entering into a lease with a mobile produce vendor unless the applicable county licenses mobile produce vendors; authorizing the State Highway Administration to adopt certain regulations;"; and in line 10, after "mobile" insert "seafood and".

AMENDMENT NO. 2

On page 3, in line 8, after "(a)" insert "**(1)**"; after line 11, insert:

"**(2) THE STATE MAY REQUIRE A MOBILE SEAFOOD OR PRODUCE VENDOR TO SUBMIT AN APPLICATION AND PAY A REASONABLE FEE TO BE APPLIED TO ADMINISTRATIVE COSTS.**";

and after line 29, insert:

"**(C) THE STATE HIGHWAY ADMINISTRATION MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.**".

AMENDMENT NO. 3

On page 3, before line 12, insert:

"**(3) THE STATE MAY NOT ENTER INTO A LEASE WITH A MOBILE PRODUCE VENDOR UNLESS THE APPLICABLE COUNTY LICENSES MOBILE PRODUCE VENDORS.**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 493 – Senator Astle

AN ACT concerning

Vehicle Laws – Equipment on Motorcycles – Auxiliary Lighting

SB0493/248678/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 493
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Astle" and substitute "Senators Astle, Haines, and Jacobs".

AMENDMENT NO. 2

On page 2, in line 14, strike "October" and substitute "June".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #9

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 355 – Senators Pinsky, Della, Frosh, Harrington, Pipkin, Raskin, and Rosapepe

AN ACT concerning

Energy Companies – Net Energy Metering – Payment for Accrued Generation Credit

SB0355/777475/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 355
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Middleton, Garagiola, Exum, and Mooney"; strike beginning with "requiring" in line 4 down through "circumstances;" in line 6; strike beginning with "requiring" in line 12 down through "circumstances;" in line 14; in line 17, after "circumstances;" insert "clarifying the manner in which net energy produced or consumed is measured; making technical changes; altering a certain definition; defining a certain term; requiring the Public Service Commission to adopt certain regulations, after taking certain items into consideration, by a certain date; providing for the effective dates of this Act;".

AMENDMENT NO. 2

On page 2, after line 13, insert:

"**(4) "GENERATION CREDIT" MEANS A CREDIT ASSOCIATED WITH THE GENERATION OF ELECTRICITY PRODUCED IN EXCESS OF THE ELECTRICITY CONSUMED BY AN ELIGIBLE CUSTOMER-GENERATOR IN ONE BILLING PERIOD.**";

in lines 14 and 17, strike "(4)" and "(5)", respectively, and substitute "**(5)**" and "**(6)**", respectively; and in line 19, strike "company" and substitute "**GRID**".

On page 3, strike in their entirety lines 3 through 13, inclusive; in line 14, strike the brackets; in the same line, strike "**(3)**"; in line 23, strike "monthly" and substitute "**REGULAR**"; and strike beginning with "required" in line 29 down through "pay" in line 30 and substitute "**BILLED**".

On page 4, strike beginning with "**1.**" in line 7 down through the first "**THE**" in line 8 and substitute "**THE**"; strike beginning with "**SAME**" in line 9 down through "**RATES**" in line 15 and substitute "**PREVAILING MARKET PRICE OF ENERGY APPLICABLE TO THE ELECTRIC COMPANY IN THE PJM INTERCONNECTION ENERGY MARKET, AS THAT MARKET MAY CHANGE FROM TIME TO TIME**"; in line 19, strike "**CHOOSE TO**"; strike beginning with the colon in line 21 down through "**YEAR**" in line 23 and substitute "**A 12-MONTH PERIOD**"; in line 26, strike "**THE REQUESTED TIME PERIOD**" and substitute "**A 12-MONTH PERIOD**"; and strike beginning with the second "**THE**" in line 28 down through "**TIME**" in line 29 and substitute "**A 12-MONTH**".

AMENDMENT NO. 3

On page 6, in line 14, after "2." insert "AND BE IT FURTHER ENACTED, That, on or before October 1, 2010, the Public Service Commission shall adopt regulations to implement the provisions of this Act, taking into consideration: (1) the technology available at each electric company; and (2) the appropriate value of generation credits.

SECTION 3.";

in line 14, after "That" insert "Section 1 of"; and after line 15, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect July 1, 2010.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 368 – Senator Della

AN ACT concerning

Department of Transportation – Repeal of Secretary's Authority to Abolish Employee Positions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 387 – Senator Edwards

AN ACT concerning

Garrett County – Noncertificated Public School Employees – Service Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 429 – Senators Kelley and Conway

AN ACT concerning

Maryland Medical Assistance Program – Medical Eligibility for Nursing Facility Level of Care

SB0429/517272/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 429
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "Care" insert "- Report"; strike beginning with "determine" in line 5 down through "circumstances" in line 7 and substitute "provide a certain report to certain committees of the General Assembly and the Medicaid Advisory Committee within a certain time period prior to making any change to medical eligibility for certain Medical Assistance Program long-term care services; requiring the Department to discuss certain reports submitted to the Medicaid

Advisory Committee at a meeting of the Committee"; in line 7, after "defining" insert "a"; and in the same line, strike "terms" and substitute "term".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 6 on page 2 through line 20 on page 3, inclusive, and substitute:

"**(A) IN THIS SECTION, "HOME- AND COMMUNITY-BASED WAIVER SERVICES" INCLUDE SERVICES PROVIDED UNDER THE LIVING AT HOME WAIVER, THE OLDER ADULTS WAIVER, AND THE MEDICAL DAY CARE WAIVER.**

(B) AT LEAST 90 DAYS PRIOR TO MAKING ANY CHANGE TO MEDICAL ELIGIBILITY FOR PROGRAM LONG-TERM CARE SERVICES, INCLUDING NURSING FACILITY SERVICES, HOME- AND COMMUNITY-BASED WAIVER SERVICES, AND OTHER SERVICES THAT REQUIRE A NURSING FACILITY LEVEL OF CARE, THE DEPARTMENT SHALL PROVIDE A REPORT TO:

(1) THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE; AND

(2) THE MEDICAID ADVISORY COMMITTEE.

(C) THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) THE DETAILS OF THE INTENDED CHANGE IN MEDICAL ELIGIBILITY;

(2) A DESCRIPTION OF HOW THE INTENDED CHANGE WILL AFFECT CURRENT MEDICAL ELIGIBILITY;

(3) THE INTENDED EFFECTIVE DATE OF THE CHANGE; AND

(4) WHETHER THE CHANGE WILL BE PURSUED THROUGH DEPARTMENTAL POLICY, BY REGULATION, OR BY STATUTE.

(D) THE DEPARTMENT SHALL DISCUSS ANY REPORT SUBMITTED TO THE MEDICAID ADVISORY COMMITTEE UNDER SUBSECTION (B) OF THIS SECTION AT A MEETING OF THE MEDICAID ADVISORY COMMITTEE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 483 – Senator Dyson

AN ACT concerning

St. Mary's County Board of Education – Inclusion of Employees in Bargaining Unit

SB0483/257977/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 483
(First Reading File Bill)

On page 2, in line 5, after "**NURSES,**" insert "**JUNIOR**"; and in the same line, strike "**(ROTC)**" and substitute "**(JROTC)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 609 – Senator Kittleman

AN ACT concerning

Workers' Compensation – Temporary Total Disability Benefits – Credit

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 626 – Senator Dyson

AN ACT concerning

St. Mary's County – Noncertificated Public School Employees – Service Fee

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #10

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 314 – Senators Garagiola, Kelley, Astle, DeGrange, Exum, Forehand, Frosh, Gladden, Jones, Kasemeyer, King, Kramer, McFadden, Miller, Peters, Raskin, Robey, and Rosapepe

AN ACT concerning

Health Insurance – Assignment of Benefits and Reimbursement of Nonpreferred Providers

SB0314/537370/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 314
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first "of" insert "providing that the difference between certain coinsurance percentages may not be greater than a certain amount under certain circumstances; prohibiting certain provisions in a preferred provider insurance policy from applying to certain on-call physicians; prohibiting a certain

allowed amount in certain insurance policies from being less than a certain amount;"; in the same line, strike "insurance carriers" and substitute "insurers"; in lines 9, 11, 12, 15, 23, 25, and 26, in each instance, strike "carriers" and substitute "insurers"; strike beginning with "requiring" in line 17 down through "Administration;" in line 20; in line 20, after "the" insert "Maryland Insurance"; in line 21, after "Act;" insert "authorizing the Maryland Insurance Commissioner to impose a certain penalty for each violation of certain provisions of this Act;"; in line 24, strike "a provider" and substitute "certain providers"; strike beginning with the first comma in line 24 down through "enrollee" in line 25; in lines 25 and 26, strike "a provider" and substitute "certain providers"; in line 27, strike ", subscriber, or enrollee"; in line 29, strike "a patient" and substitute "an insured"; and in the same line, after "circumstances;" insert "requiring certain physicians to submit a certain disclosure form to an insurer under certain circumstances;".

On page 2, in line 1, after "certain" insert "disclosure"; in the same line, after "forms;" insert "authorizing an insurer to refuse to directly reimburse a certain provider under certain circumstances;"; in line 4, after "reports;" insert "requiring the Administration to conduct a certain study and submit a certain report to the Governor and the General Assembly on or before a certain date; prohibiting the Administration from imposing certain penalties for a violation of certain provisions of this Act until a certain date;"; in the same line, after "terms;" insert "making a certain conforming change;"; in line 5, after "application" insert "of certain provisions"; strike in their entirety lines 8 through 12, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article - Insurance
Section 14-201, 14-205, and 15-304
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)";

and in line 15, strike "15-134" and substitute "14-205.3".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 20 through 23, inclusive; and after line 24, insert:

"14–201.

(a) In this subtitle the following words have the meanings indicated.

(B) "ALLOWED AMOUNT" MEANS THE DOLLAR AMOUNT THAT AN INSURER DETERMINES IS THE VALUE OF THE HEALTH CARE SERVICE PROVIDED BY A PROVIDER BEFORE ANY COST SHARING AMOUNTS ARE APPLIED.

(C) "ASSIGNMENT OF BENEFITS" MEANS THE TRANSFER OF HEALTH CARE COVERAGE REIMBURSEMENT BENEFITS OR OTHER RIGHTS UNDER A PREFERRED PROVIDER INSURANCE POLICY BY AN INSURED.

(D) "BALANCE BILL" MEANS THE DIFFERENCE BETWEEN A NONPREFERRED PROVIDER'S BILL FOR A HEALTH CARE SERVICE AND THE INSURER'S ALLOWED AMOUNT.

(E) "COST SHARING AMOUNTS" MEANS THE AMOUNTS THAT AN INSURED IS RESPONSIBLE FOR UNDER A PREFERRED PROVIDER INSURANCE POLICY, INCLUDING ANY DEDUCTIBLES, COINSURANCE, OR COPAYMENTS.

(F) "COVERED SERVICE" MEANS A HEALTH CARE SERVICE THAT IS A COVERED BENEFIT UNDER A PREFERRED PROVIDER INSURANCE POLICY.

(G) "HEALTH CARE SERVICES" HAS THE MEANING STATED IN § 19-701 OF THE HEALTH – GENERAL ARTICLE.

[(b)**] (H)** "Insured" means a person covered for benefits under a preferred provider insurance policy offered or administered by an insurer.

(I) "MEDICARE ECONOMIC INDEX" MEANS THE FIXED-WEIGHT INPUT PRICE INDEX THAT:

(1) MEASURES THE WEIGHTED AVERAGE ANNUAL PRICE CHANGE FOR VARIOUS INPUTS NEEDED TO PRODUCE PHYSICIAN SERVICES; AND

(2) IS USED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES IN THE CALCULATION OF REIMBURSEMENT OF PHYSICIAN SERVICES UNDER TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT.

(J) "NONHOSPITAL-BASED PHYSICIAN" MEANS A PHYSICIAN WHO:

(1) IS AUTHORIZED UNDER THE MARYLAND MEDICAL PRACTICE ACT TO PRACTICE MEDICINE IN THE STATE; AND

(2) IS NOT UNDER CONTRACT WITH A HOSPITAL TO PROVIDE HEALTH CARE SERVICES TO PATIENTS IN THE HOSPITAL, EXCEPT AS AN ON-CALL PHYSICIAN.

[(c)**]** **(K)** "Nonpreferred provider" means a provider that is eligible for payment under a preferred provider insurance policy, but that is not a preferred provider under the applicable provider service contract.

(L) "ON-CALL PHYSICIAN" MEANS A NONHOSPITAL-BASED PHYSICIAN WHO:

(1) HAS PRIVILEGES AT A HOSPITAL; AND

(2) IS REQUIRED TO RESPOND WITHIN AN AGREED UPON TIME PERIOD TO PROVIDE HEALTH CARE SERVICES FOR UNASSIGNED PATIENTS AT THE REQUEST OF A HOSPITAL OR A HOSPITAL EMERGENCY DEPARTMENT.

[(d)**]** **(M)** "Preferential basis" means an arrangement under which the insured or subscriber under a preferred provider insurance policy is entitled to receive health care services from preferred providers at no cost, at a reduced fee, or under more favorable terms than if the insured or subscriber received similar services from a nonpreferred provider.

[(e)**]** **(N)** "Preferred provider" means a provider that has entered into a provider service contract.

[(f)**]** **(O)** "Preferred provider insurance policy" means:

(1) a policy or insurance contract that is issued or delivered in the State by an insurer, under which health care services are to be provided to the insured by a preferred provider on a preferential basis; or

(2) another contract that is offered by an employer, third party administrator, or other entity, under which health care services are to be provided to the subscriber by a preferred provider on a preferential basis.

[(g)**]** **(P)** "Provider" means a physician, hospital, or other person that is licensed or otherwise authorized to provide health care services.

[(h)**]** **(Q)** "Provider service contract" means a contract between a provider and an insurer, employer, third party administrator, or other entity, under which the provider agrees to provide health care services on a preferential basis under specific preferred provider insurance policies.

(R) "SIMILARLY LICENSED PROVIDER" MEANS:

(1) A PHYSICIAN WHO IS BOARD CERTIFIED OR ELIGIBLE IN THE SAME PRACTICE SPECIALTY; OR

(2) A GROUP PHYSICIAN PRACTICE THAT CONTAINS BOARD CERTIFIED OR ELIGIBLE PHYSICIANS IN THE SAME PRACTICE SPECIALTY.

[(i)**]** **(S)** "Subscriber" means a person covered for benefits under a preferred provider insurance policy issued by a person that is not an insurer.

14–205.

(a) If a preferred provider insurance policy offered by an insurer provides benefits for a service that is within the lawful scope of practice of a health care provider licensed under the Health Occupations Article, an insured covered by the preferred provider insurance policy is entitled to receive the benefits for that service either through direct payments to the health care provider or through reimbursement to the insured.

(b) (1) A preferred provider insurance policy offered by an insurer under this subtitle shall provide for payment of services rendered by nonpreferred providers as provided in this subsection.

(2) Unless the insurer demonstrates to the satisfaction of the Commissioner that an alternative level of payment is more appropriate, **[**aggregate

payments made in a full calendar year to nonpreferred providers, after all deductible and copayment provisions have been applied, on average may not be less than 80% of the aggregate payments made in that full calendar year to preferred providers for similar services, in the same geographic area, under their provider service contracts**]** **FOR EACH COVERED SERVICE UNDER A PREFERRED PROVIDER INSURANCE POLICY, THE DIFFERENCE BETWEEN THE COINSURANCE PERCENTAGE APPLICABLE TO NONPREFERRED PROVIDERS AND THE COINSURANCE PERCENTAGE APPLICABLE TO PREFERRED PROVIDERS MAY NOT BE GREATER THAN 20 PERCENTAGE POINTS**.

(3) IF THE PREFERRED PROVIDER INSURANCE POLICY CONTAINS A PROVISION FOR THE INSURED TO PAY THE BALANCE BILL, THE PROVISION MAY NOT APPLY TO AN ON-CALL PHYSICIAN WHO HAS ACCEPTED AN ASSIGNMENT OF BENEFITS IN ACCORDANCE WITH § 14-205.2 OF THIS SUBTITLE.

(4) THE INSURER'S ALLOWED AMOUNT FOR A HEALTH CARE SERVICE COVERED UNDER THE PREFERRED PROVIDER INSURANCE POLICY PROVIDED BY NONPREFERRED PROVIDERS MAY NOT BE LESS THAN THE ALLOWED AMOUNT PAID TO A PREFERRED PROVIDER FOR THE SAME HEALTH CARE SERVICE IN THE SAME GEOGRAPHIC REGION.

(c) (1) In this subsection, "unfair discrimination" means an act, method of competition, or practice engaged in by an insurer:

(i) that is prohibited by Title 27, Subtitle 2 of this article; or

(ii) that, although not specified in Title 27, Subtitle 2 of this article, the Commissioner believes is unfair or deceptive and that results in the institution of an action by the Commissioner under § 27–104 of this article.

(2) If the rates for each institutional provider under a preferred provider insurance policy offered by an insurer vary based on individual negotiations, geographic differences, or market conditions and are approved by the Health Services Cost Review Commission, the rates do not constitute unfair discrimination under this article.".

On pages 2 and 3, strike in their entirety the lines beginning with line 26 on page 2 through line 23 on page 3, inclusive.

On page 3, in lines 24 and 28, strike "**(B)**" and "**(C)**", respectively, and substitute "**(A)**" and "**(B)**", respectively; and in line 26, strike "**A VALID**" and substitute "**AN**".

On page 4, in line 18, strike "**TO THE INSURER**"; and in line 29, strike "**(D)**" and substitute "**(C)**".

On page 5, in line 4, strike "**AS OF**" and substitute "**FOR THE 12-MONTH PERIOD THAT ENDS ON**"; in lines 14, 21, 24, and 33, strike "**(E)**", "**(F)**", "**(G)**", and "**(H)**", respectively, and substitute "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively; and in lines 14, 23, 25, and 32, in each instance, strike "**(D)**" and substitute "**(C)**".

On page 6, strike beginning with "**IF**" in line 2 down through "**SUSTAINED**" in line 3 and substitute "**IF THE ADMINISTRATION OR COURT FINDS THAT:**

(I) THE INSURER'S CONDUCT IN MAINTAINING OR DEFENDING THE PROCEEDING WAS IN BAD FAITH; OR

(II) THE INSURER ACTED WILLFULLY IN THE ABSENCE OF A BONA FIDE DISPUTE";

strike in their entirety lines 4 through 8, inclusive; in lines 9, 13, and 18, strike "**(J)**", "**(K)**", and "**(L)**", respectively, and substitute "**(H)**", "**(I)**", and "**(J)**", respectively; and strike beginning with "**THAT**" in line 15 down through "**INSURER**" in line 17 and substitute "**FOR EACH VIOLATION OF THIS SECTION**".

AMENDMENT NO. 3

On page 6, in line 21, strike "**15-134.**" and substitute "**14-205.3.**".

On pages 6 and 7, strike beginning with "**(1)**" in line 22 on page 6 down through "**TITLE**" in line 27 on page 7 and substitute "**THIS SECTION DOES NOT APPLY TO ON-CALL PHYSICIANS**".

On page 7, in line 28, strike "**A CARRIER**" and substitute "**AN INSURER**".

On page 8, in line 1, after "**PROVIDER**" insert "**WHO IS A PHYSICIAN**"; in line 2, strike "**, SUBSCRIBER, OR ENROLLEE**"; in line 3, strike "**REIMBURSE DIRECTLY**" and substitute "**DIRECTLY REIMBURSE**"; in the same line, after the first "**A**" insert "**NONPREFERRED**"; in the same line, after "**PROVIDER**" insert "**WHO IS A PHYSICIAN**"; strike beginning with the second "**A**" in line 3 down through "**VALID**" in line 4 and substitute "**AN**"; strike beginning with the first comma in line 5 down through "**VALID**" in line 6 and substitute "**HAS NOT PROVIDED AN**"; in line 7, strike "**CARRIER**" and substitute "**INSURER**"; strike beginning with the first comma in line 8 down through "**ENROLLEE**" in line 9; in lines 10, 16, 18, and 19, in each instance, strike "**NONPARTICIPATING**" and substitute "**NONPREFERRED**"; in line 10, after "**PROVIDER**" insert "**WHO IS A PHYSICIAN**"; strike beginning with the first comma in line 13 down through "**ENROLLEE'S**" in line 14; strike beginning with the first comma in line 15 down through "**ENROLLEE**" in line 16; in line 17, strike "**, SUBSCRIBER, OR ENROLLEE**"; strike beginning with "**(1)**" in line 20 down through "**(2)**" in line 22; in line 22, after "**PHYSICIAN**" insert "**WHO IS A NONPREFERRED PROVIDER**"; in line 23, strike "**A PATIENT**" and substitute "**AN INSURED**"; in line 24, strike "**PATIENT**" and substitute "**INSURED, PRIOR TO PERFORMING A HEALTH CARE SERVICE**"; in lines 25 and 27, in each instance, strike "**PATIENT**" and substitute "**INSURED**"; in the same line, strike "**(I)**" and "**(II)**", respectively, and substitute "**(1)**" and "**(2)**", respectively; in line 26, strike "**AND**"; strike beginning with the first comma in line 28 down through "**PLAN**" in line 30 and substitute "**FOR NONCOVERED SERVICES;**

(3) A STATEMENT INFORMING THE INSURED THAT THE NONHOSPITAL-BASED PHYSICIAN MAY CHARGE THE INSURED THE BALANCE BILL FOR COVERED SERVICES;

(4) AN ESTIMATE OF THE COST OF SERVICES THAT THE NONHOSPITAL-BASED PHYSICIAN WILL PROVIDE TO THE INSURED;

(5) ANY TERMS OF PAYMENT THAT MAY APPLY; AND

(6) WHETHER INTEREST WILL APPLY AND, IF SO, THE AMOUNT OF INTEREST CHARGED BY THE NONHOSPITAL-BASED PHYSICIAN.

(E) A NONHOSPITAL-BASED PHYSICIAN WHO IS A NONPREFERRED PROVIDER SHALL SUBMIT THE DISCLOSURE FORM DEVELOPED BY THE

COMMISSIONER UNDER SUBSECTION (F) OF THIS SECTION TO DOCUMENT TO THE INSURER THE ASSIGNMENT OF BENEFITS BY AN INSURED";

in line 31, strike "**(E)**" and substitute "**(F)**"; in the same line, after "**DEVELOP**" insert "**DISCLOSURE**"; and after line 32, insert:

"**(G) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION, AN INSURER MAY REFUSE TO DIRECTLY REIMBURSE A NONPREFERRED PROVIDER UNDER AN ASSIGNMENT OF BENEFITS IF:**

(1) THE INSURER RECEIVES NOTICE OF THE ASSIGNMENT OF BENEFITS AFTER THE TIME THE INSURER HAS PAID THE BENEFITS TO THE INSURED;

(2) THE INSURER, DUE TO AN INADVERTENT ADMINISTRATIVE ERROR, HAS PREVIOUSLY PAID THE INSURED;

(3) THE INSURED WITHDRAWS THE ASSIGNMENT OF BENEFITS BEFORE THE INSURER HAS PAID THE BENEFITS TO THE NONPREFERRED PROVIDER; OR

(4) THE INSURED PAID THE NONPREFERRED PROVIDER THE FULL AMOUNT DUE AT THE TIME OF SERVICE.

15–304.

(a) **[**Subject**] EXCEPT AS PROVIDED IN §§ 14-205.2 AND 14-205.3 OF THIS ARTICLE, AND SUBJECT** to subsection (b) of this section, on request of the policyholder, a policy of group health insurance may contain a provision that all or part of the benefits provided by the policy for hospital, nursing, medical, or surgical services, at the insurer's option, may be paid directly to the hospital or person that provides the services.

(b) A policy of group health insurance may not require that hospital, nursing, medical, or surgical services be provided by a particular hospital or person.

(c) A direct payment made under subsection (a) of this section discharges the insurer's obligation with respect to the amount paid.".

AMENDMENT NO. 4

On page 9, in line 14, after "of" insert "primary and specialty"; in the same line, strike "networks" and substitute "networks, including the impact on billed charges, allowed charges, and patient responsibility for remaining charges, by specialty"; after line 23, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Insurance Administration shall study:

(1) the benefits provided by health insurers under preferred provider insurance policies for covered services rendered by nonpreferred providers at hospitals that are preferred providers during emergencies and elective admissions; and

(2) the impact of these benefits on complaints filed by insureds with insurers and the Administration regarding balance billing.

(b) On or before December 1, 2011, the Administration shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on its findings under this section and any recommendations.

SECTION 4. AND BE IT FURTHER ENACTED, That the Maryland Insurance Administration may not impose any monetary penalties on a health insurer for a violation of § 14-205.2 of the Insurance Article, as enacted by Section 1 of this Act, until July 1, 2012.";

in lines 24 and 27, strike "3." and "4.", respectively, and substitute "5." and "6.", respectively; and in line 28, strike "3" and substitute "5".

The preceding 4 amendments were read only.

Senator Della moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 527 – Senators Frosh, Conway, Currie, Dyson, Gladden, Jones, Klausmeier, Madaleno, Middleton, Pugh, and Raskin

AN ACT concerning

Health and Human Services Referral Board – 2–1–1 Maryland – Modifications

SB0527/727579/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 527
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "reimbursement;" insert "requiring the composition of the Board as to the race and gender of its members to reflect the composition of the population of the State;"; and in line 17, after "terms;" insert "repealing a certain definition; requiring a certain call center to align with 2-1-1 Maryland on or before a certain date under certain circumstances;".

AMENDMENT NO. 2

On page 4, in line 7, strike the second "**AND**"; after line 7, insert:

"**(5) THE DEGREE TO WHICH THE COUNTY IN WHICH THE PROPOSED CALL CENTER IS TO BE LOCATED HAS DEDICATED SUBSTANTIAL RESOURCES TO THE ESTABLISHMENT OF A SINGLE TELEPHONE SOURCE FOR NON-EMERGENCY INQUIRIES REGARDING COUNTY SERVICES; AND**";

and in line 8, strike "**(5)**" and substitute "**(6)**".

On page 5, in line 20, strike the bracket.

On page 6, after line 2, insert:

"**(6) THE SECRETARY OF AGING, OR THE SECRETARY'S DESIGNEE;**";

in lines 3, 5, and 7, strike "**(6)**", "**(7)**", and "**(8)**", respectively, and substitute "**(7)**", "**(8)**", and "**(9)**", respectively; after line 8, insert:

"**(10) A REPRESENTATIVE OF THE MARYLAND CHILD CARE RESOURCE NETWORK, APPOINTED BY THE GOVERNOR;**";

and in lines 9 and 11, strike "**(9)**" and "**(10)**", respectively, and substitute "**(11)**" and "**(12)**", respectively.

On page 7, after line 11, insert:

"**(I) THE COMPOSITION OF THE BOARD AS TO THE RACE AND GENDER OF ITS MEMBERS SHALL REFLECT THE COMPOSITION OF THE POPULATION OF THE STATE.**".

On page 8, in line 7, after "That" insert "if 2-1-1 Maryland approves a call center to be located in Montgomery County, the call center shall align with 2-1-1 Maryland on or before July 1, 2011.

SECTION 3. AND BE IT FURTHER ENACTED, That".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 762 – Senators Della and Stone

AN ACT concerning

Commercial Law – Consumer Protection – Refund Anticipation Loans and Checks

SB0762/317073/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 762
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute ", Stone, Middleton, and Exum".

AMENDMENT NO. 2

On page 2, in line 24, strike "**A**" and substitute "**:**

(I) **A**";

in line 25, after "**ASSOCIATION,**" insert "**OR**"; in the same line, strike "**, OR**" and substitute "**;**

(II) **AN AFFILIATE OR SUBSIDIARY OF A BANK, SAVINGS AND LOAN ASSOCIATION, OR CREDIT UNION THAT, IN CONNECTION WITH REFUND ANTICIPATION LOANS OR REFUND ANTICIPATION CHECKS, ACTS SOLELY AS A SERVICER FOR THE FINANCIAL INSTITUTION WITH WHICH IT IS AFFILIATED OR OF WHICH IT IS A SUBSIDIARY; OR**

(III) **A**".

On page 4, in line 29, after "**FEE**" insert "**TO A CONSUMER**".

On page 7, in line 18, after "**FEE**" insert "**TO A CONSUMER**".

AMENDMENT NO. 3

On page 5 in lines 2 and 27, on page 6 in line 26, and on page 7 in line 4, in each instance, after "**APPLIES**" insert "**THROUGH A FACILITATOR**".

On page 5, in lines 3 and 28, in each instance, strike the first "**A**" and substitute "**THE**".

On page 6 in line 27, and on page 7 in line 5, in each instance, strike "**A**" and substitute "**THE**".

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 46 Members present.

(See Roll Call No. 385)

ADJOURNMENT

At 12:05 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, March 10, 2010.

Annapolis, Maryland
Wednesday, March 10, 2010
10:00 A.M. Session

The Senate met at 10:08 A.M.

Prayer by Pastor Joseph Lyles, Fort Foote Baptist Church, guest of Senator Muse.

The Journal of March 9, 2010 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 387)

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 388)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #30

Senate Bill 161 – Senators Simonaire and Reilly

AN ACT concerning

Anne Arundel County Public Schools – Office Discipline Referrals – Accountability Policy

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 389)

The Bill was then sent to the House of Delegates.

Senate Bill 390 – Senator McFadden

AN ACT concerning

Baltimore City – Marriage License Fee – Increase – The Carole Alexander Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 4 (See Roll Call No. 390)

The Bill was then sent to the House of Delegates.

Senate Bill 453 – Senators Pinsky, Frosh, Harrington, and Lenett

EMERGENCY BILL

AN ACT concerning

Education – Teachers – National Board Certified Teacher Pilot Program

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 391)

The Bill was then sent to the House of Delegates.

Senate Bill 501 – Senator Raskin

AN ACT concerning

Real Estate Investment Trusts – Miscellaneous Provisions

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 392)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 337 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

Estates and Trusts – Construction of References in Will or Trust to Federal Estate Tax or Generation–Skipping Transfer Tax

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Kramer moved, duly seconded, to make the Bill and Report a Special Order for the end of today's business.

The motion was adopted.

Senate Bill 662 – Senator Klausmeier

AN ACT concerning

Prescription Drugs – Controlled Dangerous Substances – Certification of Information on Delivery

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0662/314336/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 662
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Klausmeier" and substitute "Senators Klausmeier and Della"; strike in their entirety lines 2 and 3, inclusive; after line 3, insert "Pharmacies – Delivery of Controlled Dangerous Substances"; strike beginning with "requiring" in line 4 down through "patients" in line 9 and substitute "requiring certain pharmacies to require an adult to sign for the delivery of certain controlled dangerous substances to a residence; requiring the State Board of Pharmacy to waive certain requirements for certain pharmacies under certain circumstances; and generally relating to pharmacies and the delivery of controlled dangerous substances"; and in line 12, after "12-403" insert "(b)(17) and (c)(3)".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 19 and 20.

On pages 1 through 3, strike in their entirety the lines beginning with line 23 on page 1 through line 27 on page 3, inclusive.

On page 3, in line 35, strike "and".

On page 4, in line 4, after "medications;" insert "**AND**

(III) REQUIRE AN ADULT TO SIGN FOR THE DELIVERY OF A PRESCRIPTION DRUG OR SUBSTANCE THAT IS LISTED IN SCHEDULE II AS A CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, TO A RESIDENCE;".

On pages 4 and 5, strike in their entirety the lines beginning with line 5 on page 4 through line 6 on page 5, inclusive.

On page 5, strike beginning with "(1)" in line 7 down through "Board." in line 12; in line 14, strike "**(B)(21)**" and substitute "**(B)(17)(III) AND (20)**"; in the same line, after "pharmacy" insert "**SERVICING A NURSING FACILITY OR**".

On pages 5 and 6, strike in their entirety the lines beginning with line 17 on page 5 through line 29 on page 6, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0662/253525/1

BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 662, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0662/314336/1), in line 2 of Amendment No. 1, strike "and Della" and substitute ", Della, and Jacobs".

AMENDMENT NO. 2

On page 1 of the bill, at the top of the page, insert "EMERGENCY BILL".

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments, in the second line from the bottom of Amendment No. 1, after "circumstances;" insert "making this Act an emergency measure;".

On page 6 of the bill, strike beginning with "shall" in line 30 down through "2010" in line 31 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 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 239 – Senators Pugh, King, Conway, Currie, Exum, Forehand, Frosh, Garagiola, Glassman, Harrington, Jones, Kasemeyer, Kelley, Kramer, Lenett, Madaleno, McFadden, Muse, Peters, Raskin, Robey, and Rosapepe

AN ACT concerning

Education – Age of Compulsory Attendance – Exemptions

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Pipkin moved, duly seconded, to re-refer the Bill to the Committee on Budget and Tax.

The motion was rejected by roll call vote as follows:

Affirmative - 14 Negative - 32 (See Roll Call No. 393)

Senator Currie moved, duly seconded, to make the Bill a Special Order for March 12, 2010.

The motion was adopted.

Senate Bill 235 – Senators Robey, Currie, Forehand, Frosh, Gladden, Harrington, Jones, Kasemeyer, King, Klausmeier, Lenett, Madaleno, McFadden, Muse, Peters, Pugh, Raskin, Rosapepe, Stone, and Zirkin

AN ACT concerning

Real Property – Mobile Home Parks – Plans for Dislocated Residents

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 314 – Senators Garagiola, Kelley, Astle, DeGrange, Exum, Forehand, Frosh, Gladden, Jones, Kasemeyer, King, Kramer, McFadden, Miller, Peters, Raskin, Robey, and Rosapepe

AN ACT concerning

Health Insurance – Assignment of Benefits and Reimbursement of Nonpreferred Providers

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

SB0314/537370/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 314
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first "of" insert "providing that the difference between certain coinsurance percentages may not be greater than a certain amount

under certain circumstances; prohibiting certain provisions in a preferred provider insurance policy from applying to certain on-call physicians; prohibiting a certain allowed amount in certain insurance policies from being less than a certain amount;"; in the same line, strike "insurance carriers" and substitute "insurers"; in lines 9, 11, 12, 15, 23, 25, and 26, in each instance, strike "carriers" and substitute "insurers"; strike beginning with "requiring" in line 17 down through "Administration;" in line 20; in line 20, after "the" insert "Maryland Insurance"; in line 21, after "Act;" insert "authorizing the Maryland Insurance Commissioner to impose a certain penalty for each violation of certain provisions of this Act;"; in line 24, strike "a provider" and substitute "certain providers"; strike beginning with the first comma in line 24 down through "enrollee" in line 25; in lines 25 and 26, strike "a provider" and substitute "certain providers"; in line 27, strike ", subscriber, or enrollee"; in line 29, strike "a patient" and substitute "an insured"; and in the same line, after "circumstances;" insert "requiring certain physicians to submit a certain disclosure form to an insurer under certain circumstances;".

On page 2, in line 1, after "certain" insert "disclosure"; in the same line, after "forms;" insert "authorizing an insurer to refuse to directly reimburse a certain provider under certain circumstances;"; in line 4, after "reports;" insert "requiring the Administration to conduct a certain study and submit a certain report to the Governor and the General Assembly on or before a certain date; prohibiting the Administration from imposing certain penalties for a violation of certain provisions of this Act until a certain date;"; in the same line, after "terms;" insert "making a certain conforming change;"; in line 5, after "application" insert "of certain provisions"; strike in their entirety lines 8 through 12, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article - Insurance
Section 14-201, 14-205, and 15-304
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)";

and in line 15, strike "15-134" and substitute "14-205.3".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 20 through 23, inclusive; and after line 24, insert:

"14–201.

(a) In this subtitle the following words have the meanings indicated.

(B) "ALLOWED AMOUNT" MEANS THE DOLLAR AMOUNT THAT AN INSURER DETERMINES IS THE VALUE OF THE HEALTH CARE SERVICE PROVIDED BY A PROVIDER BEFORE ANY COST SHARING AMOUNTS ARE APPLIED.

(C) "ASSIGNMENT OF BENEFITS" MEANS THE TRANSFER OF HEALTH CARE COVERAGE REIMBURSEMENT BENEFITS OR OTHER RIGHTS UNDER A PREFERRED PROVIDER INSURANCE POLICY BY AN INSURED.

(D) "BALANCE BILL" MEANS THE DIFFERENCE BETWEEN A NONPREFERRED PROVIDER'S BILL FOR A HEALTH CARE SERVICE AND THE INSURER'S ALLOWED AMOUNT.

(E) "COST SHARING AMOUNTS" MEANS THE AMOUNTS THAT AN INSURED IS RESPONSIBLE FOR UNDER A PREFERRED PROVIDER INSURANCE POLICY, INCLUDING ANY DEDUCTIBLES, COINSURANCE, OR COPAYMENTS.

(F) "COVERED SERVICE" MEANS A HEALTH CARE SERVICE THAT IS A COVERED BENEFIT UNDER A PREFERRED PROVIDER INSURANCE POLICY.

(G) "HEALTH CARE SERVICES" HAS THE MEANING STATED IN § 19-701 OF THE HEALTH – GENERAL ARTICLE.

[(b)**]** **(H)** "Insured" means a person covered for benefits under a preferred provider insurance policy offered or administered by an insurer.

(I) "MEDICARE ECONOMIC INDEX" MEANS THE FIXED-WEIGHT INPUT PRICE INDEX THAT:

(1) MEASURES THE WEIGHTED AVERAGE ANNUAL PRICE CHANGE FOR VARIOUS INPUTS NEEDED TO PRODUCE PHYSICIAN SERVICES; AND

(2) IS USED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES IN THE CALCULATION OF REIMBURSEMENT OF PHYSICIAN SERVICES UNDER TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT.

(J) "NONHOSPITAL-BASED PHYSICIAN" MEANS A PHYSICIAN WHO:

(1) IS AUTHORIZED UNDER THE MARYLAND MEDICAL PRACTICE ACT TO PRACTICE MEDICINE IN THE STATE; AND

(2) IS NOT UNDER CONTRACT WITH A HOSPITAL TO PROVIDE HEALTH CARE SERVICES TO PATIENTS IN THE HOSPITAL, EXCEPT AS AN ON-CALL PHYSICIAN.

[(c)**] (K)** "Nonpreferred provider" means a provider that is eligible for payment under a preferred provider insurance policy, but that is not a preferred provider under the applicable provider service contract.

(L) "ON-CALL PHYSICIAN" MEANS A NONHOSPITAL-BASED PHYSICIAN WHO:

(1) HAS PRIVILEGES AT A HOSPITAL; AND

(2) IS REQUIRED TO RESPOND WITHIN AN AGREED UPON TIME PERIOD TO PROVIDE HEALTH CARE SERVICES FOR UNASSIGNED PATIENTS AT THE REQUEST OF A HOSPITAL OR A HOSPITAL EMERGENCY DEPARTMENT.

[(d)**] (M)** "Preferential basis" means an arrangement under which the insured or subscriber under a preferred provider insurance policy is entitled to receive health care services from preferred providers at no cost, at a reduced fee, or under more favorable terms than if the insured or subscriber received similar services from a nonpreferred provider.

[(e)**] (N)** "Preferred provider" means a provider that has entered into a provider service contract.

[(f)**] (O)** "Preferred provider insurance policy" means:

(1) a policy or insurance contract that is issued or delivered in the State by an insurer, under which health care services are to be provided to the insured by a preferred provider on a preferential basis; or

(2) another contract that is offered by an employer, third party administrator, or other entity, under which health care services are to be provided to the subscriber by a preferred provider on a preferential basis.

[(g)**]** **(P)** "Provider" means a physician, hospital, or other person that is licensed or otherwise authorized to provide health care services.

[(h)**]** **(Q)** "Provider service contract" means a contract between a provider and an insurer, employer, third party administrator, or other entity, under which the provider agrees to provide health care services on a preferential basis under specific preferred provider insurance policies.

(R) "SIMILARLY LICENSED PROVIDER" MEANS:

(1) A PHYSICIAN WHO IS BOARD CERTIFIED OR ELIGIBLE IN THE SAME PRACTICE SPECIALTY; OR

(2) A GROUP PHYSICIAN PRACTICE THAT CONTAINS BOARD CERTIFIED OR ELIGIBLE PHYSICIANS IN THE SAME PRACTICE SPECIALTY.

[(i)**]** **(S)** "Subscriber" means a person covered for benefits under a preferred provider insurance policy issued by a person that is not an insurer.

14–205.

(a) If a preferred provider insurance policy offered by an insurer provides benefits for a service that is within the lawful scope of practice of a health care provider licensed under the Health Occupations Article, an insured covered by the preferred provider insurance policy is entitled to receive the benefits for that service either through direct payments to the health care provider or through reimbursement to the insured.

(b) (1) A preferred provider insurance policy offered by an insurer under this subtitle shall provide for payment of services rendered by nonpreferred providers as provided in this subsection.

(2) Unless the insurer demonstrates to the satisfaction of the Commissioner that an alternative level of payment is more appropriate, [aggregate payments made in a full calendar year to nonpreferred providers, after all deductible and copayment provisions have been applied, on average may not be less than 80% of the aggregate payments made in that full calendar year to preferred providers for similar services, in the same geographic area, under their provider service contracts] **FOR EACH COVERED SERVICE UNDER A PREFERRED PROVIDER INSURANCE POLICY, THE DIFFERENCE BETWEEN THE COINSURANCE PERCENTAGE APPLICABLE TO NONPREFERRED PROVIDERS AND THE COINSURANCE PERCENTAGE APPLICABLE TO PREFERRED PROVIDERS MAY NOT BE GREATER THAN 20 PERCENTAGE POINTS.**

(3) IF THE PREFERRED PROVIDER INSURANCE POLICY CONTAINS A PROVISION FOR THE INSURED TO PAY THE BALANCE BILL, THE PROVISION MAY NOT APPLY TO AN ON-CALL PHYSICIAN WHO HAS ACCEPTED AN ASSIGNMENT OF BENEFITS IN ACCORDANCE WITH § 14-205.2 OF THIS SUBTITLE.

(4) THE INSURER'S ALLOWED AMOUNT FOR A HEALTH CARE SERVICE COVERED UNDER THE PREFERRED PROVIDER INSURANCE POLICY PROVIDED BY NONPREFERRED PROVIDERS MAY NOT BE LESS THAN THE ALLOWED AMOUNT PAID TO A PREFERRED PROVIDER FOR THE SAME HEALTH CARE SERVICE IN THE SAME GEOGRAPHIC REGION.

(c) (1) In this subsection, "unfair discrimination" means an act, method of competition, or practice engaged in by an insurer:

(i) that is prohibited by Title 27, Subtitle 2 of this article; or

(ii) that, although not specified in Title 27, Subtitle 2 of this article, the Commissioner believes is unfair or deceptive and that results in the institution of an action by the Commissioner under § 27–104 of this article.

(2) If the rates for each institutional provider under a preferred provider insurance policy offered by an insurer vary based on individual negotiations, geographic differences, or market conditions and are approved by the Health Services Cost Review Commission, the rates do not constitute unfair discrimination under this article.".

On pages 2 and 3, strike in their entirety the lines beginning with line 26 on page 2 through line 23 on page 3, inclusive.

On page 3, in lines 24 and 28, strike "**(B)**" and "**(C)**", respectively, and substitute "**(A)**" and "**(B)**", respectively; and in line 26, strike "**A VALID**" and substitute "**AN**".

On page 4, in line 18, strike "**TO THE INSURER**"; and in line 29, strike "**(D)**" and substitute "**(C)**".

On page 5, in line 4, strike "**AS OF**" and substitute "**FOR THE 12-MONTH PERIOD THAT ENDS ON**"; in lines 14, 21, 24, and 33, strike "**(E)**", "**(F)**", "**(G)**", and "**(H)**", respectively, and substitute "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively; and in lines 14, 23, 25, and 32, in each instance, strike "**(D)**" and substitute "**(C)**".

On page 6, strike beginning with "**IF**" in line 2 down through "**SUSTAINED**" in line 3 and substitute "**IF THE ADMINISTRATION OR COURT FINDS THAT:**

(I) THE INSURER'S CONDUCT IN MAINTAINING OR DEFENDING THE PROCEEDING WAS IN BAD FAITH; OR

(II) THE INSURER ACTED WILLFULLY IN THE ABSENCE OF A BONA FIDE DISPUTE";

strike in their entirety lines 4 through 8, inclusive; in lines 9, 13, and 18, strike "**(J)**", "**(K)**", and "**(L)**", respectively, and substitute "**(H)**", "**(I)**", and "**(J)**", respectively; and strike beginning with "**THAT**" in line 15 down through "**INSURER**" in line 17 and substitute "**FOR EACH VIOLATION OF THIS SECTION**".

AMENDMENT NO. 3

On page 6, in line 21, strike "**15-134.**" and substitute "**14-205.3.**".

On pages 6 and 7, strike beginning with "**(1)**" in line 22 on page 6 down through "**TITLE**" in line 27 on page 7 and substitute "**THIS SECTION DOES NOT APPLY TO ON-CALL PHYSICIANS**".

On page 7, in line 28, strike "**A CARRIER**" and substitute "**AN INSURER**".

On page 8, in line 1, after "**PROVIDER**" insert "**WHO IS A PHYSICIAN**"; in line 2, strike "**, SUBSCRIBER, OR ENROLLEE**"; in line 3, strike "**REIMBURSE DIRECTLY**" and substitute "**DIRECTLY REIMBURSE**"; in the same line, after the first "**A**" insert "**NONPREFERRED**"; in the same line, after "**PROVIDER**" insert "**WHO IS A PHYSICIAN**"; strike beginning with the second "**A**" in line 3 down through "**VALID**" in line 4 and substitute "**AN**"; strike beginning with the first comma in line 5 down through "**VALID**" in line 6 and substitute "**HAS NOT PROVIDED AN**"; in line 7, strike "**CARRIER**" and substitute "**INSURER**"; strike beginning with the first comma in line 8 down through "**ENROLLEE**" in line 9; in lines 10, 16, 18, and 19, in each instance, strike "**NONPARTICIPATING**" and substitute "**NONPREFERRED**"; in line 10, after "**PROVIDER**" insert "**WHO IS A PHYSICIAN**"; strike beginning with the first comma in line 13 down through "**ENROLLEE'S**" in line 14; strike beginning with the first comma in line 15 down through "**ENROLLEE**" in line 16; in line 17, strike "**, SUBSCRIBER, OR ENROLLEE**"; strike beginning with "**(1)**" in line 20 down through "**(2)**" in line 22; in line 22, after "**PHYSICIAN**" insert "**WHO IS A NONPREFERRED PROVIDER**"; in line 23, strike "**A PATIENT**" and substitute "**AN INSURED**"; in line 24, strike "**PATIENT**" and substitute "**INSURED, PRIOR TO PERFORMING A HEALTH CARE SERVICE**"; in lines 25 and 27, in each instance, strike "**PATIENT**" and substitute "**INSURED**"; in the same line, strike "**(I)**" and "**(II)**", respectively, and substitute "**(1)**" and "**(2)**", respectively; in line 26, strike "**AND**"; strike beginning with the first comma in line 28 down through "**PLAN**" in line 30 and substitute "**FOR NONCOVERED SERVICES;**

(3) A STATEMENT INFORMING THE INSURED THAT THE NONHOSPITAL-BASED PHYSICIAN MAY CHARGE THE INSURED THE BALANCE BILL FOR COVERED SERVICES;

(4) AN ESTIMATE OF THE COST OF SERVICES THAT THE NONHOSPITAL-BASED PHYSICIAN WILL PROVIDE TO THE INSURED;

(5) ANY TERMS OF PAYMENT THAT MAY APPLY; AND

(6) WHETHER INTEREST WILL APPLY AND, IF SO, THE AMOUNT OF INTEREST CHARGED BY THE NONHOSPITAL-BASED PHYSICIAN.

(E) A NONHOSPITAL-BASED PHYSICIAN WHO IS A NONPREFERRED PROVIDER SHALL SUBMIT THE DISCLOSURE FORM DEVELOPED BY THE COMMISSIONER UNDER SUBSECTION (F) OF THIS SECTION TO DOCUMENT TO THE INSURER THE ASSIGNMENT OF BENEFITS BY AN INSURED";

in line 31, strike "**(E)**" and substitute "**(F)**"; in the same line, after "**DEVELOP**" insert "**DISCLOSURE**"; and after line 32, insert:

"**(G) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION, AN INSURER MAY REFUSE TO DIRECTLY REIMBURSE A NONPREFERRED PROVIDER UNDER AN ASSIGNMENT OF BENEFITS IF:**

(1) THE INSURER RECEIVES NOTICE OF THE ASSIGNMENT OF BENEFITS AFTER THE TIME THE INSURER HAS PAID THE BENEFITS TO THE INSURED;

(2) THE INSURER, DUE TO AN INADVERTENT ADMINISTRATIVE ERROR, HAS PREVIOUSLY PAID THE INSURED;

(3) THE INSURED WITHDRAWS THE ASSIGNMENT OF BENEFITS BEFORE THE INSURER HAS PAID THE BENEFITS TO THE NONPREFERRED PROVIDER; OR

(4) THE INSURED PAID THE NONPREFERRED PROVIDER THE FULL AMOUNT DUE AT THE TIME OF SERVICE.

15–304.

(a) **[**Subject**] EXCEPT AS PROVIDED IN §§ 14-205.2 AND 14-205.3 OF THIS ARTICLE, AND SUBJECT** to subsection (b) of this section, on request of the policyholder, a policy of group health insurance may contain a provision that all or part of the benefits provided by the policy for hospital, nursing, medical, or surgical services, at the insurer's option, may be paid directly to the hospital or person that provides the services.

(b) A policy of group health insurance may not require that hospital, nursing, medical, or surgical services be provided by a particular hospital or person.

(c) A direct payment made under subsection (a) of this section discharges the insurer's obligation with respect to the amount paid.".

AMENDMENT NO. 4

On page 9, in line 14, after "of" insert "primary and specialty"; in the same line, strike "networks" and substitute "networks, including the impact on billed charges, allowed charges, and patient responsibility for remaining charges, by specialty"; after line 23, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Insurance Administration shall study:

(1) the benefits provided by health insurers under preferred provider insurance policies for covered services rendered by nonpreferred providers at hospitals that are preferred providers during emergencies and elective admissions; and

(2) the impact of these benefits on complaints filed by insureds with insurers and the Administration regarding balance billing.

(b) On or before December 1, 2011, the Administration shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on its findings under this section and any recommendations.

SECTION 4. AND BE IT FURTHER ENACTED, That the Maryland Insurance Administration may not impose any monetary penalties on a health insurer for a violation of § 14-205.2 of the Insurance Article, as enacted by Section 1 of this Act, until July 1, 2012.";

in lines 24 and 27, strike "3." and "4.", respectively, and substitute "5." and "6.", respectively; and in line 28, strike "3" and substitute "5".

The preceding 4 amendments were read only.

Senator Della moved, duly seconded, to make the Bill and Amendments a Special Order for March 11, 2010.

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #7

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 318 – Senators Kramer, Astle, Brinkley, Brochin, Conway, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Haines, Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Simonaire, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Income Tax Checkoff for Developmental Disabilities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 336 – Senators King, Currie, Harrington, Lenett, McFadden, Pinsky, and Raskin

AN ACT concerning

Maryland Business Tax Reform Commission – Reporting Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 385 – Senators DeGrange, Brinkley, Dyson, Klausmeier, McFadden, Peters, Reilly, and Stoltzfus

AN ACT concerning

Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit

Senator Conway moved, duly seconded, to make the Bill and Report a Special Order for March 11, 2010.

The motion was adopted.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 444 – Senator Kasemeyer

AN ACT concerning

Blue Ribbon Commission to Study Retiree Health Care Funding Options – Extension of Reporting and Termination Dates

SB0444/739830/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 444
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "of" insert "requiring the Blue Ribbon Commission to Study Retiree Health Care Funding Options to issue a certain report by a certain date;".

AMENDMENT NO. 2

On page 1, after line 24, insert:

"**(2) ON OR BEFORE DECEMBER 31, 2010, THE COMMISSION SHALL ISSUE A SECOND INTERIM REPORT OF ITS FINDINGS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**".

On page 2, in line 1, strike "(2)" and substitute "**(3)**".

The preceding 2 amendments were read only.

Senator Harris moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 480 – Senator Robey

AN ACT concerning

State Contributory Law Enforcement Officers' Pension System – Transfer of Service Credit

Senator Harris moved, duly seconded, to make the Bill and Report a Special Order for March 11, 2010.

The motion was adopted.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 495 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Police Retirement System – Deferred Vested Members – Survivor Benefits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 496 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

Law Enforcement Officers' Pension System – Deferred Retirement Option Program – Participation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 550 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Eligible Governmental Units

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 552 – Senator Edwards

AN ACT concerning

Allegany County – Property Tax Credit – Memorial Hilltop Centre

SB0552/579237/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 552
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "certain" in line 8 down through "tax" in line 9 and substitute "the amount of the"; and in line 9, after "credit" insert ", eligibility criteria for the credit, certain regulations and procedures, and any other provision necessary to carry out the credit".

AMENDMENT NO. 2

On page 2, in line 6, strike "**AND**" and substitute:

"**(II) ELIGIBILITY CRITERIA FOR THE CREDIT;**

(III) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE CREDIT; AND";

and in line 7, strike "**(II)**" and substitute "**(IV)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 567 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Noncontributory Former Vested Members – Vested Retirement Allowance

Senator Kelley moved, duly seconded, to make the Bill and Report a Special Order for March 11, 2010.

The motion was adopted.

THE COMMITTEE ON RULES REPORT #8

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1103 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Southern and Broadneck High Schools Field Lights

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1105 – Senator Zirkin

AN ACT concerning

Creation of a State Debt – Baltimore County – HopeWell Cancer Support Facility

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1106 – Senator Zirkin

AN ACT concerning

Creation of a State Debt – Baltimore County – Owings Mills High School Stadium

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1109 – Senator Kasemeyer

AN ACT concerning

Creation of a State Debt – Baltimore County – Little Sisters of the Poor

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1111 – Senator Currie

AN ACT concerning

Creation of a State Debt – Prince George's County – Olde Mill Community and Teaching Center

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1116 – Senator Garagiola

AN ACT concerning

Creation of a State Debt – Montgomery County – Miracle League Baseball Field

The bill was re–referred to the Committee on Budget and Taxation.

INTRODUCTION OF BILLS

Senator Jacobs moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1120 – Senators Jacobs and Stone

EMERGENCY BILL

AN ACT concerning

Recognition of Out–of–State Same–Sex Marriages – Changes in Governmental Policies – Moratorium

FOR the purpose of prohibiting, until the issue of the recognition by this State of same–sex marriages legally performed in other jurisdictions is decided by the Court of Appeals or addressed by the General Assembly of Maryland through the enactment of a law, a unit of State or local government from altering a certain policy, procedure, rule, or regulation on the basis of certain legal advice of the Attorney General; providing for the application of this Act; making this Act an emergency measure; and generally relating to the recognition of out–of–state same–sex marriages.

Read the first time and referred to the Committee on Rules.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 337 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

Estates and Trusts – Construction of References in Will or Trust to Federal Estate Tax or Generation–Skipping Transfer Tax

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Frosh moved, duly seconded, to make the Bill and Report a Special Order for March 11, 2010.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 394)

ADJOURNMENT

At 11:02 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 11, 2010.

Annapolis, Maryland
Thursday, March 11, 2010
10:00 A.M. Session

The Senate met at 10:08 A.M.

Prayer by Reverend Julia Jarvis, United Church of Christ, guest of Senator Raskin.

(See Exhibit A of Appendix III)

The Journal of March 10, 2010 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 396)

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

Senate Bill 1000 – Senator Robey

AN ACT concerning

State Employee and Retiree Health and Welfare Benefits Program – Baltimore Metropolitan Council – Eligibility

Reassigned to the Committee on Finance
under Rule 33(d).

Read and ordered journalized.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 444 – Senator Kasemeyer

AN ACT concerning

Blue Ribbon Commission to Study Retiree Health Care Funding Options – Extension of Reporting and Termination Dates

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0444/739830/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 444
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "of" insert "requiring the Blue Ribbon Commission to Study Retiree Health Care Funding Options to issue a certain report by a certain date;".

AMENDMENT NO. 2

On page 1, after line 24, insert:

"**(2) ON OR BEFORE DECEMBER 31, 2010, THE COMMISSION SHALL ISSUE A SECOND INTERIM REPORT OF ITS FINDINGS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**".

On page 2, in line 1, 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.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 397)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #31
CONSENT CALENDAR #4

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 194	Sen. Colburn	Dorchester and Wicomico Counties – Alcoholic Beverages – Pub–Brewery and Micro–Brewery Licenses	EHE
SB 196	Sen. Colburn	Wicomico County – Alcoholic Beverages Act of 2010	EHE
SB 449	Sen. Brinkley	Frederick County – Alcoholic Beverages – Sales Hours	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 4 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 398)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #32

Senate Bill 28 – Senators Lenett and Raskin

AN ACT concerning

~~Election Law – Voter Qualifications –~~Honorable Lorraine M. Sheehan Act to Protect Voting Rights for Individuals Under Guardianship for Mental Disability

Read the third time and passed by yeas and nays as follows:

Affirmative – 40 Negative – 7 (See Roll Call No. 399)

The Bill was then sent to the House of Delegates.

Senate Bill 85 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Electronic Transmission of Title Information by Dealers

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 400)

The Bill was then sent to the House of Delegates.

Senate Bill 86 – Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Medication for Chronic or Acute Medical Condition – Waiver of Liability

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 401)

The Bill was then sent to the House of Delegates.

Senate Bill 163 – Senator Conway

AN ACT concerning

State Board of Pharmacy – ~~Wholesale Distributors – Accreditation and Reciprocity~~ Wholesale Distributor Permitting and Prescription Drug Integrity Act – Revisions

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 402)

The Bill was then sent to the House of Delegates.

Senate Bill 166 – Senator Conway

AN ACT concerning

State Government – State Designations – Review, Evaluation, and Recommendation by the State Archivist

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 403)

The Bill was then sent to the House of Delegates.

Senate Bill 327 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

State Board of Barbers and State Board of Cosmetologists – Sunset Extension and Revisions

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 404)

The Bill was then sent to the House of Delegates.

Senate Bill 402 – Senators Klausmeier, Conway, Currie, Mooney, and Stone

AN ACT concerning

Physicians – Professional Liability Insurance Coverage – Notification and Posting Requirements

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 405)

The Bill was then sent to the House of Delegates.

Senate Bill 463 – Senators Forehand, Raskin, Colburn, Frosh, Garagiola, Gladden, King, Klausmeier, Madaleno, and Pugh

AN ACT concerning

Criminal Procedure – Seizure and Forfeiture – Property Used in Human Trafficking

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 406)

The Bill was then sent to the House of Delegates.

Senate Bill 475 – Senator Stone

AN ACT concerning

Operating a Vessel While Under the Influence of or Impaired by Alcohol or Drugs – ~~Compulsory~~ Testing

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 3 (See Roll Call No. 407)

The Bill was then sent to the House of Delegates.

Senate Bill 493 – ~~Senator Astle~~ Senators Astle, Haines, and Jacobs

AN ACT concerning

Vehicle Laws – Equipment on Motorcycles – Auxiliary Lighting

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 408)

The Bill was then sent to the House of Delegates.

Senate Bill 715 – Senators Dyson, Astle, Brinkley, Colburn, Conway, DeGrange, Forehand, Garagiola, Gladden, Glassman, Haines, Harris, Jacobs, Jones, King, Kittleman, Klausmeier, Kramer, Lenett, Middleton, Munson, Pipkin, Raskin, Rosapepe, Stoltzfus, Stone, ~~and Zirkin~~ Zirkin, and Harrington

AN ACT concerning

State Government – Commemorative Days – Fire, Rescue, and Emergency Services Workers

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 409)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #33

Senate Bill 67 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Issuance of Temporary Registration Plates by Dealers – Transmission of Information and Record Keeping

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 410)

The Bill was then sent to the House of Delegates.

Senate Bill 189 – Senators Simonaire, Haines, Jacobs, Kittleman, Reilly, Stoltzfus, and Stone

AN ACT concerning

Vehicle Laws – Reckless and Negligent Driving – Penalties for Death or Serious Bodily Injury

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 411)

The Bill was then sent to the House of Delegates.

Senate Bill 261 – Senators Forehand, Raskin, ~~and Gladden~~ Gladden, Brochin, Haines, Jacobs, Simonaire, and Stone

AN ACT concerning

Criminal Law – Sexual Solicitation of a Minor and Human Trafficking – Prohibitions and Proof

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 412)

The Bill was then sent to the House of Delegates.

Senate Bill 355 – Senators Pinsky, Della, Frosh, Harrington, Pipkin, Raskin, ~~and Rosapepe~~ Rosapepe, Middleton, Garagiola, Exum, and Mooney

AN ACT concerning

Energy Companies – Net Energy Metering – Payment for Accrued Generation Credit

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 413)

The Bill was then sent to the House of Delegates.

Senate Bill 368 – Senator Della

AN ACT concerning

Department of Transportation – Repeal of Secretary's Authority to Abolish Employee Positions

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 414)

The Bill was then sent to the House of Delegates.

Senate Bill 387 – Senator Edwards

AN ACT concerning

Garrett County – Noncertificated Public School Employees – Service Fees

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 3 (See Roll Call No. 415)

The Bill was then sent to the House of Delegates.

Senate Bill 429 – Senators Kelley and Conway

AN ACT concerning

Maryland Medical Assistance Program – Medical Eligibility for Nursing Facility Level of Care – Report

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 416)

The Bill was then sent to the House of Delegates.

Senate Bill 477 – Senators Frosh, Forehand, Garagiola, King, Kramer, Madaleno, Middleton, and Raskin

AN ACT concerning

State Highways – Mobile Produce Vendors – Required State Lease

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 417)

The Bill was then sent to the House of Delegates.

Senate Bill 483 – Senator Dyson

AN ACT concerning

St. Mary's County Board of Education – Inclusion of Employees in Bargaining Unit

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 418)

The Bill was then sent to the House of Delegates.

Senate Bill 527 – Senators Frosh, Conway, Currie, Dyson, Gladden, Jones, Klausmeier, Madaleno, Middleton, Pugh, and Raskin

AN ACT concerning

Health and Human Services Referral Board – 2–1–1 Maryland – Modifications

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 419)

The Bill was then sent to the House of Delegates.

Senate Bill 609 – Senator Kittleman

AN ACT concerning

Workers' Compensation – Temporary Total Disability Benefits – Credit

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 3 (See Roll Call No. 420)

The Bill was then sent to the House of Delegates.

Senate Bill 626 – Senator Dyson

AN ACT concerning

St. Mary's County – Noncertificated Public School Employees – Service Fee

Read the third time and passed by yeas and nays as follows:

Affirmative – 42 Negative – 4 (See Roll Call No. 421)

The Bill was then sent to the House of Delegates.

Senate Bill 762 – Senators Della ~~and Stone~~, Stone, Middleton, and Exum

AN ACT concerning

Commercial Law – Consumer Protection – Refund Anticipation Loans and Checks

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 422)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 462 – Senator John C. Astle:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Brigade of Midshipman
in recognition of
the altruism demonstrated by voluntarily shoveling
snow to assist Annapolis residents during
the blizzards of 2010.
The entire membership extends best wishes on

this memorable occasion and directs this resolution
be presented on this 11th day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 423)

THE COMMITTEE ON BUDGET AND TAXATION REPORT #8

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 247 – Senators Glassman, Klausmeier, and Munson

AN ACT concerning

Hazardous Material Response Team Employees – Death Benefits and Funeral Expenses – Local Government Agencies

SB0247/929636/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 247
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "certain" insert "benefits may only be paid if"; in the same line, strike "may place" and substitute "maintain"; strike beginning with "each" in line 7 down through "year" in line 8; and in line 9, strike "under certain circumstances" and substitute "; requiring a local government agency, if a certain determination is made to pay a certain benefit, to pay to the Department of Public Safety and Correctional Services funds required to pay the benefit".

AMENDMENT NO. 2

On page 5, in lines 16 and 20, in each instance, strike "**MATERIALS**" and substitute "**MATERIAL**"; in line 20, strike "**PLACES**" and substitute "**MAINTAINS**"; strike beginning with "**EACH**" in line 20 down through "**YEAR**" in line 21; and in line 33, strike "**SECTION**" and substitute "**SUBSECTION**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 319 – Senators Miller, Currie, McFadden, Astle, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Peters, Pinsky, Pugh, Raskin, Robey, and Rosapepe

AN ACT concerning

African American Heritage Preservation Program

SB0319/139132/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 319
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "consultation" and substitute "partnership"; in line 10, after "grants" insert "to certain grantees"; in line 11, after "Trust" insert "and Commission"; strike beginning with "before" in line 11 down through "Commission" in line 12 and substitute "and consider certain factors"; in line 13, strike "to approve" and substitute ", on or before a certain date, to recommend"; in line 14, after "budget" insert "and forward the recommendations to the Department of Budget and Management"; in line 15, after "Trust" insert "and Commission"; in line 16, after "date;" insert "requiring a grantee under the Program to enter into a certain agreement, unless the requirement is waived by the Secretary of Planning;"; in the same line, strike "Trust" and substitute "Secretary, in consultation with the Commission,"; and in line 17, after "Program;" insert "providing that certain regulations may not be adopted unless approved by the Board of Public Works; requiring the Trust and Commission, to the extent required by certain regulations, to submit grants recommended under the Program to the Board of Public Works for approval;".

AMENDMENT NO. 2

On page 2, after line 17, insert:

"**(6) "SECRETARY" MEANS THE SECRETARY OF PLANNING.**";

in line 25, strike "**CONSULTATION**" and substitute "**PARTNERSHIP**"; and in line 28, strike "**TRUST**" and substitute "**JOINT PARTNERSHIP OF THE TRUST AND COMMISSION**".

AMENDMENT NO. 3

On page 3, in lines 6, 12, and 18, in each instance, after "**TRUST**" insert "**AND COMMISSION**"; in line 7, after "**PROGRAM**" insert "**TO A BUSINESS ENTITY, INDIVIDUAL, OR POLITICAL SUBDIVISION**"; in line 8, after "**OF**" insert "**FEDERAL,**"; strike beginning with the period in line 13 down through "**REGARDING**" in line 15 and substitute "**AND SHALL MAKE RECOMMENDATIONS FOR**"; in line 18, strike "**ITS**"; in the same line, after "**RECOMMENDATIONS**" insert "**UNDER THIS SUBSECTION**"; and in lines 18 and 28, strike "**(3)**" and "**(4)**", respectively, and substitute "**(2)**" and "**(3)**", respectively.

AMENDMENT NO. 4

On page 4, in line 1, strike "**APPROVE**" and substitute "**RECOMMEND**"; in line 4, strike "**APPROVED**" and substitute "**RECOMMENDED**"; in the same line, after "**PROJECTS**" insert "**AND GRANTEES**"; in line 10, after "**TRUST**" insert "**AND COMMISSION**"; in line 15, strike "**THE**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE**"; after line 19, insert:

"**(3) THE SECRETARY MAY WAIVE THE EASEMENT REQUIREMENT IF THE SECRETARY DETERMINES THAT AN EASEMENT IS IMPRACTICABLE OR INFEASIBLE UNDER THE CIRCUMSTANCES.**";

in line 20, after "**(J)**" insert "**(1)**"; in the same line, strike "**THE TRUST**" and substitute "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY, IN CONSULTATION WITH THE COMMISSION,**"; and after line 21, insert:

"**(2) A PROPOSED REGULATION THAT RELATES TO APPROVAL BY THE BOARD OF PUBLIC WORKS OF GRANTS TO BE FINANCED THROUGH THE**

SALE OF STATE GENERAL OBLIGATION BONDS MAY NOT BE ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE REGULATION IS APPROVED BY THE BOARD OF PUBLIC WORKS.

(K) TO THE EXTENT REQUIRED BY REGULATIONS ADOPTED UNDER SUBSECTION (J) OF THIS SECTION, THE TRUST AND THE COMMISSION SHALL SUBMIT TO THE BOARD OF PUBLIC WORKS FOR THE BOARD'S APPROVAL EACH RECOMMENDED AFRICAN AMERICAN HERITAGE PROGRAM GRANT THAT IS TO BE FINANCED THROUGH THE SALE OF STATE GENERAL OBLIGATION BONDS.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0319/343921/1

BY: Senator Currie

AMENDMENTS TO SENATE BILL 319

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "terms;" insert "stating the intent of the General Assembly;".

AMENDMENT NO. 2

On page 4, before line 22, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Historical Trust and the Commission on African American History and Culture administer the African American Heritage Preservation Program established under this Act using existing resources.";

and in line 22, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 372 – Senator Della

AN ACT concerning

Property Tax – Tax Sales – Notice to Foreclose Right of Redemption

SB0372/309531/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 372
(First Reading File Bill)

On page 2, in line 7, after "(6)" insert "**(I)**"; in the same line, strike "notice" and substitute "**FIRST OF THE TWO NOTICES**"; in the same line, strike the bracket; in line 8, strike "(i)" and substitute "**1.**"; in line 9, strike "(ii)" and substitute "**2.**"; in line 10, strike the bracket and substitute "**.**

(II) THE SECOND OF THE TWO NOTICES REQUIRED UNDER THIS SUBSECTION SHALL BE SENT:

1.";

in line 10, after "**BY**" insert "**FIRST–CLASS**"; in line 12, after "**SERVICE**" insert "**; AND**

2. IN AN ENVELOPE PROMINENTLY MARKED ON THE OUTSIDE WITH THE FOLLOWING PHRASE "NOTICE OF DELINQUENT PROPERTY TAX"";

in line 17, strike "**NOTICE**" and substitute "**THE SECOND OF THE TWO NOTICES REQUIRED UNDER THIS SUBSECTION**"; and in line 18, strike "**(6)**" and substitute "**(6)(II)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 373 – Senator Della

EMERGENCY BILL

AN ACT concerning

Property Tax – Tax Sales – Complaint to Foreclose Right of Redemption

SB0373/639437/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 373
(First Reading File Bill)

On page 2, in line 25, strike "**IN**" and substitute "**WHEN THE MAYOR AND CITY COUNCIL OF**"; in same line, after "**CITY**" insert "**BECOMES**"; in line 26, strike "**UNDER § 14–824(A)**" and substitute "**IN ACCORDANCE WITH § 14–824**"; and strike beginning with "**FOR**" in line 26 down through "**PURCHASER**" in line 27 and substitute "**, THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MOTION

Senator Kelley moved, duly seconded, that the Senate receive in Open Session the following Report from the Committee on Executive Nominations.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #5

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #5
March 11, 2010

District Court, Anne Arundel County (District 7)

1. Thomas V. Miller, III District 30

Judge of the District Court of Maryland, District 7, Anne Arundel County; appointed to serve a term of ten years from January 28, 2010

District Court, Baltimore City (District 1)

2. Nathan Braverman District 43

Judge of the District Court of Maryland, District 1, Baltimore City; reappointed to serve a term of ten years from July 4, 2010

3. Miriam B. Hutchins District 41

Judge of the District Court of Maryland, District 1, Baltimore City; reappointed to serve a term of ten years from July 4, 2010

District Court, Baltimore County (District 8)

4. Barbara R. Jung District 5

Judge of the District Court of Maryland, District 8, Baltimore County; reappointed to serve a term of ten years from November 22, 2010

5. G. Darrell Russell, Jr. District 42

Judge of the District Court of Maryland, District 8, Baltimore County; reappointed to serve a term of ten years from November 22, 2010

District Court, Prince George's County (District 5)

6. Jean S. Baron District 22

Judge of the District Court of Maryland, District 5, Prince George's County; reappointed to serve a term of ten years from June 30, 2010

7. Hassan A. El–Amin District 27

Judge of the District Court of Maryland, District 5, Prince George's County; reappointed to serve a term of ten years from June 30, 2010

8. Robert W. Heffron District 23

Judge of the District Court of Maryland, District 5, Prince George's County; reappointed to serve a term of ten years from June 30, 2010

9. Patrice E. Lewis District 22

Judge of the District Court of Maryland, District 5, Prince George's County; reappointed to serve a term of ten years from November 22, 2010

10. Mark T. O'Brien District 21

Judge of the District Court of Maryland, District 5, Prince George's County; reappointed to serve a term of ten years from June 30, 2010

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Amusement Ride Safety Board

S–1. Curtis G. Collins, Sr. District 10
9221 Old Court Road
Windsor Mill, MD 21244

Member of the Amusement Ride Safety Board; reappointed to serve a term of four years from July 1, 2010

S–2. Michael H. Jones District 38
25 Willow Way
Berlin, MD 21811

Member of the Amusement Ride Safety Board; reappointed to serve a term of four years from July 1, 2010

S–3. Ralph E. Shaw District 32
600 Shaw Road, P.O. Box 456
Severn, MD 21144

Member of the Amusement Ride Safety Board; reappointed to serve a term of four years from July 1, 2010

Apprenticeship and Training Council

S–4. Christopher F. Kelly, Sr. District 33
3441 Blandford Way
Davidsonville, MD 21035

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2010

S–5. David W. Norfolk District 32
583 Pasture Brook Road
Severn, MD 21144

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2010

S–6. James A. Williams, Sr. District 33
803 Old County Road
Severna Park, MD 21146

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2010

Archaeology, Advisory Committee on

S–7. Marian Craig Creveling District 30
1707 Forestville Road
Edgewater, MD 21037

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2010

S–8. Robert D. Wall, Ph.D. District 12
1602 Beechwood Avenue
Catonsville, MD 21228

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2010

Arts Council, Maryland State

S–9. David W. Harp District 37
11571 Riverton Wharf Road
Mardela Springs, MD 21837

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2010

S–10. William Mandicott District 1
28 Beall's Lane
Frostburg, MD 21532

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2010

S–11. David T. Terry, Ph.D. District 23
8212 River Park Road
Bowie, MD 20715

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2010

Aviation Commission, Maryland

S–12. Betty Hager Francis District 23
12603 Spriggs Request Road
Mitchellville, MD 20721

Member of the Maryland Aviation Commission; reappointed to serve a term of three years from October 1, 2010

Community Health Resources Commission, Maryland

S–13. Enrique E. Martinez–Vidal District 14
18640 Queen Elizabeth Drive
Brookeville, MD 20833

Member of the Maryland Community Health Resources Commission; reappointed to serve a term of four years from July 1, 2010

Correctional Standards, Commission on

S–14. Delores Alexander District 10
9905 Shoshone Way
Randallstown, MD 21133

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2010

Dietetic Practice, State Board of

S–15. Judith F. Gordon District 5
2868 Constellation Way
Finksburg, MD 21048

Member of the State Board of Dietetic Practice; reappointed to serve a term of four years from July 1, 2010

Economic Development Commission, Maryland

S–16. Steve Dubin District 13
14240 Triadelphia Road
Glenelg, MD 21737

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2010

S–17. Timothy A. Hodge, Jr., Esq. District 42
6423 Pratt Avenue
Baltimore, MD 21212

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2010

S–18. Aris Mardirossian District 15
11940 River Road
Potomac, MD 20854

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2010

S–19. Robert N. Smelkinson District 43
4603 Kerneway
Baltimore, MD 21212

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2010

Handgun Permit Review Board

S–20. Charles M. Thomas, Jr. District 43
4505 Kenelworth Avenue
Baltimore, MD 21212

Member of the Handgun Permit Review Board; reappointed to serve a term of three years from March 27, 2010

Health Care Commission, Maryland

S–21. Barbara Gill McLean District 5
3930 St. Pauls Road
Manchester, MD 21102

Member of the Maryland Health Care Commission; reappointed to serve a term of four years from October 1, 2010

S–22. Marilyn L. Moon District 16
6817 Wilson Lane
Bethesda, MD 20817

Member of the Maryland Health Care Commission; reappointed to serve a term of four years from October 1, 2010

S–23. Darren W. Petty, Sr. District 35
3704 Old Federal Hill Road
Jarrettsville, MD 21084

Member of the Maryland Health Care Commission; reappointed to serve a term of four years from October 1, 2010

Higher Education Labor Relations Board, Maryland

S–24. Holly Fechner District 20
7213 Spruce Avenue
Takoma Park, MD 20912

Member of the Maryland Higher Education Labor Relations Board; reappointed to serve a term of six years from July 1, 2010

Historical Trust, Board of Trustees of the Maryland

S–25. Alvin H. Luckenbach, Ph.D. District 30
16 Eastern Ave.
Annapolis, MD 21403

Member of the Board of Trustees of the Maryland Historical Trust; reappointed to serve a term of four years from July 1, 2010

S–26. Randall F. Vega District 41
805 Glen Allen Drive
Baltimore, MD 21229

Member of the Board of Trustees of the Maryland Historical Trust; reappointed to serve a term of four years from July 1, 2010

Infants and Toddlers, Interagency Coordinating Council for

S–27. Paula D. Boykin District 42
218 Beech View Court
Towson, MD 21286

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2010

S–28. Cascelia S. Burgess, Ed.D. District 45
5504 Daywalt Avenue
Baltimore, MD 21206

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2010

S–29. Curtisha Hopkins District 32
1805 Village Square Court
Severn, MD 21144

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2010

S–30. Linda R. Ramsey District 43
207 E. Northern Parkway
Baltimore, MD 21212

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2010

S–31. Erin Stauder District 12
303 Oak Forest Avenue
Catonsville, MD 21228

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2010

S–32. Jill Taylor District 42
28 Murdock Road
Baltimore, MD 21212

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2010

Landscape Architects, Board of Examiners

S–33. Lisa S. Keir District 5
13907 Longnecker Road
Reisterstown, MD 21136

Member of the Board of Examiners of Landscape Architects; reappointed to serve a term of three years from July 1, 2010

S–34. Christopher L. Schein District 30
15 Thompson Avenue
Annapolis, MD 21401

Member of the Board of Examiners of Landscape Architects; reappointed to serve a term of three years from July 1, 2010

Maryland Affordable Housing Trust, Board of Trustees

S–35. Kenneth Banks District 11
903 Windsor Road
Baltimore, MD 21208

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve a term of four years from October 1, 2010

S–36. Eric C. Brown District 41
524 Pimlico Road
Baltimore, MD 21209

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve a term of four years from October 1, 2010

S–37. Sandra Edmonds Crewe, Ph.D. District 25
720 Narrowleaf Drive
Largo, MD 20774

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve a term of four years from October 1, 2010

S–38. Bert J. Hash, Jr. District 9
11705 Farside Road
Ellicott City, MD 21042

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve a term of four years from October 1, 2010

Maryland Legal Services Corporation Board of Directors

S–39. Teri A. Heger, LCSW–C District 2
20032 Alva Court
Keedysville, MD 21756

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2010

S–40. Nancy A. Sachitano, Esq. District 16
772 Oldchester Road
Bethesda, MD 20817

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2010

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 12, 2010.

The motion was adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 314 – Senators Garagiola, Kelley, Astle, DeGrange, Exum, Forehand, Frosh, Gladden, Jones, Kasemeyer, King, Kramer, McFadden, Miller, Peters, Raskin, Robey, and Rosapepe

AN ACT concerning

Health Insurance – Assignment of Benefits and Reimbursement of Nonpreferred Providers

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

SB0314/537370/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 314
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first "of" insert "providing that the difference between certain coinsurance percentages may not be greater than a certain amount under certain circumstances; prohibiting certain provisions in a preferred provider insurance policy from applying to certain on–call physicians; prohibiting a certain allowed amount in certain insurance policies from being less than a certain amount;"; in the same line, strike "insurance carriers" and substitute "insurers"; in lines 9, 11, 12, 15, 23, 25, and 26, in each instance, strike "carriers" and substitute "insurers"; strike beginning with "requiring" in line 17 down through "Administration;" in line 20; in line 20, after "the" insert "Maryland Insurance"; in line 21, after "Act;" insert "authorizing the Maryland Insurance Commissioner to impose a certain penalty for each violation of certain provisions of this Act;"; in line 24, strike "a provider" and

substitute "certain providers"; strike beginning with the first comma in line 24 down through "enrollee" in line 25; in lines 25 and 26, strike "a provider" and substitute "certain providers"; in line 27, strike ", subscriber, or enrollee"; in line 29, strike "a patient" and substitute "an insured"; and in the same line, after "circumstances;" insert "requiring certain physicians to submit a certain disclosure form to an insurer under certain circumstances;".

On page 2, in line 1, after "certain" insert "disclosure"; in the same line, after "forms;" insert "authorizing an insurer to refuse to directly reimburse a certain provider under certain circumstances;"; in line 4, after "reports;" insert "requiring the Administration to conduct a certain study and submit a certain report to the Governor and the General Assembly on or before a certain date; prohibiting the Administration from imposing certain penalties for a violation of certain provisions of this Act until a certain date;"; in the same line, after "terms;" insert "making a certain conforming change;"; in line 5, after "application" insert "of certain provisions"; strike in their entirety lines 8 through 12, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–201, 14–205, and 15–304
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)";

and in line 15, strike "15–134" and substitute "14–205.3".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 20 through 23, inclusive; and after line 24, insert:

"14–201.

(a) In this subtitle the following words have the meanings indicated.

(B) "ALLOWED AMOUNT" MEANS THE DOLLAR AMOUNT THAT AN INSURER DETERMINES IS THE VALUE OF THE HEALTH CARE SERVICE PROVIDED BY A PROVIDER BEFORE ANY COST SHARING AMOUNTS ARE APPLIED.

(C) "ASSIGNMENT OF BENEFITS" MEANS THE TRANSFER OF HEALTH CARE COVERAGE REIMBURSEMENT BENEFITS OR OTHER RIGHTS UNDER A PREFERRED PROVIDER INSURANCE POLICY BY AN INSURED.

(D) "BALANCE BILL" MEANS THE DIFFERENCE BETWEEN A NONPREFERRED PROVIDER'S BILL FOR A HEALTH CARE SERVICE AND THE INSURER'S ALLOWED AMOUNT.

(E) "COST SHARING AMOUNTS" MEANS THE AMOUNTS THAT AN INSURED IS RESPONSIBLE FOR UNDER A PREFERRED PROVIDER INSURANCE POLICY, INCLUDING ANY DEDUCTIBLES, COINSURANCE, OR COPAYMENTS.

(F) "COVERED SERVICE" MEANS A HEALTH CARE SERVICE THAT IS A COVERED BENEFIT UNDER A PREFERRED PROVIDER INSURANCE POLICY.

(G) "HEALTH CARE SERVICES" HAS THE MEANING STATED IN § 19–701 OF THE HEALTH – GENERAL ARTICLE.

[(b)**]** **(H)** "Insured" means a person covered for benefits under a preferred provider insurance policy offered or administered by an insurer.

(I) "MEDICARE ECONOMIC INDEX" MEANS THE FIXED–WEIGHT INPUT PRICE INDEX THAT:

(1) MEASURES THE WEIGHTED AVERAGE ANNUAL PRICE CHANGE FOR VARIOUS INPUTS NEEDED TO PRODUCE PHYSICIAN SERVICES; AND

(2) IS USED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES IN THE CALCULATION OF REIMBURSEMENT OF PHYSICIAN SERVICES UNDER TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT.

(J) "NONHOSPITAL–BASED PHYSICIAN" MEANS A PHYSICIAN WHO:

(1) IS AUTHORIZED UNDER THE MARYLAND MEDICAL PRACTICE ACT TO PRACTICE MEDICINE IN THE STATE; AND

(2) IS NOT UNDER CONTRACT WITH A HOSPITAL TO PROVIDE HEALTH CARE SERVICES TO PATIENTS IN THE HOSPITAL, EXCEPT AS AN ON–CALL PHYSICIAN.

[(c)**] (K)** "Nonpreferred provider" means a provider that is eligible for payment under a preferred provider insurance policy, but that is not a preferred provider under the applicable provider service contract.

(L) "ON–CALL PHYSICIAN" MEANS A NONHOSPITAL–BASED PHYSICIAN WHO:

(1) HAS PRIVILEGES AT A HOSPITAL; AND

(2) IS REQUIRED TO RESPOND WITHIN AN AGREED UPON TIME PERIOD TO PROVIDE HEALTH CARE SERVICES FOR UNASSIGNED PATIENTS AT THE REQUEST OF A HOSPITAL OR A HOSPITAL EMERGENCY DEPARTMENT.

[(d)**] (M)** "Preferential basis" means an arrangement under which the insured or subscriber under a preferred provider insurance policy is entitled to receive health care services from preferred providers at no cost, at a reduced fee, or under more favorable terms than if the insured or subscriber received similar services from a nonpreferred provider.

[(e)**] (N)** "Preferred provider" means a provider that has entered into a provider service contract.

[(f)**] (O)** "Preferred provider insurance policy" means:

(1) a policy or insurance contract that is issued or delivered in the State by an insurer, under which health care services are to be provided to the insured by a preferred provider on a preferential basis; or

(2) another contract that is offered by an employer, third party administrator, or other entity, under which health care services are to be provided to the subscriber by a preferred provider on a preferential basis.

[(g)**] (P)** "Provider" means a physician, hospital, or other person that is licensed or otherwise authorized to provide health care services.

[(h)] **(Q)** "Provider service contract" means a contract between a provider and an insurer, employer, third party administrator, or other entity, under which the provider agrees to provide health care services on a preferential basis under specific preferred provider insurance policies.

(R) "SIMILARLY LICENSED PROVIDER" MEANS:

(1) A PHYSICIAN WHO IS BOARD CERTIFIED OR ELIGIBLE IN THE SAME PRACTICE SPECIALTY; OR

(2) A GROUP PHYSICIAN PRACTICE THAT CONTAINS BOARD CERTIFIED OR ELIGIBLE PHYSICIANS IN THE SAME PRACTICE SPECIALTY.

[(i)] **(S)** "Subscriber" means a person covered for benefits under a preferred provider insurance policy issued by a person that is not an insurer.

14–205.

(a) If a preferred provider insurance policy offered by an insurer provides benefits for a service that is within the lawful scope of practice of a health care provider licensed under the Health Occupations Article, an insured covered by the preferred provider insurance policy is entitled to receive the benefits for that service either through direct payments to the health care provider or through reimbursement to the insured.

(b) (1) A preferred provider insurance policy offered by an insurer under this subtitle shall provide for payment of services rendered by nonpreferred providers as provided in this subsection.

(2) Unless the insurer demonstrates to the satisfaction of the Commissioner that an alternative level of payment is more appropriate, [aggregate payments made in a full calendar year to nonpreferred providers, after all deductible and copayment provisions have been applied, on average may not be less than 80% of the aggregate payments made in that full calendar year to preferred providers for similar services, in the same geographic area, under their provider service contracts] **FOR EACH COVERED SERVICE UNDER A PREFERRED PROVIDER INSURANCE POLICY, THE DIFFERENCE BETWEEN THE COINSURANCE PERCENTAGE**

APPLICABLE TO NONPREFERRED PROVIDERS AND THE COINSURANCE PERCENTAGE APPLICABLE TO PREFERRED PROVIDERS MAY NOT BE GREATER THAN 20 PERCENTAGE POINTS.

(3) IF THE PREFERRED PROVIDER INSURANCE POLICY CONTAINS A PROVISION FOR THE INSURED TO PAY THE BALANCE BILL, THE PROVISION MAY NOT APPLY TO AN ON–CALL PHYSICIAN WHO HAS ACCEPTED AN ASSIGNMENT OF BENEFITS IN ACCORDANCE WITH § 14–205.2 OF THIS SUBTITLE.

(4) THE INSURER'S ALLOWED AMOUNT FOR A HEALTH CARE SERVICE COVERED UNDER THE PREFERRED PROVIDER INSURANCE POLICY PROVIDED BY NONPREFERRED PROVIDERS MAY NOT BE LESS THAN THE ALLOWED AMOUNT PAID TO A PREFERRED PROVIDER FOR THE SAME HEALTH CARE SERVICE IN THE SAME GEOGRAPHIC REGION.

(c) (1) In this subsection, "unfair discrimination" means an act, method of competition, or practice engaged in by an insurer:

(i) that is prohibited by Title 27, Subtitle 2 of this article; or

(ii) that, although not specified in Title 27, Subtitle 2 of this article, the Commissioner believes is unfair or deceptive and that results in the institution of an action by the Commissioner under § 27–104 of this article.

(2) If the rates for each institutional provider under a preferred provider insurance policy offered by an insurer vary based on individual negotiations, geographic differences, or market conditions and are approved by the Health Services Cost Review Commission, the rates do not constitute unfair discrimination under this article.".

On pages 2 and 3, strike in their entirety the lines beginning with line 26 on page 2 through line 23 on page 3, inclusive.

On page 3, in lines 24 and 28, strike "**(B)**" and "**(C)**", respectively, and substitute "**(A)**" and "**(B)**", respectively; and in line 26, strike "**A VALID**" and substitute "**AN**".

On page 4, in line 18, strike "**TO THE INSURER**"; and in line 29, strike "**(D)**" and substitute "**(C)**".

On page 5, in line 4, strike "**AS OF**" and substitute "**FOR THE 12–MONTH PERIOD THAT ENDS ON**"; in lines 14, 21, 24, and 33, strike "**(E)**", "**(F)**", "**(G)**", and "**(H)**", respectively, and substitute "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively; and in lines 14, 23, 25, and 32, in each instance, strike "**(D)**" and substitute "**(C)**".

On page 6, strike beginning with "**IF**" in line 2 down through "**SUSTAINED**" in line 3 and substitute "**IF THE ADMINISTRATION OR COURT FINDS THAT:**

(I) THE INSURER'S CONDUCT IN MAINTAINING OR DEFENDING THE PROCEEDING WAS IN BAD FAITH; OR

(II) THE INSURER ACTED WILLFULLY IN THE ABSENCE OF A BONA FIDE DISPUTE";

strike in their entirety lines 4 through 8, inclusive; in lines 9, 13, and 18, strike "**(J)**", "**(K)**", and "**(L)**", respectively, and substitute "**(H)**", "**(I)**", and "**(J)**", respectively; and strike beginning with "**THAT**" in line 15 down through "**INSURER**" in line 17 and substitute "**FOR EACH VIOLATION OF THIS SECTION**".

AMENDMENT NO. 3

On page 6, in line 21, strike "**15–134.**" and substitute "**14–205.3.**".

On pages 6 and 7, strike beginning with "**(1)**" in line 22 on page 6 down through "**TITLE**" in line 27 on page 7 and substitute "**THIS SECTION DOES NOT APPLY TO ON–CALL PHYSICIANS**".

On page 7, in line 28, strike "**A CARRIER**" and substitute "**AN INSURER**".

On page 8, in line 1, after "**PROVIDER**" insert "**WHO IS A PHYSICIAN**"; in line 2, strike "**, SUBSCRIBER, OR ENROLLEE**"; in line 3, strike "**REIMBURSE DIRECTLY**" and substitute "**DIRECTLY REIMBURSE**"; in the same line, after the first "**A**" insert "**NONPREFERRED**"; in the same line, after "**PROVIDER**" insert "**WHO IS A PHYSICIAN**"; strike beginning with the second "**A**" in line 3 down through "**VALID**" in line 4 and substitute "**AN**"; strike beginning with the first comma in line 5 down

through "**VALID**" in line 6 and substitute "**HAS NOT PROVIDED AN**"; in line 7, strike "**CARRIER**" and substitute "**INSURER**"; strike beginning with the first comma in line 8 down through "**ENROLLEE**" in line 9; in lines 10, 16, 18, and 19, in each instance, strike "**NONPARTICIPATING**" and substitute "**NONPREFERRED**"; in line 10, after "**PROVIDER**" insert "**WHO IS A PHYSICIAN**"; strike beginning with the first comma in line 13 down through "**ENROLLEE'S**" in line 14; strike beginning with the first comma in line 15 down through "**ENROLLEE**" in line 16; in line 17, strike "**, SUBSCRIBER, OR ENROLLEE**"; strike beginning with "**(1)**" in line 20 down through "**(2)**" in line 22; in line 22, after "**PHYSICIAN**" insert "**WHO IS A NONPREFERRED PROVIDER**"; in line 23, strike "**A PATIENT**" and substitute "**AN INSURED**"; in line 24, strike "**PATIENT**" and substitute "**INSURED, PRIOR TO PERFORMING A HEALTH CARE SERVICE**"; in lines 25 and 27, in each instance, strike "**PATIENT**" and substitute "**INSURED**"; in the same line, strike "**(I)**" and "**(II)**", respectively, and substitute "**(1)**" and "**(2)**", respectively; in line 26, strike "**AND**"; strike beginning with the first comma in line 28 down through "**PLAN**" in line 30 and substitute "**FOR NONCOVERED SERVICES;**

(3) A STATEMENT INFORMING THE INSURED THAT THE NONHOSPITAL–BASED PHYSICIAN MAY CHARGE THE INSURED THE BALANCE BILL FOR COVERED SERVICES;

(4) AN ESTIMATE OF THE COST OF SERVICES THAT THE NONHOSPITAL–BASED PHYSICIAN WILL PROVIDE TO THE INSURED;

(5) ANY TERMS OF PAYMENT THAT MAY APPLY; AND

(6) WHETHER INTEREST WILL APPLY AND, IF SO, THE AMOUNT OF INTEREST CHARGED BY THE NONHOSPITAL–BASED PHYSICIAN.

(E) A NONHOSPITAL–BASED PHYSICIAN WHO IS A NONPREFERRED PROVIDER SHALL SUBMIT THE DISCLOSURE FORM DEVELOPED BY THE COMMISSIONER UNDER SUBSECTION (F) OF THIS SECTION TO DOCUMENT TO THE INSURER THE ASSIGNMENT OF BENEFITS BY AN INSURED";

in line 31, strike "**(E)**" and substitute "**(F)**"; in the same line, after "**DEVELOP**" insert "**DISCLOSURE**"; and after line 32, insert:

"**(G) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION, AN INSURER MAY REFUSE TO DIRECTLY REIMBURSE A NONPREFERRED PROVIDER UNDER AN ASSIGNMENT OF BENEFITS IF:**

(1) THE INSURER RECEIVES NOTICE OF THE ASSIGNMENT OF BENEFITS AFTER THE TIME THE INSURER HAS PAID THE BENEFITS TO THE INSURED;

(2) THE INSURER, DUE TO AN INADVERTENT ADMINISTRATIVE ERROR, HAS PREVIOUSLY PAID THE INSURED;

(3) THE INSURED WITHDRAWS THE ASSIGNMENT OF BENEFITS BEFORE THE INSURER HAS PAID THE BENEFITS TO THE NONPREFERRED PROVIDER; OR

(4) THE INSURED PAID THE NONPREFERRED PROVIDER THE FULL AMOUNT DUE AT THE TIME OF SERVICE.

15–304.

(a) **[**Subject**] EXCEPT AS PROVIDED IN §§ 14–205.2 AND 14–205.3 OF THIS ARTICLE, AND SUBJECT** to subsection (b) of this section, on request of the policyholder, a policy of group health insurance may contain a provision that all or part of the benefits provided by the policy for hospital, nursing, medical, or surgical services, at the insurer's option, may be paid directly to the hospital or person that provides the services.

(b) A policy of group health insurance may not require that hospital, nursing, medical, or surgical services be provided by a particular hospital or person.

(c) A direct payment made under subsection (a) of this section discharges the insurer's obligation with respect to the amount paid.".

AMENDMENT NO. 4

On page 9, in line 14, after "of" insert "primary and specialty"; in the same line, strike "networks" and substitute "networks, including the impact on billed charges, allowed charges, and patient responsibility for remaining charges, by specialty"; after line 23, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Insurance Administration shall study:

(1) the benefits provided by health insurers under preferred provider insurance policies for covered services rendered by nonpreferred providers at hospitals that are preferred providers during emergencies and elective admissions; and

(2) the impact of these benefits on complaints filed by insureds with insurers and the Administration regarding balance billing.

(b) On or before December 1, 2011, the Administration shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on its findings under this section and any recommendations.

SECTION 4. AND BE IT FURTHER ENACTED, That the Maryland Insurance Administration may not impose any monetary penalties on a health insurer for a violation of § 14–205.2 of the Insurance Article, as enacted by Section 1 of this Act, until July 1, 2012.";

in lines 24 and 27, strike "3." and "4.", respectively, and substitute "5." and "6.", respectively; and in line 28, strike "3" and substitute "5".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0314/213526/1

BY: Senator Della

AMENDMENTS TO SENATE BILL 314
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Finance Committee Amendments (SB0314/537370/1), in line 4 of Amendment No. 1, strike "on–call".

On page 1 of the bill, in lines 5, 6, 9, 14, and 15, in each instance, strike "on–call"; and in line 7, strike "the on–call" and substitute "certain".

AMENDMENT NO. 2

On page 3 of the Finance Committee Amendments, after line 7 of Amendment No. 2, insert:

"**(H) "HOSPITAL–BASED PHYSICIAN" MEANS A PHYSICIAN WHO:**

(1) IS UNDER CONTRACT WITH A HOSPITAL TO PROVIDE HEALTH CARE SERVICES TO PATIENTS IN THE HOSPITAL; AND

(2) IS NOT AN ON–CALL PHYSICIAN.";

and in lines 8, 10, and 17, strike "**(H)**", "**(I)**", and "**(J)**", respectively, and substitute "**(I)**", "**(J)**", and "**(K)**", respectively.

On page 4 of the Finance Committee Amendments, in lines 4, 7, 13, 18, and 20 of Amendment No. 2, strike "**(K)**", "**(L)**", "**(M)**", "**(N)**", and "**(O)**", respectively, and substitute "**(L)**", "**(M)**", "**(N)**", "**(O)**", and "**(P)**", respectively.

On page 5 of the Finance Committee Amendments, in lines 4, 6, 10, and 15 of Amendment No. 2, strike "**(P)**", "**(Q)**", "**(R)**", and "**(S)**", respectively, and substitute "**(Q)**", "**(R)**", "**(S)**", and "**(T)**", respectively.

On page 6 of the Finance Committee Amendments, in line 19 of Amendment No. 2, after "**PHYSICIAN**" insert "**OR A HOSPITAL–BASED PHYSICIAN**".

On page 8 of the Finance Committee Amendments, in line 4 of Amendment No. 3, after "**PHYSICIANS**" insert "**OR HOSPITAL–BASED PHYSICIANS**".

On page 3 of the bill, in line 24, after "**PHYSICIANS**" insert "**AND HOSPITAL–BASED PHYSICIANS**"; and in line 29, strike "**AN ON–CALL**" and substitute "**A**".

On page 4 of the bill, in lines 2, 7, 9, 12, 13, 19, 23, 26, and 32, in each instance, strike "**ON–CALL**"; in lines 3 and 14, in each instance, strike "**AN ON–CALL**" and

substitute "**A**"; and in lines 4, 15, and 30, in each instance, strike "**AN ON–CALL**" and substitute "**A**".

On page 5 of the bill, in lines 1 and 29, in each instance, strike "**ON–CALL**"; in lines 21 and 26, in each instance, strike "**AN ON–CALL**" and substitute "**A**"; and in line 33, strike "**AN ON–CALL**" and substitute "**A**".

On page 9 of the bill, in line 9, after "on–call" insert "and hospital–based".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 7 Negative – 40 (See Roll Call No. 424)

FLOOR AMENDMENT

SB0314/783328/1
BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 314
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Finance Committee Amendments (SB0314/537370/1), in line 4 of Amendment No. 1, strike "on–call" and substitute "hospital–based".

On page 1 of the bill, in lines 5, 6, 7, 9, 14, and 15, in each instance, strike "on–call" and substitute "hospital–based".

AMENDMENT NO. 2

On page 3 of the Finance Committee Amendments, after line 7 of Amendment No. 2, insert:

"**(H) "HOSPITAL–BASED PHYSICIAN" MEANS A PHYSICIAN WHO:**

(1) IS UNDER CONTRACT WITH A HOSPITAL TO PROVIDE HEALTH CARE SERVICES TO PATIENTS IN THE HOSPITAL; AND

(2) IS NOT AN ON–CALL PHYSICIAN.";

and in lines 8, 10, and 17, strike "**(H)**", "**(I)**", and "**(J)**", respectively, and substitute "**(I)**", "**(J)**", and "**(K)**", respectively.

On page 4 of the Finance Committee Amendments, in lines 4, 7, 13, 18, and 20 of Amendment No. 2, strike "**(K)**", "**(L)**", "**(M)**", "**(N)**", and "**(O)**", respectively, and substitute "**(L)**", "**(M)**", "**(N)**", "**(O)**", and "**(P)**", respectively.

On page 5 of the Finance Committee Amendments, in lines 4, 6, 10, and 15 of Amendment No. 2, strike "**(P)**", "**(Q)**", "**(R)**", and "**(S)**", respectively, and substitute "**(Q)**", "**(R)**", "**(S)**", and "**(T)**", respectively.

On page 6 of the Finance Committee Amendments, in line 19 of Amendment No. 2, strike "**AN ON–CALL**" and substitute "**A HOSPITAL–BASED**".

On page 8 of the Finance Committee Amendments, in line 4 of Amendment No. 3, strike "**ON–CALL**" and substitute "**HOSPITAL–BASED**".

On page 3 of the bill, in line 24, strike "**ON–CALL**" and substitute "**HOSPITAL–BASED**"; and in line 29, strike "**AN ON–CALL**" and substitute "**A HOSPITAL–BASED**".

On page 4 of the bill, in lines 2, 7, 9, 12, 13, 19, 23, 26, and 32, in each instance, strike "**ON–CALL**" and substitute "**HOSPITAL–BASED**"; in lines 3 and 14, in each instance, strike "**AN ON–CALL**" and substitute "**A HOSPITAL–BASED**"; and in lines 4, 15, and 30, in each instance, strike "**AN ON–CALL**" and substitute "**A HOSPITAL–BASED**".

On page 5 of the bill, in lines 1 and 29, in each instance, strike "**ON–CALL**" and substitute "**HOSPITAL–BASED**"; in lines 21 and 26, in each instance, strike "**AN ON–CALL**" and substitute "**A HOSPITAL–BASED**"; and in line 33, strike "**AN ON–CALL**" and substitute "**A HOSPITAL–BASED**".

On page 9 of the bill, in line 9, strike "on–call" and substitute "hospital–based".

AMENDMENT NO. 3

On page 5 of the bill, in lines 4 and 9, in each instance, strike "**140%**" and substitute "**150%**".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 10 Negative – 37 (See Roll Call No. 425)

FLOOR AMENDMENT

SB0314/833627/1

BY: Senator Della

AMENDMENTS TO SENATE BILL 314
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 6, after "Act;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 9, in line 28, after "2010." insert "It shall remain effective for a period of 4 years and 8 months and, at the end of May 31, 2015, 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 – 7 Negative – 40 (See Roll Call No. 426)

Read the second time and ordered prepared for Third Reading.

Senate Bill 385 – Senators DeGrange, Brinkley, Dyson, Klausmeier, McFadden, Peters, Reilly, and Stoltzfus

AN ACT concerning

Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator J. Conway moved, duly seconded, to make the Bill and Report a Special Order for March 12, 2010.

The motion was adopted.

Senate Bill 480 – Senator Robey

AN ACT concerning

State Contributory Law Enforcement Officers' Pension System – Transfer of Service Credit

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 567 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Noncontributory Former Vested Members – Vested Retirement Allowance

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 337 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

Estates and Trusts – Construction of References in Will or Trust to Federal Estate Tax or Generation–Skipping Transfer Tax

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Frosh moved, duly seconded, to make the Bill and Report a Special Order for March 16, 2010.

The motion was adopted.

INTRODUCTION OF BILLS

Senator Harrington moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senator Harrington moved to suspend the rules to allow **Senate Bill 1121** to be referred immediately.

The motion was adopted.

Senate Bill 1121 – Senator Harrington

AN ACT concerning

Creation of a State Debt – Prince George's County – Low Impact Development Center Green Roof Projects

FOR the purpose of authorizing the creation of a State Debt not to exceed $150,000, the proceeds to be used as a grant to the Board of Directors of The Low Impact Development Center, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Budget and Taxation.

Senator Muse moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1122 – Senator Muse

AN ACT concerning

Environment – Payment of Cost Differential – Nitrogen Removal Technology

FOR the purpose of requiring that the Department of the Environment pay for certain costs associated with the installation of on–site sewage disposal systems utilizing nitrogen removal technology with money from the Bay Restoration Fund under certain circumstances in certain calendar years; declaring the

intent of the General Assembly; and generally relating to on–site sewage disposal systems utilizing nitrogen removal technology.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1108(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)
(As enacted by Chapter 280 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1108(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1108(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 427)

ADJOURNMENT

At 12:01 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 12, 2010.

Annapolis, Maryland
Friday, March 12, 2010
11:00 A.M. Session

The Senate met at 11:09 A.M.

Prayer by Father Sylvester Peterka, St. Cecilia and Immaculate Conception Roman Catholic Church, guest of Senator Gladden.

(See Exhibit A of Appendix III)

The Journal of March 11, 2010 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Conway and Muse be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 429)

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 430)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #34

Senate Bill 235 – Senators Robey, Currie, Forehand, Frosh, Gladden, Harrington, Jones, Kasemeyer, King, Klausmeier, Lenett, Madaleno, McFadden, Muse, Peters, Pugh, Raskin, Rosapepe, Stone, and Zirkin

AN ACT concerning

Real Property – Mobile Home Parks – Plans for Dislocated Residents

Read the third time and passed by yeas and nays as follows:

Affirmative – 31 Negative – 13 (See Roll Call No. 431)

The Bill was then sent to the House of Delegates.

Senate Bill 318 – Senators Kramer, Astle, Brinkley, Brochin, Conway, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Haines, Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Simonaire, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Income Tax Checkoff for Developmental Disabilities

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 432)

The Bill was then sent to the House of Delegates.

Senate Bill 336 – Senators King, Currie, Harrington, Lenett, McFadden, Pinsky, and Raskin

AN ACT concerning

Maryland Business Tax Reform Commission – Reporting Requirements

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 433)

The Bill was then sent to the House of Delegates.

Senate Bill 495 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Police Retirement System – Deferred Vested Members – Survivor Benefits

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 434)

The Bill was then sent to the House of Delegates.

Senate Bill 496 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

Law Enforcement Officers' Pension System – Deferred Retirement Option Program – Participation

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 435)

The Bill was then sent to the House of Delegates.

Senate Bill 550 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Eligible Governmental Units

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 436)

The Bill was then sent to the House of Delegates.

Senate Bill 552 – Senator Edwards

AN ACT concerning

Allegany County – Property Tax Credit – Memorial Hilltop Centre

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 437)

The Bill was then sent to the House of Delegates.

Senate Bill 662 – ~~Senator Klausmeier~~ Senators Klausmeier ~~and Della~~, Della, and Jacobs

EMERGENCY BILL

AN ACT concerning

~~Prescription Drugs – Controlled Dangerous Substances – Certification of Information on Delivery~~
Pharmacies – Delivery of Controlled Dangerous Substances

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 438)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 50 – Delegate G. Clagett

AN ACT concerning

Agriculture – ~~Specialty Fertilizers~~ Lawn Fertilizer – Low Phosphorous Fertilizer

FOR the purpose of altering the threshold for the phosphoric acid content of lawn fertilizers to which certain prohibitions and requirements apply; altering a certain applicability date; providing for a certain exception until a certain date; altering a certain definition; and generally relating to the regulation of low phosphorous fertilizer.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 6–201(p) and 6–210(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 72 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Department of the Environment – Oil and Gas Production Permits – Fees

FOR the purpose of requiring the Department of the Environment to establish and collect certain fees; requiring the Department to consider certain factors in

establishing and reviewing the fees; establishing an Oil and Gas Fund in the Department for the collection of certain oil and gas permit and production fees; providing that the Fund is a special, nonlapsing fund; requiring certain fees to be paid into the Fund; requiring the Department to use the Fund for certain purposes; requiring the Department annually to submit a certain report; requiring the Department to adopt certain regulations; defining certain terms; and generally relating to oil and gas development and production.

BY repealing and reenacting, with amendments,
Article – Environment
Section 14–102 and 14–105
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 14–104
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Environment
Section 14–122 through 14–125
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 85 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

SECOND PRINTING

AN ACT concerning

Commissioner of Labor and Industry – Boiler and Pressure Vessel Safety Act

FOR the purpose of altering the boiler and pressure vessel safety law relating to applicants for a special inspector commission by repealing certain eligibility requirements; repealing a requirement that the Commissioner of Labor and Industry establish certain insurance requirements by regulation; authorizing, instead of requiring, the Board of Boiler Rules to give examinations to applicants for special inspector commissions; repealing a certain provision authorizing the Commissioner to issue a certain special inspector commission; providing that the Chief Boiler Inspector or a deputy boiler inspector shall have free access under certain circumstances to any premises in the State to

investigate the activities of a special inspector; requiring the Chief Boiler Inspector or a deputy boiler inspector to make certain inspections, to respond to and investigate certain complaints, to inspect or investigate accidents or explosions involving boilers and pressure vessels, and to monitor special inspector inspections; authorizing the Chief Boiler Inspector, a deputy boiler inspector, a special inspector, or an authorized inspection agency to make certain inspections with respect to the installation, repair, or alteration of boilers and pressure vessels; authorizing the Chief Boiler Inspector or a deputy boiler inspector to make certain inspections of antique or model steam boilers and pressure vessels; requiring the owner of an uninsured boiler or pressure vessel to contract with the Chief Boiler Inspector, a deputy boiler inspector, a special inspector, or an authorized inspection agency to make certain inspections; requiring boiler and pressure vessels to be tested and maintained in a safe operating condition in accordance with certain regulations; repealing certain inspection fees; ~~adding certain inspection fees;~~ altering certain provisions to require only an authorized inspection agency to file with the Chief Boiler Inspector a certain report and a certain notification and to pay a certain filing fee; requiring the owner or user of a boiler or pressure vessel to pay a certain fee for a certificate of inspection; requiring certain insurers to develop, maintain, and make available to the Commissioner of Labor and Industry for inspection at the insurer's place of business a certain quality assurance program or to submit to the Chief Boiler Inspector evidence of certain accreditation; and generally relating to boilers and pressure vessels.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–907, 12–909, 12–910(a), 12–911, and 12–913(a)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 111 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

~~Charter~~ Counties – Local Laws – ~~Digital~~ Copies for Legislative Delegations

FOR the purpose of ~~authorizing a charter county to make a digital copy of a certain compilation of laws available on the Internet as an alternative to a requirement to provide certain copies to certain entities; altering a certain requirement that a charter county provide a copy of a certain compilation of laws to the Department of Legislative Services to authorize the copy to be in either a digital or printed form; authorizing a charter county under certain circumstances to make a digital copy of certain compilations or codes of local laws available on the Internet as an alternative to a requirement to deposit copies with certain~~

~~State agencies~~ authorizing certain counties to provide a certain notice regarding a digital copy of the county's compilation of local laws to each member of the county's legislative delegation as an alternative to furnishing each member a printed copy of the compilation under certain circumstances; clarifying that copies of compilations of local laws and enactments of local laws furnished by certain counties to certain units of State government under certain circumstances shall be printed copies; making stylistic changes; and generally relating to copies of compilations and ~~codes~~ enactments of local laws of ~~charter~~ counties.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 32A
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 25A – Chartered Counties of Maryland
Section 7
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 25B – Home Rule for Code Counties
Section 12
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 121 – Delegates Anderson, Barnes, Cardin, Glenn, Olszewski, Ramirez, Ross, Schuler, Smigiel, Stukes, Tarrant, Vallario, and Waldstreicher

AN ACT concerning

Office of the Public Defender – Eligibility for Services – ~~Authorization to Access Agency Records~~ Requests for Employment Status and Income Information

FOR the purpose of authorizing the Office of the Public Defender to ~~make cooperative agreements with~~ submit requests to the Department of Labor, Licensing, and Regulation~~,~~ and the Comptroller~~, and the State Department of Assessments and Taxation to allow the Office to have certain access to~~ for certain information regarding applicants for services of the Office; requiring a certain request to be

accompanied by a certain authorization; requiring the Department of Labor, Licensing, and Regulation and the Comptroller to comply with certain requests; authorizing certain requests and responsive information to be exchanged by facsimile transmission; and generally relating to eligibility for services of the Office of the Public Defender.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 16–210
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 192 – Delegates Malone and Kach

AN ACT concerning

Motor Vehicles – Reading Text Message While Driving – Prohibition

FOR the purpose of prohibiting a person from using a text messaging device to read a text message while operating a motor vehicle under certain circumstances; and generally relating to the prohibition on the use of a text messaging device while driving.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1124.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 27–101(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 223 – ~~Montgomery County Delegation~~ Delegates Hixson, Howard, Feldman, Ali, Barkley, Barve, Bronrott, Carr, Dumais, Frick, Gilchrist, Gutierrez, Heller, Hucker, Kaiser, Kramer, Lee, Manno, Mizeur, Montgomery, Reznik, Rice, Simmons, Taylor, Waldstreicher, Benson, Boteler, Cane, G. Clagett, Davis, DeBoy, Doory, Frush, Gaines, Glenn, Healey, Hecht, Holmes, Ivey, King, Love, Minnick, Niemann, Pendergrass, Pena–Melnyk, Proctor, Ramirez, Ross, Shewell, Sophocleus, Sossi, Stocksdale, Valderrama, Vaughn, Walker, and Wood

~~EMERGENCY BILL~~

AN ACT concerning

~~Montgomery County –~~ Maintenance of Effort ~~Waiver~~ – Penalty
~~MC 14–10~~

FOR the purpose of waiving the maintenance of effort ~~provisions in law~~ penalty for a certain fiscal year ~~for Montgomery County~~; ~~making this Act an emergency measure~~ requiring certain legislative committees to report to the General Assembly on or before a certain date; providing for the application of this Act; and generally relating to the maintenance of effort ~~requirement of Montgomery County~~ penalty.

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 233 – Howard County Delegation

AN ACT concerning

Howard County Public Schools – Funding Accountability and Transparency Act
Ho. Co. 12–10

FOR the purpose of requiring the Howard County Board of Education to develop and operate a certain website that includes certain information about certain payments; specifying certain parameters of the website; defining certain terms; and generally relating to the development and operation of a searchable website by the Howard County Board of Education.

BY adding to
Article – Education
Section 5–116
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 242 – Delegates Hixson, Cardin, Gilchrist, Howard, Ivey, Doory, Kaiser, Murphy, Rice, Stukes, and F. Turner

AN ACT concerning

Real Property – Mobile Home Park – Rental Agreement – Term of Payment

FOR the purpose of providing that a rental agreement for a site in a mobile home park may not require an annual payment of rent; providing that a prospective resident may request, and a park owner may agree to, an annual payment of rent for the site; ~~altering the allowable terms of payment required to be contained in a rental agreement~~ providing for the application of this Act; and generally relating to the term of payment in a rental agreement for a mobile home park site.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 8A–101(a) and (i)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8A–201
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 320 – Delegate Beitzel

AN ACT concerning

Maryland Dormant Mineral Interests Act

FOR the purpose of stating the purpose of this Act; authorizing a certain owner of real property to maintain an action to terminate a certain mineral interest under certain circumstances; establishing certain actions that constitute use of a mineral interest; requiring a certain owner to bring a certain action in the circuit court of a certain jurisdiction under certain circumstances; authorizing an owner of a mineral interest to record the mineral interest under certain circumstances; providing that a mineral interest is preserved in the county in which the notice is recorded; authorizing certain individuals to record a certain notice under certain circumstances; requiring certain information to be included in a certain notice; requiring a mineral interest to be identified in a certain manner; requiring a court to permit a certain owner to record a late notice under certain circumstances; authorizing the circuit court of a certain jurisdiction to place a severed mineral interest into trust under certain circumstances, to appoint a trustee for the trust, and to order or authorize the trustee to take certain actions on behalf of the trust; authorizing a person vested in certain property to institute proceedings to create a trust and to appoint a trustee; authorizing a certain trustee to file a petition containing certain elements to terminate the trust and to convey title to a severed mineral interest under certain circumstances; requiring the court to enter an order

requiring the trustee to convey the title to a severed mineral interest to a certain party under certain circumstances; requiring the trustee to take certain actions if the court issues the order; providing that certain surface owners are entitled to certain proceeds after the conveyance of the severed mineral interest by the trustee; requiring the court to terminate the trust and discharge the trustee after receiving a certain report from the trustee; ~~providing that a certain lease will remain in force and effect following certain events unless it has previously expired by its own terms;~~ requiring certain provisions to be administered in accordance with the Maryland Rules; requiring certain notice, forms, and hearing procedures to be in accordance with the Maryland Rules; defining certain terms; providing for the application of this Act; making the provisions of this Act severable; and generally relating to dormant mineral interests.

BY adding to
Article – Environment
Section 15–1201 through 15–1206 to be under the new subtitle "Subtitle 12. Maryland Dormant Mineral Interests Act"
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 356 – Delegates Cane, Elmore, Howard, Malone, Morhaim, and Stull

AN ACT concerning

Forest Product Operators – Standards, Procedures, and Enforcement

FOR the purpose of establishing an application process for a forest product operator's license, including required demonstration of compliance with certain workers' compensation laws and payment of a certain fee; providing for the term of a forest product operator's license; establishing certain standards and requirements that apply to a forest product operator license holder; repealing certain obsolete provisions of law governing inspections of woodlands by district forestry boards and leases on woodlands for timber harvesting purposes; authorizing the Department of Natural Resources to suspend or revoke the license of a forest product operator under certain circumstances; providing for notice of, an administrative hearing for, and judicial review of the suspension or revocation of a forest product operator's license; authorizing the recovery of court costs and reasonable attorney's fees in certain civil actions brought against a forest product operator; authorizing the Department to adopt certain regulations; making certain stylistic changes; and generally relating to forest product operators.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–608
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 395 – Delegate Barve

AN ACT concerning

Maryland Business Tax Reform Commission – Reporting Requirements

FOR the purpose of repealing a requirement that the Maryland Business Tax Reform Commission submit an interim report of its findings and recommendations to the Governor and General Assembly by a certain date; altering the due date for the Commission to submit a final report; and generally relating to the Maryland Business Tax Reform Commission.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–110
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 413 – Delegates Hixson, Bartlett, Barve, Beidle, Bobo, Boteler, Bronrott, Carr, G. Clagett, DeBoy, Frank, Frush, George, Gilchrist, Glenn, Gutierrez, Hammen, Hecht, Heller, Hucker, Ivey, Kaiser, Kirk, Krysiak, Kullen, Lafferty, Lee, Levi, Love, Mathias, McHale, McIntosh, Mizeur, Montgomery, Nathan–Pulliam, Niemann, O'Donnell, Olszewski, Proctor, Reznik, Robinson, Rosenberg, Schuler, Shewell, Simmons, Sophocleus, Sossi, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, Waldstreicher, ~~and Weir~~ Weir, Doory, Cardin, Elmore, Frick, Howard, Murphy, Myers, Rice, Ross, Shank, Stukes, Walker, and Kramer

AN ACT concerning

Education – Instruction of Blind and Visually Impaired Students – Use of Braille

FOR the purpose of requiring the State Board of Education to establish standards for the mastery of braille for instruction in certain subjects for blind and visually impaired students on or before a certain date; requiring the State Board and the

Professional Standards and Teacher Education Board to review and, as appropriate, modify certain certification and recertification requirements for certain teachers; and generally relating to the use of braille for instruction of blind and visually impaired students.

BY repealing and reenacting, with amendments,
Article – Education
Section 8–408
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 426 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Juvenile Law – Confidentiality of Records – Access by Division of Pretrial Detention and Services

FOR the purpose of establishing an exception to a provision providing for the confidentiality of juvenile records by authorizing the Division of Pretrial Detention and Services to access certain juvenile records under certain circumstances; and generally relating to juvenile records.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–27
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 506 – Delegates Dumais, Feldman, ~~and Rice~~ Rice, Hixson, Bartlett, Barve, Cardin, Frick, Gilchrist, Howard, Ivey, Kaiser, Murphy, Myers, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Higher Education – Delegate Scholarships – Summer School

FOR the purpose of repealing a certain provision of law that shortens the term of certain Delegate Scholarships by a certain amount of time; providing that a certain award may not exceed one–half the amount of a certain award in an

academic year; and generally relating to using Delegate Scholarships to attend summer school.

BY repealing and reenacting, with amendments,
Article – Education
Section 18–505
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 547 – Wicomico County Delegation, Worcester County Delegation, and Somerset County Delegation

AN ACT concerning

Wicomico County, Worcester County, and Somerset County – ~~Board~~ Boards of Elections – Membership

FOR the purpose of altering the number of regular members of the Wicomico County Board of Elections, the Worcester County Board of Elections, and the Somerset County Board of Elections; requiring the members of the local ~~board~~ boards to be of certain political parties; requiring that a vacancy on the local ~~board~~ boards be filled in a certain manner; making a conforming change; providing for a delayed effective date; and generally relating to the membership of the Wicomico County Board of Elections, the Worcester County Board of Elections, and the Somerset County Board of Elections.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–201
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section ~~2–204(a)(23)~~ 2–204(a)(20), (23), and (24) and (b)(1) and (2)(i)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing
Article – Election Law
Section 2–204(b)(2)(ii)7.
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 592 – Queen Anne's County Delegation

AN ACT concerning

Queen Anne's County – Property Tax Credit – Foster Parent

FOR the purpose of authorizing the governing body of Queen Anne's County to grant, by law, a tax credit against the county property tax imposed on certain property owned by ~~certain individuals~~ a foster parent of a child; authorizing the governing body of Queen Anne's County to provide, by law, for eligibility ~~and certification~~ criteria for the credit, the amount and duration of the credit, certain regulations and procedures, and any other provision necessary to carry out the credit; providing for the application of this Act; and generally relating to a property tax credit in Queen Anne's County for certain property owned by ~~certain individuals~~ a foster parent of a child.

BY adding to
Article – Tax – Property
Section 9–319(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 595 – Delegates Olszewski, Minnick, and Weir

AN ACT concerning

Baltimore County – Property Tax Credit – Rosewald Beach Civic League

FOR the purpose of authorizing the governing body of Baltimore County to grant, by law, a property tax credit against the county tax imposed on real property owned by the Rosewald Beach Civic League; providing for the application of this Act; and generally relating to a property tax credit in Baltimore County for the Rosewald Beach Civic League.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–305(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 623 – Allegany County Delegation

AN ACT concerning

Allegany County – Property Tax Credit – Memorial Hilltop Centre

FOR the purpose of authorizing the governing body of Allegany County or of a municipal corporation in Allegany County to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on certain property located in a certain area; providing for a certain limitation on the tax credit; authorizing the governing body of Allegany County or of a municipal corporation in Allegany County to provide, by law, for ~~certain provisions relating to the property tax~~ the amount of the credit, eligibility criteria for the credit, certain regulations and procedures, and any other provision necessary to carry out the credit; providing for the application of this Act; and generally relating to property tax credits for certain property in Allegany County.

BY adding to
Article – Tax – Property
Section 9–302(l)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 676 – Delegates Malone and Kramer

AN ACT concerning

Vehicle Laws – Equipment on Motorcycles – Auxiliary Lighting

FOR the purpose of authorizing an operator of a motorcycle to use certain auxiliary lighting on the motorcycle; and generally relating to motorcycle lighting.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 22–221(l)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 733 – Delegate Beitzel

AN ACT concerning

Garrett County – Volunteer Fire Departments and Rescue Squads – Emergency Services Board

FOR the purpose of altering certain taxes on certain real property and personal property in Garrett County that are to be paid to certain volunteer fire departments; requiring the Board of County Commissioners of Garrett County to make certain payments to certain volunteer fire departments and rescue squads at certain times; providing that the amounts paid to volunteer fire departments in Garrett County shall be equivalent; requiring that certain funds received by certain volunteer fire departments and rescue squads in Garrett County be used for certain expenditures; requiring volunteer fire departments and rescue squads in Garrett County to file certain reports annually; authorizing the Board of County Commissioners of Garrett County to reserve the right to withhold certain funds from a fire department or rescue squad that fails to meet certain standards and policies under certain circumstances; providing that the Garrett County Emergency Services Board shall be the final step in the establishment of primary and secondary service areas for fire, rescue, and ambulance services in Garrett County and is responsible for final resolution of certain disputes; providing that the Emergency Services Board has certain jurisdiction regardless of whether a certain provider of fire, rescue, or ambulance service is a member of the Garrett County Volunteer Fire and Rescue Association, Inc.; establishing a Garrett County Emergency Services Board; providing for the membership and the chair of the Emergency Services Board; providing for the appointment of members and the terms of the members of the Emergency Services Board; stating the mission of the Emergency Services Board; requiring the Emergency Services Board to develop and recommend to the Board of County Commissioners certain policies and standard operating procedures; requiring certain policies and standard operating procedures to comply with certain State and federal agency established standards, policies, practices, and protocols; requiring the Emergency Services Board to consult with certain persons before adopting certain proposed policies and standard operating procedures; establishing certain duties of the Emergency Services Board; altering a certain definition; altering the amount of a certain tax on certain real property in Garrett County paid to rescue squads in Garrett County; and generally relating to fire and rescue services in Garrett County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Garrett County
Section 32.01(A)
Article 12 – Public Local Laws of Maryland
(2005 Edition and November 2009 Supplement, as amended)
(As enacted by Chapter 45 of the Acts of the General Assembly of 2007)

BY repealing and reenacting, with amendments,
The Public Local Laws of Garrett County
Section 32.01(B) and (C), 32.04, and 35.05
Article 12 – Public Local Laws of Maryland

(2005 Edition and November 2009 Supplement, as amended)

BY adding to
The Public Local Laws of Garrett County
Section 32.90
Article 12 – Public Local Laws of Maryland
(2005 Edition and November 2009 Supplement, as amended)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 777 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

Local Government – Applicability of Laws to Counties and Baltimore City

FOR the purpose of specifying that certain powers are granted to code home rule and charter home rule counties in addition to powers granted in the Express Powers Act under Article 25A, § 5 of the Annotated Code; providing that the additional powers are supplemental and not intended to limit certain other powers; clarifying that certain other provisions of law apply to certain types of counties; clarifying that certain provisions of law apply to Baltimore City; making stylistic changes; defining certain terms; and generally relating to the applicability of certain provisions of law to certain counties and Baltimore City.

BY renumbering
Article 25 – County Commissioners
Section 1
to be Section 1–1
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 25A – Chartered Counties of Maryland
Section 4(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 25B – Home Rule for Code Counties
Section 13
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to

Article 25 – County Commissioners
Section 1
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 4, 16, 17, 18, 20, 29, 34, 122A, 135, and 153
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 806 – Delegate Heller

AN ACT concerning

Election Law – Campaign Account – Debit Card Disbursements

FOR the purpose of authorizing only the treasurer of a campaign finance entity to make a disbursement by debit card from a campaign account; authorizing the treasurer of a campaign finance entity to reimburse a person by debit card disbursement to pay an expense of the campaign finance entity; authorizing the treasurer of a campaign finance entity to replenish a petty cash fund by debit card disbursement; providing for a delayed effective date; and generally relating to debit card disbursements by the treasurer of a campaign finance entity.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 13–218
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–219 and 13–220
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1010 – Delegates Conaway, Vallario, Anderson, Dumais, Glenn, Kelly, Ramirez, ~~and Robinson~~ Robinson, and Carter

AN ACT concerning

Juvenile Law – Transfer of Case at Sentencing – Expungement of Criminal Charge

FOR the purpose of establishing that, if a court exercising criminal jurisdiction in a case involving a child transfers its jurisdiction to the juvenile court at sentencing under a certain provision of law, the court shall enter a written order transferring its jurisdiction and ordering that the child be subject to the jurisdiction and procedures of the juvenile court; repealing a provision concerning the transfer of a certain record to the juvenile court; authorizing the Court of Appeals to adopt certain rules; authorizing a person to file, and requiring a court to grant, a petition for expungement of a criminal charge transferred to the juvenile court under a certain provision of law and all court and police records related to that charge; repealing a certain obsolete definition; making a certain clarifying change; and generally relating to the transfer of certain cases to the juvenile court at sentencing and the expungement of certain criminal charges.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 4–202.2 and 10–106
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 10–101(c) and (h)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1023 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Criminal Procedure – Expiration Date of Sentences – Repeal

FOR the purpose of repealing the requirement that a court sentence a defendant for a period of imprisonment that will expire between certain dates under certain circumstances; repealing a provision authorizing a court to sentence a defendant to a certain period of imprisonment that is less than the minimum punishment required under certain circumstances; and generally relating to criminal procedure and sentencing.

BY repealing

Article – Criminal Procedure
Section 6–227
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1112 – Carroll County Delegation

AN ACT concerning

Carroll County – Green Building Tax Credit

FOR the purpose of altering certain authority for the governing body of Carroll County to grant, by law, a green building tax credit against the county property tax imposed on certain properties on which a person installs certain environmentally friendly technologies; providing for the application of this Act; and generally relating to property tax credits in Carroll County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–308(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

THE COMMITTEE ON RULES REPORT #9

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 979 – Senator Jones

AN ACT concerning

Public–Private Partnerships – Oversight

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 992 – Senator Pipkin

AN ACT concerning

Applications for Certificates of Need – Notice to and Involvement of Bordering Counties

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 994 – Senator Pipkin

AN ACT concerning

Queen Anne's County – Annual Financial Report – Filing Date

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 995 – Senator Pipkin

AN ACT concerning

Kent County – Sewage Sludge Utilization Permit

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1018 – Senator DeGrange

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1023 – Senators Harris and Mooney

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Members of the General Assembly – Limitation of Terms

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1024 – Senators Harris and Mooney

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Taxpayers' Bill of Rights

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1040 – Senator Lenett

AN ACT concerning

Prescription Confidentiality Act

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1042 – Senators Brochin and Stone

AN ACT concerning

Evidence – Separate Act of Sexual Misconduct Involving a Minor – Admissibility

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1048 – Senator Muse

AN ACT concerning

State Racing Commission – Expansion of Membership

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1053 – Senator Klausmeier

AN ACT concerning

Health Occupations – Pharmacists – Laboratory Tests

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1054 – Senator Muse

AN ACT concerning

Raymond Scott Brown II Vehicle Towing Notification Act

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1079 – Senator Madaleno

AN ACT concerning

Maryland Consolidated Capital Bond Loans of 2003, 2004, and 2007 – Montgomery County – MacDonald Knolls Center

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1083 – Senators DeGrange, Kasemeyer, King, Munson, Peters, Robey, and Stoltzfus

AN ACT concerning

Property Tax – Semiannual Payment for Real Property

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1086 – Senator Munson

AN ACT concerning

Public Safety – Emergency Medical Services Board – Membership

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1095 – Senator Klausmeier

AN ACT concerning

Public Utility Companies – Energy Efficiency and Demand Response Programs – Review of Competitive Selection Procedures

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1097 – Senators Muse, Peters, DeGrange, Dyson, Haines, Jacobs, Mooney, and Stone

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Maryland's Marriage Protection Act

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1098 – Senator Conway

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2008 – Baltimore City – NACA Education and Community Center

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1112 – Senator Peters

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2009 – Prince George's County – Kappa Alpha Psi Playground Equipment

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1113 – Senator Frosh

AN ACT concerning

Maryland Consolidated Capital Bond Loans of 2008 and 2009 – Montgomery County – Imagination Stage

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1114 – Senator Jones

AN ACT concerning

State Personnel – Equal Employment Opportunity Program – Revisions

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1117 – Senator Conway

AN ACT concerning

Environment – Maryland Oil Disaster Containment, Clean–Up and Contingency Fund and Oil Contaminated Site Environmental Cleanup Fund

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1118 – Senator Conway

AN ACT concerning

Vehicle Laws – Accidents Involving Self–Insured Vehicles – Required Information

The bill was re–referred to the Committee on Judicial Proceedings.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #17

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 311 – Senators Miller, Klausmeier, Astle, Brochin, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, King, Kramer, Lenett, Madaleno, McFadden, Middleton, Peters, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Chesapeake Conservation Corps

SB0311/684930/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 311

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2, 3, 4, 13, 18, and 21, in each instance, after "Corps" insert "Program"; strike beginning with "as" in line 3 down through "corporate" in line 4; in line 4, after "a" insert "Corps"; strike beginning with the second "of" in line 4 down through "Corps" in line 5; in line 5, after "duties," insert "staff,"; in the same line, after "terms;" insert "providing for the purpose of the Corps Board; requiring the Chesapeake Bay Trust to make certain grants to certain qualified organizations for the creation or expansion of certain programs; requiring the Trust to develop certain guidelines for evaluating applications from certain qualifying organizations; requiring certain grant agreements to meet certain requirements; requiring the Trust to provide certain technical assistance to qualifying organizations under certain circumstances;"; strike beginning with "providing" in line 6 down through "Corps;" in line 10; in line 10, after "Corps" insert "Program"; in line 11, strike "requiring the Corps to develop and implement" and substitute "establishing certain requirements for"; in line 13, strike "encouraging and"; in lines 14 and 17, in each instance, after "Corps" insert "Board"; in line 17, after "matters;" insert "requiring the Trust, in consultation with the Corps Board, to develop a certain plan and provide a draft to certain committees for a certain purpose;"; in line 20, after the second "the" insert "Corps"; and strike beginning with "providing" in line 15 down through "audit;" in line 16.

On page 2, in line 3, after "3–302(a)" insert ", (c), and (e)"; in line 8, strike "3–302(c)(1)(v)" and substitute "3–302(d)"; in line 13, strike "3–302(f);"; in line 14, strike "Related Units" and substitute "Programs"; in line 15, strike "8–1931" and substitute "8–1924"; and in line 16, after "Corps" insert "Program".

AMENDMENT NO. 2

On page 3, in line 8, after "(1)" insert "(i) The Secretary shall administer the Fund.

(ii) The Fund is subject to the provisions for financial management and budgeting established by the Department of Budget and Management.

(iii) Any investment earnings of the Fund shall be credited to the General Fund of the State.

(iv) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.";

strike beginning with the colon in line 9 down through the first bracket in line 10; in line 10, strike "**] CARRY**"; strike beginning with the semicolon in line 11 down through "**ARTICLE**" in line 14; after line 14, insert:

"(vi) For the purposes of this subtitle, the Secretary, in consultation with the Director of the Maryland Energy Administration, may execute appropriate contracts with any State or federal agency, research organization, industry, or academic institution to conduct the necessary research, construct or acquire, or both, real property including physical predictive models, laboratories, buildings, land, and appurtenances, or support the technological development of extraordinary systems related to power plants designed to minimize environmental impact.

(vii) The Secretary may utilize available expertise in any other State unit in the development, execution, and management of contracts and agreements on projects relating to their areas of prime responsibility.

(2) Moneys in the Fund may be used for administrative costs calculated in accordance with § 1–103(b)(2) of this article.

(d) (1) The Maryland Energy Administration shall receive administrative and fiscal support from the Fund for studies relating to the conservation or production of electric energy.

(2) Fiscal support to the Maryland Energy Administration from the Fund may not exceed $250,000 in any fiscal year.

(3) IN EACH OF FISCAL YEARS 2011 THROUGH 2015, THE CHESAPEAKE BAY TRUST SHALL RECEIVE $250,000 FROM THE FUND FOR THE PURPOSE OF FUNDING ENERGY CONSERVATION PROJECTS THROUGH THE CHESAPEAKE CONSERVATION CORPS PROGRAM, AS PROVIDED UNDER §§ 8–1913 THROUGH 8–1924 OF THIS ARTICLE.

(e) The Legislative Auditor shall conduct post audits of a fiscal and compliance nature of the Fund and of the appropriations and expenditures made for

the purposes of this subtitle. The cost of the fiscal portion of the post audit examinations shall be an operating cost of the Fund.";

and strike in their entirety lines 15 through 20, inclusive.

AMENDMENT NO. 3

On page 3, in line 21, strike "**RELATED UNITS**" and substitute "**PROGRAMS**".

On page 4, in line 13, after "**CORPS**" insert "**PROGRAM**"; in line 17, before the first "**BOARD**" insert "**CORPS**"; in the same line, after the first "**THE**" insert "**ADVISORY**"; in the same line, strike "**OF DIRECTORS**"; in lines 17 and 18, in each instance, after "**CORPS**" insert "**PROGRAM**"; in line 19, strike "**SUBTITLE**" and substitute "**PART**"; and strike beginning with "**EXECUTIVE**" in line 20 down through "**CORPS**" in line 21 and substitute "**ENERGY CONSERVATION PROJECT" MEANS A PROJECT TO PROMOTE ENERGY CONSERVATION OR EFFICIENCY, INCLUDING A PROJECT TO:**

(1) IMPROVE ENERGY EFFICIENCY OF HOUSEHOLDS AND PUBLIC STRUCTURES THROUGH ENERGY AUDITS, WEATHERIZATION, AND OTHER ON–SITE ENERGY CONSERVATION MEASURES;

(2) IMPLEMENT CLEAN ENERGY PROJECTS IN COMMUNITIES TO ENHANCE THE USE OF RENEWABLE ENERGY, DECREASE RELIANCE ON FOSSIL FUELS, REDUCE CARBON EMISSIONS, AND MITIGATE CLIMATE CHANGE;

(3) IMPLEMENT COMMUNITY GREENING AND URBAN TREE CANOPY PROJECTS THAT CREATE ENERGY SAVINGS; AND

(4) ASSIST SCHOOLS IN BECOMING "GREEN SCHOOLS" AND REDUCING ENERGY COSTS.

(E) "ENVIRONMENTAL PROJECT" MEANS A PROJECT THAT RESULTS IN LONG–TERM PRESERVATION, PROTECTION, AND CONSERVATION OF THE ENVIRONMENT, IN AREAS INCLUDING ENVIRONMENTAL RESTORATION, AGRICULTURAL AND FORESTRY, INFRASTRUCTURE, ENERGY CONSERVATION, AND EDUCATIONAL IMPROVEMENTS.

(F) "QUALIFIED ORGANIZATION" MEANS:

(1) A NONPROFIT ORGANIZATION;

(2) A SCHOOL;

(3) A COMMUNITY ASSOCIATION;

(4) A SERVICE, YOUTH, OR CIVIC GROUP;

(5) AN INSTITUTION OF HIGHER EDUCATION;

(6) A COUNTY OR MUNICIPALITY; OR

(7) A UNIT OF STATE GOVERNMENT.

(G) "TRUST" MEANS THE CHESAPEAKE BAY TRUST".

AMENDMENT NO. 4

On page 4, in line 23, after "**CORPS**" insert "**PROGRAM ADMINISTERED BY THE TRUST, IN CONSULTATION WITH THE CORPS BOARD**".

On pages 4 and 5, strike beginning with "**(1)**" in line 24 on page 4 down through "**(D)**" in line 3 on page 5.

On page 5, in line 3, strike "**PURPOSES**" and substitute "**PURPOSE**"; in the same line, after "**CORPS**" insert "**PROGRAM**"; in the same line, strike "**ARE**" and substitute "**IS**"; strike beginning with "**A**" in line 28 down through "**(B)**" in line 30; in line 30, after "**(1)**" insert "**THE PURPOSE OF THE CORPS BOARD IS TO ADVISE THE TRUST IN THE DEVELOPMENT AND IMPLEMENTATION OF THE CORPS PROGRAM.**

(2)";

in line 30, after "**THE**" insert "**CORPS**"; and in line 31, strike "**TWO MEMBERS**" and substitute "**ONE MEMBER**".

On page 6, in line 1, strike "**TWO MEMBERS**" and substitute "**ONE MEMBER**"; in line 5, after the first "**THE**" insert "**CORPS**"; in line 6, strike the second "**AND**"; after line 6, insert:

"**(IV) THREE MEMBERS OF THE BOARD OF TRUSTEES OF THE CHESAPEAKE BAY TRUST, APPOINTED BY THE CHAIR OF THE BOARD; AND**";

in line 7, strike "**(IV) SIX**" and substitute "**(V) FIVE**"; in line 10, after "**SERVICE**" insert "**AND ONE WITH A BACKGROUND IN WORKFORCE DEVELOPMENT**"; in line 11, strike "**(2)**" and substitute "**(3)**"; in line 12, after the first "**THE**" insert "**CORPS**"; in lines 16, 17, 21, and 27, respectively, strike "**(C)**", "**(D)**", "**(E)**", and "**(F)**" and substitute "**(B)**", "**(C)**", "**(D)**", and "**(E)**", respectively; in lines 16 and 17, in each instance, after the first "**THE**" insert "**CORPS**"; and in lines 21 and 22, in each instance, after "**THE**" insert "**CORPS**".

On page 7, in lines 6 and 9, strike "**(G)**" and "**(H)**", respectively, and substitute "**(F)**" and "**(G)**", respectively; in lines 9 and 11, in each instance, after "**THE**" insert "**CORPS**"; in line 14, before "**FROM**" insert "**(A)**"; in the same line, after "**THE**" insert "**CORPS**"; in the same line, strike the second comma and substitute "**AND**"; in line 15, strike "**, AND A TREASURER**"; and after line 15, insert:

"**(B) THE TRUST SHALL PROVIDE STAFF SUPPORT FOR THE CORPS BOARD.**".

On pages 7 through 10, strike in their entirety the lines beginning with line 16 on page 7 through line 27 on page 10, inclusive.

AMENDMENT NO. 5

On page 10, in line 28, strike "**8–1923.**" and substitute "**8–1917.**".

On pages 10 and 11, strike in their entirety the lines beginning with line 29 on page 10 through line 13 on page 11, inclusive, and substitute:

"**(A) (1) THE TRUST, IN CONSULTATION WITH THE CORPS BOARD, SHALL MAKE GRANTS TO QUALIFIED ORGANIZATIONS FOR THE CREATION OR EXPANSION OF FULL– AND PART–TIME CHESAPEAKE CONSERVATION CORPS**

PROGRAMS, THAT INVOLVE CITIZENS OF ALL AGES THROUGHOUT THE STATE, TO CARRY OUT THIS PART.

(2) CORPS PROGRAMS SHALL ENGAGE AND DEVELOP VOLUNTEERS AND STIPEND VOLUNTEERS IN ENVIRONMENTAL AND ENERGY CONSERVATION PROJECTS.

(3) ELIGIBLE CORPS PROGRAM EXPENSES INCLUDE PERSONNEL COSTS, STIPENDS, SUPPLIES, AND OTHER MATERIALS FOR PROJECTS UNDERTAKEN BY CORPS PROGRAM VOLUNTEERS.

(B) THE TRUST, IN CONSULTATION WITH THE CORPS BOARD, SHALL DEVELOP GUIDELINES FOR EVALUATING APPLICATIONS FROM QUALIFIED ORGANIZATIONS.

(C) THE GUIDELINES DEVELOPED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION SHALL:

(1) CONSIDER THE CAPABILITY OF THE QUALIFIED ORGANIZATION TO CARRY OUT CORPS PROGRAMS OR PROJECTS;

(2) ENCOURAGE AND CONSIDER MULTIYEAR, MULTIPARTNER PROPOSALS, LOCAL MATCH, COST–SHARING AGREEMENTS, AND IN–KIND MATCH AS FACTORS IN EVALUATING CORPS PROGRAM GRANT APPLICATIONS; AND

(3) REQUIRE GRANT APPLICATIONS TO DESCRIBE HOW THE QUALIFYING ORGANIZATION INTENDS TO:

(I) ASSESS THE SKILLS OF CORPS PROGRAM VOLUNTEERS;

(II) PROVIDE LIFE SKILLS AND WORK SKILLS TRAINING;

(III) PROVIDE TRAINING AND EDUCATION, IN ADDITION TO THE TRAINING PROVIDED AS A PART OF THE MAIN CORPS PROGRAM;

(IV) DEVELOP, WHERE RELEVANT, AGREEMENTS FOR ACADEMIC STUDY WITH:

1. LOCAL EDUCATION AGENCIES;

2. COMMUNITY COLLEGES;

3. 4–YEAR COLLEGES;

4. AREA CHARTER HIGH SCHOOLS AND VOCATIONAL–TECHNICAL SCHOOLS; AND

5. COMMUNITY–BASED ORGANIZATIONS;

(V) PROVIDE CAREER AND EDUCATIONAL GUIDANCE;

(VI) RECRUIT PARTICIPANTS WITHOUT HIGH SCHOOL DIPLOMAS; AND

(VII) RECRUIT RETIRED AND SEMI–RETIRED SENIORS AND OTHER QUALIFIED INDIVIDUALS WITH RELEVANT EXPERIENCE TO TRAIN CORPS PROGRAM VOLUNTEERS AND PARTICIPATE IN CORPS PROJECTS BY VOLUNTEERING THEIR EXPERIENCE AND SKILLS.

(D) A GRANT AGREEMENT REGARDING FUNDS FROM THE TRUST SHALL:

(1) SPECIFY THE ALLOWED USE OF THE FUNDS PROVIDED UNDER THE GRANT, INCLUDING ACCOUNTABILITY MEASURES AND PERFORMANCE REQUIREMENTS;

(2) TAKE INTO ACCOUNT THE NEED FOR EFFICIENT MULTIYEAR FUNDING AND ADMINISTRATION OF THE FUNDS; AND

(3) INCLUDE PROVISIONS FOR VERIFICATION THAT CORPS PROGRAMS AND PROJECTS ARE BEING IMPLEMENTED AS PLANNED.”.

AMENDMENT NO. 6

On page 11, in line 14, strike "**8–1924.**" and substitute "**8–1918.**"; strike in their entirety lines 15 through 19, inclusive, and substitute:

"**(A) (1) FOR STIPEND VOLUNTEER PROGRAMS, THE TRUST AND QUALIFIED ORGANIZATIONS SHALL PRINCIPALLY RECRUIT INDIVIDUALS FOR A MINIMUM 6–MONTH COMMITMENT WHO, AT THE TIME OF ENROLLMENT, ARE AT LEAST 18 YEARS OF AGE AND NOT MORE THAN 25 YEARS OF AGE.**

(2) FOR SUMMER VOLUNTEER PROGRAMS, INCLUDING SUMMER STIPEND PROGRAMS, THE TRUST AND QUALIFIED ORGANIZATIONS SHALL PRINCIPALLY RECRUIT INDIVIDUALS WHO, AT THE TIME OF ENROLLMENT, ARE AT LEAST 15 YEARS OF AGE AND NOT MORE THAN 18 YEARS OF AGE.

(B) QUALIFIED ORGANIZATIONS MAY NOT UNDERTAKE A PROJECT IF THE PROJECT WOULD REPLACE REGULAR WORKERS OR DUPLICATE OR REPLACE AN EXISTING SERVICE IN THE SAME LOCALITY.";

in line 20, strike "**(2)**" and substitute "**(C)**"; in lines 21 and 23, strike "**(I)**" and "**(II)**", respectively, and substitute "**(1)**" and "**(2)**", respectively; in line 23, strike "**SHALL**" and substitute "**MAY**"; in line 24, strike "**EXECUTIVE DIRECTOR**" and substitute "**TRUST**"; in line 26, strike "**(C)**" and substitute "**(D)**"; and in the same line, strike "**MEMBER OF THE CORPS**" and substitute "**STIPEND VOLUNTEER**".

On page 12, strike in their entirety lines 1 through 21, inclusive, and substitute:

"**(3) A VOLUNTEER OR STIPEND VOLUNTEER MAY NOT PARTICIPATE IN ANY REGULATORY OR STATUTORY ENFORCEMENT ACTIVITIES WHILE ENGAGED IN THE PERFORMANCE OF DUTIES AS A MEMBER OF THE CORPS PROGRAM.**

8–1919.

(A) THE TRUST SHALL PROVIDE TECHNICAL ASSISTANCE TO QUALIFIED ORGANIZATIONS THAT REQUEST ASSISTANCE.

(B) THE TRUST SHALL CONVENE CHESAPEAKE CONSERVATION CORPS PROGRAM PARTICIPANTS ON A REGULAR BASIS IN ORDER TO:

(1) PROMOTE TEAM BUILDING AMONG THE PARTICIPANTS;

(2) DEVELOP AN UNDERSTANDING OF THE OVERALL CORPS PROGRAM PURPOSE;

(3) SHARE INFORMATION ABOUT BEST PRACTICES;

(4) RECOGNIZE EXCELLENCE; AND

(5) PROVIDE TRAINING AND OTHER LEARNING OPPORTUNITIES.

(C) IN PROVIDING TRAINING AND TECHNICAL ASSISTANCE, THE TRUST MAY CONTRACT WITH AN ORGANIZATION WITH A PROVEN TRACK RECORD OF DEVELOPING AND SUSTAINING CORPS PROGRAMS, WORKING WITH THE CONSERVATION CORPS MODEL, AND ENGAGING YOUNG PEOPLE FROM DISADVANTAGED BACKGROUNDS.".

AMENDMENT NO. 7

On page 12, in line 22, strike "**8–1925.**" and substitute "**8–1920.**"; in line 23, strike "**SHALL UNDERTAKE**" and substitute "**PROGRAM'S**"; in the same line, strike "**THAT**" and substitute "**SHALL**"; in line 26, after "**ENVIRONMENTAL**" insert "**RESTORATION**"; and in line 29, after "**ENVIRONMENTAL**" insert "**RESTORATION**".

On page 13, in line 2, after "**CORPS**" insert "**PROGRAM**"; in line 13, after "**HABITATS**" insert "**AND WATERSHED RESTORATION, STREAM RESTORATION, RAIN GARDENS, AND OTHER LOW–IMPACT DEVELOPMENT PROJECTS**"; after line 24, insert:

"**(F) ENERGY CONSERVATION PROJECTS MAY INCLUDE THE PROJECTS DEFINED IN § 8–1913(D) OF THIS PART.**";

in line 25, strike "**8–1926.**" and substitute "**8–1921.**"; and strike in their entirety lines 26 through 31, inclusive, and substitute:

"**(A) FOR FISCAL YEARS 2011 THROUGH 2015, THE CORPS PROGRAM SHALL BE FUNDED WITH:**

(1) THE AMOUNT SPECIFIED IN § 3–302(D) OF THIS ARTICLE; AND

(2) UP TO $250,000 IN ADDITIONAL FUNDS THAT MAY BE ALLOCATED BY THE TRUST THROUGH ITS ANNUAL BUDGET PROCESS.

(B) THE TRUST AND THE CORPS BOARD SHALL SEEK FEDERAL FUNDS AND GRANTS AND DONATIONS FROM PRIVATE SOURCES TO BE MADE TO THE TRUST FOR THE PURPOSE OF LONG–TERM FUNDING OF THE CORPS PROGRAM.".

On page 14, in line 1, strike "**8–1927.**" and substitute "**8–1922.**"; in line 3, after "**THE**" insert "**TRUST TO CARRY OUT**"; in the same line, after "**CORPS**" insert "**PROGRAM WORK**"; in line 4, strike "**CORPS**" and substitute "**TRUST**"; in the same line, after "**ITS**" insert "**CORPS PROGRAM WORK,**"; in line 5, after "**DEVELOPMENT**" insert a comma; in line 6, strike "**CORPS**" and substitute "**TRUST FOR THE PURPOSE OF CARRYING OUT OR ASSISTING WITH CORPS PROGRAMS**"; in line 7, strike "**8–1928.**" and substitute "**8–1923.**"; in line 8, after "**PROGRAMS**" insert "**AND SEEKING FEDERAL AND STATE GRANTS**"; in the same line, after "**THE**" insert "**TRUST AND THE**"; strike beginning with "**IS**" in line 8 down through "**SOURCES**" in line 10 and substitute "**BOARD SHALL:**

(1) COORDINATE ALL EFFORTS WITH THE MARYLAND CONSERVATION CORPS ESTABLISHED IN TITLE 5, SUBTITLE 2 OF THIS ARTICLE TO ENGAGE YOUNG ADULTS IN CONSERVATION SERVICE PROJECTS;

(2) COORDINATE ALL EFFORTS WITH THE CIVIC JUSTICE CORPS, AN ADJUNCT PROGRAM OF THE MARYLAND CONSERVATION CORPS, TO ENGAGE YOUTH IN CONSERVATION SERVICE PROJECTS; AND

(3) SEEK ASSISTANCE AND ADVICE FROM RELEVANT PUBLIC AND PRIVATE SOURCES";

in lines 12 and 15, in each instance, after "**THE**" insert "**TRUST AND THE**"; in the same lines, in each instance, after "**CORPS**" insert "**BOARD**"; in line 16, strike "**THE**" and substitute "**:**

(I) THE";

in line 18, after "**ARTICLE**" insert "**;**

(II) THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT AND OTHER APPROPRIATE UNITS OF STATE GOVERNMENT AND PRIVATE SECTOR ENTITIES TO DEVELOP OPPORTUNITIES FOR STUDENT PARTICIPATION IN PRIVATE SECTOR ACTIVITIES, SUCH AS INTERNSHIP AND EXTERNSHIP PROGRAMS; AND

(III) THE UNIVERSITY SYSTEM OF MARYLAND AND OTHER INSTITUTIONS OF HIGHER EDUCATION IN THE STATE TO DEVELOP OPPORTUNITIES FOR COURSE CREDIT ARRANGEMENTS THROUGH WHICH STUDENTS MAY EARN COURSE CREDITS FOR PARTICIPATION IN CORPS PROGRAMS AS AN ALTERNATIVE TO OR IN ADDITION TO PAYMENT OF A STIPEND IN A STIPEND VOLUNTEER OR OTHER VOLUNTEER CORPS PROGRAM";

strike in their entirety lines 19 through 25, inclusive; and in line 26, strike "**8–1931.**" and substitute "**8–1924.**".

On page 15, in line 1, after "**THE**" insert "**TRUST, IN CONSULTATION WITH THE**"; and in lines 1, 5, and 6, in each instance, after "**CORPS**" insert "**BOARD**".

AMENDMENT NO. 8

On page 15, in line 9, after the second "the" insert "Advisory"; in the same line, strike "of Directors"; in line 10, after "Corps" insert "Program"; in line 12, after "Governor" insert "and two members appointed by the Chair of the Board of Trustees of the Chesapeake Bay Trust"; in line 15, strike "two members" and substitute "one member"; in the same line, after "Governor" insert "and one member appointed by the Chair of the Board of Trustees of the Chesapeake Bay Trust"; in line 17, after the second "the" insert "Advisory"; in the same line, strike "of Directors"; and in line 18, after "Corps" insert "Program".

AMENDMENT NO. 9

On page 15, after line 19, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That the Chesapeake Bay Trust, in consultation with the Advisory Board of the Chesapeake Conservation Corps Program, shall:

(a) develop a plan for the recruitment of volunteers to participate in the Chesapeake Conservation Corps Program that incorporates direct volunteer recruitment with focus on young individuals from disadvantaged backgrounds, as well as recruitment through qualified organizations; and

(b) provide a draft of the plan to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee for review and comment at least 30 days prior to the adoption and implementation of the plan by the Chesapeake Bay Trust.";

and in line 20, strike "4." and substitute "5.".

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0311/134231/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 311, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0311/684930/2), in line 16 of Amendment No. 1, strike the first "a"; in the same line, strike "plan" and substitute "plans"; and in the same line, strike "a draft" and substitute "certain drafts of certain plans".

AMENDMENT NO. 2

On page 14 of the Education, Health, and Environmental Affairs Committee Amendments, in line 8 of Amendment No. 9, strike "and"; after line 8, insert:

"(b) develop a plan to centrally administer volunteer stipend payments;

(c) develop a plan that establishes mechanisms that are intended to assist in team building among volunteer participants and increase the understanding and sense of commitment to the overall Chesapeake Conservation Corps Program by volunteer participants, including measures that uniformly identify Chesapeake Conservation Corps Program volunteer participants to the public while a project is carried out; and";

in line 9, strike "(b)" and substitute "(d)"; in the same line, strike "plan" and substitute "plans required under this section"; and in line 12, strike "plan" and substitute "plans".

The preceding 2 amendments were read only.

Senator Edwards moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #11

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 383 – Senator Mooney

AN ACT concerning

Public Health – Frederick County – Dogs in Outdoor Dining Areas

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance and Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 633 – Senators Middleton, Astle, Kasemeyer, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, Raskin, and Robey

AN ACT concerning

Community Services Reimbursement Rate Commission – Developmental Disabilities and Community Mental Health Services – Rate Adjustments

SB0633/987775/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 633
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Robey" and substitute "Robey, Exum, Garagiola, Glassman, Pugh, Currie, Jones, McFadden, and Peters".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0633/193027/1

BY: Senator Middleton

AMENDMENTS TO SENATE BILL 633
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "providers;" insert "requiring the Department to conduct a certain study in consultation with certain stakeholders and to report its findings and recommendations to the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On page 4, after line 34, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall:

(a) conduct a study, in consultation with community services stakeholders, including the Maryland Association of Community Services and the Community Behavioral Health Association of Maryland, to evaluate whether the role of the Community Services Reimbursement Rate Commission and its reporting requirements should be modified as a result of the changes in §§ 13–806, 13–809, and 16–201.2 of the Health – General Article enacted by Section 1 of this Act; and

(b) on or before January 1, 2011, report its findings and recommendations to the General Assembly, in accordance with § 2–1246 of the State Government Article.".

On page 5, in line 1, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 398 – Senators Raskin, Gladden, Kelley, and Muse

AN ACT concerning

Courts – County Administrative Judge – Responsibilities

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

Senator Frosh moved, duly seconded, to make the Bill a Special Order for March 19, 2010.

The motion was adopted.

Senate Bill 239 – Senators Pugh, King, Conway, Currie, Exum, Forehand, Frosh, Garagiola, Glassman, Harrington, Jones, Kasemeyer, Kelley, Kramer, Lenett, Madaleno, McFadden, Muse, Peters, Raskin, Robey, and Rosapepe

AN ACT concerning

Education – Age of Compulsory Attendance – Exemptions

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Frosh moved, duly seconded, to make the Bill and Report a Special Order for March 15, 2010.

The motion was adopted.

Senate Bill 385 – Senators DeGrange, Brinkley, Dyson, Klausmeier, McFadden, Peters, Reilly, and Stoltzfus

AN ACT concerning

Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

FLOOR AMENDMENT

SB0385/673423/1

BY: Senator Exum

AMENDMENTS TO SENATE BILL 385
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "State" in line 6 down through "Education" in line 7 and substitute "Comptroller"; in lines 17, 18, 19, 22, and 28, in each instance, strike "Department" and substitute "Comptroller"; and in line 19, after "manner;" insert "requiring the Comptroller to conduct an annual audit of certain organizations and require certain organizations to keep certain records and report to the Comptroller annually;".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 10 and 11; and in lines 12 and 26, strike "**(5)**" and "**(6)**", respectively, and substitute "**(4)**" and "**(5)**", respectively.

On page 4, in line 12, strike "**(7)**" and substitute "**(6)**"; in line 18, after "**THE**" insert "**STATE**"; in the same line, after "**DEPARTMENT**" insert "**OF EDUCATION**"; and in line 32, strike "**DEPARTMENT**" and substitute "**COMPTROLLER**".

On page 5, in lines 21, 24, and 29, in each instance, strike "**DEPARTMENT**" and substitute "**COMPTROLLER**".

On page 6, in lines 20, 23, 29, and 30, in each instance, strike "**DEPARTMENT**" and substitute "**COMPTROLLER**".

On page 7, in lines 15, 16, 24, and 29, in each instance, strike "**DEPARTMENT**" and substitute "**COMPTROLLER**".

On page 8, in lines 7 and 19, in each instance, strike "**DEPARTMENT**" and substitute "**COMPTROLLER**"; in line 30, strike "**1.**"; and in line 31, strike "**THE DEPARTMENT SHALL NOTIFY THE COMPTROLLER**".

On pages 8 and 9, strike beginning with "**OF**" in line 32 on page 8 down through "**ISSUED**" in line 2 on page 9.

On page 9, in lines 7, 11, 15, and 28, in each instance, strike "**DEPARTMENT**" and substitute "**COMPTROLLER**".

AMENDMENT NO. 3

On page 4, in line 29, strike "**$200,000**" and substitute "**$10,000**".

AMENDMENT NO. 4

On page 5, in line 2, strike "**ATTENDING**" and substitute "**TO ATTEND**"; in line 16, strike "**ON A PRIORITY BASIS FIRST**" and substitute "**ONLY**"; strike beginning with "**AND**" in line 19 down through "**NEED**" in line 20; after line 20, insert:

"**(VI) PROVIDE SCHOLARSHIPS ONLY TO STUDENTS NOT ALREADY ENROLLED IN AN ELIGIBLE PRIVATE NONPUBLIC SCHOOL;**";

and in lines 21 and 23, strike "**(VI)**" and "**(VII)**", respectively, and substitute "**(VII)**" and "**(VIII)**", respectively.

AMENDMENT NO. 5

On page 5, in line 5, strike "**85%**" and substitute "**97%**".

On page 6, in line 11, strike "**85%**" and substitute "**97%**".

On page 7, in line 12, strike "**AND**"; after line 12, insert:

"**(6) IN ORDER TO VERIFY CONTINUED COMPLIANCE OF EACH ORGANIZATION WITH THE REQUIREMENTS OF THIS SECTION AND ELIGIBILITY OF SCHOLARSHIP RECIPIENTS:**

(I) CONDUCT AN ANNUAL AUDIT OF EACH ELIGIBLE EDUCATIONAL SCHOLARSHIP ORGANIZATION AND EACH ELIGIBLE INNOVATIVE EDUCATIONAL ORGANIZATION; AND

(II) REQUIRE EACH ELIGIBLE EDUCATIONAL SCHOLARSHIP ORGANIZATION AND EACH ELIGIBLE INNOVATIVE EDUCATIONAL ORGANIZATION TO KEEP ADEQUATE RECORDS AND TO REPORT ANNUALLY TO THE COMPTROLLER;

(7) PROVIDE FOR DECERTIFICATION OF ORGANIZATIONS THAT ARE NOT IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION; AND";

and in line 13, strike "**(6)**" and substitute "**(8)**".

The preceding 5 amendments were read and rejected by a roll call vote as follows:

Affirmative – 13 Negative – 31 (See Roll Call No. 439)

Senator Gladden moved, duly seconded, to make the Bill a Special Order for March 15, 2010.

The motion was adopted by a roll call vote as follows:

Affirmative – 31 Negative – 13 (See Roll Call No. 440)

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #5

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #5
March 11, 2010

District Court, Anne Arundel County (District 7)

1. Thomas V. Miller, III — District 30

Judge of the District Court of Maryland, District 7, Anne Arundel County; appointed to serve a term of ten years from January 28, 2010

District Court, Baltimore City (District 1)

2. Nathan Braverman — District 43

Judge of the District Court of Maryland, District 1, Baltimore City; reappointed to serve a term of ten years from July 4, 2010

3. Miriam B. Hutchins — District 41

Judge of the District Court of Maryland, District 1, Baltimore City; reappointed to serve a term of ten years from July 4, 2010

District Court, Baltimore County (District 8)

4. Barbara R. Jung — District 5

Judge of the District Court of Maryland, District 8, Baltimore County; reappointed to serve a term of ten years from November 22, 2010

5. G. Darrell Russell, Jr. — District 42

Judge of the District Court of Maryland, District 8, Baltimore County; reappointed to serve a term of ten years from November 22, 2010

District Court, Prince George's County (District 5)

6. Jean S. Baron District 22

Judge of the District Court of Maryland, District 5, Prince George's County; reappointed to serve a term of ten years from June 30, 2010

7. Hassan A. El–Amin District 27

Judge of the District Court of Maryland, District 5, Prince George's County; reappointed to serve a term of ten years from June 30, 2010

8. Robert W. Heffron District 23

Judge of the District Court of Maryland, District 5, Prince George's County; reappointed to serve a term of ten years from June 30, 2010

9. Patrice E. Lewis District 22

Judge of the District Court of Maryland, District 5, Prince George's County; reappointed to serve a term of ten years from November 22, 2010

10. Mark T. O'Brien District 21

Judge of the District Court of Maryland, District 5, Prince George's County; reappointed to serve a term of ten years from June 30, 2010

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Amusement Ride Safety Board

S–1. Curtis G. Collins, Sr. District 10
9221 Old Court Road
Windsor Mill, MD 21244

Member of the Amusement Ride Safety Board; reappointed to serve a term of four years from July 1, 2010

S–2. Michael H. Jones District 38
25 Willow Way
Berlin, MD 21811

Member of the Amusement Ride Safety Board; reappointed to serve a term of four years from July 1, 2010

S–3. Ralph E. Shaw District 32
600 Shaw Road, P.O. Box 456
Severn, MD 21144

Member of the Amusement Ride Safety Board; reappointed to serve a term of four years from July 1, 2010

Apprenticeship and Training Council

S–4. Christopher F. Kelly, Sr. District 33
3441 Blandford Way
Davidsonville, MD 21035

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2010

S–5. David W. Norfolk District 32
583 Pasture Brook Road
Severn, MD 21144

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2010

S–6. James A. Williams, Sr. District 33
803 Old County Road
Severna Park, MD 21146

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2010

Archaeology, Advisory Committee on

S–7. Marian Craig Creveling District 30
1707 Forestville Road
Edgewater, MD 21037

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2010

S–8. Robert D. Wall, Ph.D. District 12
1602 Beechwood Avenue
Catonsville, MD 21228

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2010

Arts Council, Maryland State

S–9. David W. Harp District 37
11571 Riverton Wharf Road
Mardela Springs, MD 21837

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2010

S–10. William Mandicott District 1
28 Beall's Lane
Frostburg, MD 21532

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2010

S–11. David T. Terry, Ph.D. District 23
8212 River Park Road
Bowie, MD 20715

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2010

Aviation Commission, Maryland

S–12. Betty Hager Francis District 23
12603 Spriggs Request Road
Mitchellville, MD 20721

Member of the Maryland Aviation Commission; reappointed to serve a term of three years from October 1, 2010

Community Health Resources Commission, Maryland

S–13. Enrique E. Martinez–Vidal District 14
18640 Queen Elizabeth Drive
Brookeville, MD 20833

Member of the Maryland Community Health Resources Commission; reappointed to serve a term of four years from July 1, 2010

Correctional Standards, Commission on

S–14. Delores Alexander District 10
9905 Shoshone Way
Randallstown, MD 21133

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2010

Dietetic Practice, State Board of

S–15. Judith F. Gordon District 5
2868 Constellation Way
Finksburg, MD 21048

Member of the State Board of Dietetic Practice; reappointed to serve a term of four years from July 1, 2010

Economic Development Commission, Maryland

S–16. Steve Dubin District 13
14240 Triadelphia Road
Glenelg, MD 21737

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2010

S–17. Timothy A. Hodge, Jr., Esq. District 42
6423 Pratt Avenue
Baltimore, MD 21212

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2010

S–18. Aris Mardirossian District 15
11940 River Road
Potomac, MD 20854

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2010

S–19. Robert N. Smelkinson District 43
4603 Kerneway
Baltimore, MD 21212

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2010

Handgun Permit Review Board

S–20. Charles M. Thomas, Jr. District 43
4505 Kenelworth Avenue
Baltimore, MD 21212

Member of the Handgun Permit Review Board; reappointed to serve a term of three years from March 27, 2010

Health Care Commission, Maryland

S–21. Barbara Gill McLean District 5
3930 St. Pauls Road
Manchester, MD 21102

Member of the Maryland Health Care Commission; reappointed to serve a term of four years from October 1, 2010

S–22. Marilyn L. Moon District 16
6817 Wilson Lane
Bethesda, MD 20817

Member of the Maryland Health Care Commission; reappointed to serve a term of four years from October 1, 2010

S–23. Darren W. Petty, Sr. District 35
3704 Old Federal Hill Road
Jarrettsville, MD 21084

Member of the Maryland Health Care Commission; reappointed to serve a term of four years from October 1, 2010

Higher Education Labor Relations Board, Maryland

S–24. Holly Fechner District 20
7213 Spruce Avenue
Takoma Park, MD 20912

Member of the Maryland Higher Education Labor Relations Board; reappointed to serve a term of six years from July 1, 2010

Historical Trust, Board of Trustees of the Maryland

S–25. Alvin H. Luckenbach, Ph.D. District 30
16 Eastern Ave.
Annapolis, MD 21403

Member of the Board of Trustees of the Maryland Historical Trust; reappointed to serve a term of four years from July 1, 2010

S–26. Randall F. Vega District 41
805 Glen Allen Drive
Baltimore, MD 21229

Member of the Board of Trustees of the Maryland Historical Trust; reappointed to serve a term of four years from July 1, 2010

Infants and Toddlers, Interagency Coordinating Council for

S–27. Paula D. Boykin District 42
218 Beech View Court
Towson, MD 21286

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2010

S–28. Cascelia S. Burgess, Ed.D. District 45
5504 Daywalt Avenue
Baltimore, MD 21206

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2010

S–29. Curtisha Hopkins District 32
1805 Village Square Court
Severn, MD 21144

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2010

S–30. Linda R. Ramsey District 43
207 E. Northern Parkway
Baltimore, MD 21212

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2010

S–31. Erin Stauder District 12
303 Oak Forest Avenue
Catonsville, MD 21228

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2010

S–32. Jill Taylor District 42
28 Murdock Road
Baltimore, MD 21212

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2010

Landscape Architects, Board of Examiners

S–33. Lisa S. Keir District 5
13907 Longnecker Road
Reisterstown, MD 21136

Member of the Board of Examiners of Landscape Architects; reappointed to serve a term of three years from July 1, 2010

S–34. Christopher L. Schein District 30
15 Thompson Avenue
Annapolis, MD 21401

Member of the Board of Examiners of Landscape Architects; reappointed to serve a term of three years from July 1, 2010

Maryland Affordable Housing Trust, Board of Trustees

S–35. Kenneth Banks District 11
903 Windsor Road
Baltimore, MD 21208

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve a term of four years from October 1, 2010

S–36. Eric C. Brown District 41
524 Pimlico Road
Baltimore, MD 21209

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve a term of four years from October 1, 2010

S–37. Sandra Edmonds Crewe, Ph.D. District 25
720 Narrowleaf Drive
Largo, MD 20774

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve a term of four years from October 1, 2010

S–38. Bert J. Hash, Jr. District 9
11705 Farside Road
Ellicott City, MD 21042

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve a term of four years from October 1, 2010

Maryland Legal Services Corporation Board of Directors

S–39. Teri A. Heger, LCSW–C District 2
20032 Alva Court
Keedysville, MD 21756

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2010

S–40. Nancy A. Sachitano, Esq. District 16
772 Oldchester Road
Bethesda, MD 20817

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2010

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President Pro Tem of the Senate put the following question: "Will the Senate advise and consent to the above nominations of the Executive?"

The above nominations of the Executive, with the exception of nominee No. 1 were all confirmed by roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 441)

Nominee No. 1, Thomas V. Miller, III, Judge of the District Court of Maryland, District 7, Anne Arundel County; appointed to serve a term of ten years from January 28, 2010

The President Pro Tem of the Senate put the following question: "Will the Senate advise and consent to the above nomination of the Executive?"

The above nomination of the Executive was confirmed by roll call vote as follows:

Affirmative – 42 Negative – 0 (See Roll Call No. 442)

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 443)

ADJOURNMENT

At 11:58 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 15, 2010.

Annapolis, Maryland
Monday, March 15, 2010
8:00 P.M. Session

The Senate met at 8:06 P.M.

Prayer by Reverend Dan Mucci, Abundant Life Church, guest of Senator DeGrange.

(See Exhibit A of Appendix III)

The Journal of March 12, 2010 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senator Kramer be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 446)

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 320 – Delegate Beitzel

AN ACT concerning

Maryland Dormant Mineral Interests Act

Reassigned to the Committee on Education, Health, and Environmental Affairs and the Committee on Judicial Proceedings under Rule 33(d).

Read and ordered journalized.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 311 – Senators Miller, Klausmeier, Astle, Brochin, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, King, Kramer, Lenett, Madaleno, McFadden, Middleton, Peters, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Chesapeake Conservation Corps

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS.

FLOOR AMENDMENT

SB0311/134231/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 311, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0311/684930/2), in line 16 of Amendment No. 1, strike the first "a"; in the same line, strike "plan" and substitute "plans"; and in the same line, strike "a draft" and substitute "certain drafts of certain plans".

AMENDMENT NO. 2

On page 14 of the Education, Health, and Environmental Affairs Committee Amendments, in line 8 of Amendment No. 9, strike "and"; after line 8, insert:

"(b) develop a plan to centrally administer volunteer stipend payments;

(c) develop a plan that establishes mechanisms that are intended to assist in team building among volunteer participants and increase the understanding and sense of commitment to the overall Chesapeake Conservation Corps Program by volunteer participants, including measures that uniformly identify Chesapeake Conservation Corps Program volunteer participants to the public while a project is carried out; and";

in line 9, strike "(b)" and substitute "(d)"; in the same line, strike "plan" and substitute "plans required under this section"; and in line 12, strike "plan" and substitute "plans".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0311/263824/2

BY: Senator Edwards

AMENDMENT TO SENATE BILL 311, AS AMENDED
(First Reading File Bill)

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments (SB0311/684930/2), in lines 7 and 8 of Amendment No. 3, strike "**DECREASE RELIANCE ON FOSSIL FUELS,**".

On page 13 of the bill, strike beginning with "**AND**" in line 9 down through "**FUELS**" in line 10.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 447)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #35

Senate Bill 247 – Senators Glassman, Klausmeier, and Munson

AN ACT concerning

Hazardous Material Response Team Employees – Death Benefits and Funeral Expenses – Local Government Agencies

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 448)

The Bill was then sent to the House of Delegates.

Senate Bill 314 – Senators Garagiola, Kelley, Astle, DeGrange, Exum, Forehand, Frosh, Gladden, Jones, Kasemeyer, King, Kramer, McFadden, Miller, Peters, Raskin, Robey, and Rosapepe

AN ACT concerning

Health Insurance – Assignment of Benefits and Reimbursement of Nonpreferred Providers

Read the third time and passed by yeas and nays as follows:

Affirmative – 37 Negative – 9 (See Roll Call No. 449)

The Bill was then sent to the House of Delegates.

Senate Bill 319 – Senators Miller, Currie, McFadden, Astle, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Peters, Pinsky, Pugh, Raskin, Robey, and Rosapepe

AN ACT concerning

African American Heritage Preservation Program

Read the third time and passed by yeas and nays as follows:

Affirmative – 38 Negative – 8 (See Roll Call No. 450)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 60 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland

offers its sincerest congratulations to
Eastern Technical High School
Baltimore County
in recognition of
having won the great honor of being a 2010 Blue Ribbon School. We are very proud of your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 15th day of March 2010.

Senate Resolution No. 61 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Northern Middle School
Calvert County
in recognition of
having won the great honor of being a 2010 Blue Ribbon School. We are very proud of your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 15th day of March 2010.

Senate Resolution No. 62 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
New Market Elementary School
Frederick County
in recognition of
having won the great honor of being a 2010 Blue Ribbon School. We are very proud of your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 15th day of March 2010.

Senate Resolution No. 63 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Ellicott Mills Middle School
Howard County
in recognition of
having won the great honor of being a 2010 Blue Ribbon School. We are very proud of your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 15th day of March 2010.

Senate Resolution No. 64 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Northwestern Elementary School
Wicomico County
in recognition of
having won the great honor of being a 2010 Blue Ribbon School. We are very proud of your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 15th day of March 2010.

Senate Resolution No. 65 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Snow Hill Middle School
Worcester County
in recognition of
having won the great honor of being a 2010 Blue Ribbon School. We are very proud of your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 15th day of March 2010.

The preceding resolutions were read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 451)

THIRD READING CALENDAR (SENATE BILLS) #35

Senate Bill 372 – Senator Della

AN ACT concerning

Property Tax – Tax Sales – Notice to Foreclose Right of Redemption

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 452)

The Bill was then sent to the House of Delegates.

Senate Bill 373 – Senator Della

EMERGENCY BILL

AN ACT concerning

Property Tax – Tax Sales – Complaint to Foreclose Right of Redemption

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 453)

The Bill was then sent to the House of Delegates.

Senate Bill 444 – Senator Kasemeyer

AN ACT concerning

Blue Ribbon Commission to Study Retiree Health Care Funding Options – Extension of Reporting and Termination Dates

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 3 (See Roll Call No. 454)

The Bill was then sent to the House of Delegates.

Senate Bill 480 – Senator Robey

AN ACT concerning

State Contributory Law Enforcement Officers' Pension System – Transfer of Service Credit

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 455)

The Bill was then sent to the House of Delegates.

Senate Bill 567 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Noncontributory Former Vested Members – Vested Retirement Allowance

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 456)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 239 – Senators Pugh, King, Conway, Currie, Exum, Forehand, Frosh, Garagiola, Glassman, Harrington, Jones, Kasemeyer, Kelley, Kramer, Lenett, Madaleno, McFadden, Muse, Peters, Raskin, Robey, and Rosapepe

AN ACT concerning

Education – Age of Compulsory Attendance – Exemptions

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

FLOOR AMENDMENT

SB0239/863620/1

BY: Senator Brinkley

AMENDMENT TO SENATE BILL 239
(First Reading File Bill)

On page 2, strike beginning with "**OBTAINED**" in line 3 down through "**OR**" in line 4 and substitute "**COMPLETED A PROGRAM OF SECONDARY EDUCATION OR OBTAINED**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0239/153226/1

BY: Senator Stoltzfus

AMENDMENTS TO SENATE BILL 239
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "dates;" insert "making this Act subject to certain contingencies;".

AMENDMENT NO. 2

On page 6, in line 31, after "2014" insert ", contingent on the inclusion in the fiscal 2015 State budget as enacted by the General Assembly of at least $71,000,000 to implement Section 2 of this Act beginning in the 2014-2015 school year, and, if the fiscal 2015 State budget as enacted by the General Assembly does not include at least $71,000,000 to implement Section 2 of this Act beginning in the 2014-2015 school year, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly"; and in line 33, after "2012" insert ", contingent on the inclusion in the fiscal 2013 State budget as enacted by the General Assembly of at least $48,800,000 to implement this Act beginning in the 2012-2013 school year and, if the fiscal 2013 State budget does not include at least $48,800,000 to implement this Act beginning in the 2012-2013 school year, this Act shall be null and void without the necessity of further action by the General Assembly".

The preceding 2 amendments were read and adopted by a roll call vote as follows:

Affirmative – 23 Negative – 22 (See Roll Call No. 457)

Read the second time and ordered prepared for Third Reading.

Senate Bill 385 – Senators DeGrange, Brinkley, Dyson, Klausmeier, McFadden, Peters, Reilly, and Stoltzfus

AN ACT concerning

Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

FLOOR AMENDMENT

SB0385/913920/1

BY: Senator Conway

AMENDMENT TO SENATE BILL 385
(First Reading File Bill)

On page 4, in line 25, strike "**75%**" and substitute "**50%**"; and in line 29, strike "**$200,000**" and substitute "**$100,000**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 30 (See Roll Call No. 458)

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senator Frosh moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1123 – Senator Frosh

AN ACT concerning

Political Subdivisions – Collective Bargaining Agreements – Binding Arbitration

FOR the purpose of authorizing a county or municipal corporation to adopt a certain local law or ordinance regarding binding arbitration in certain collective bargaining disputes; providing for the application of this Act; and generally relating to collective bargaining agreements of political subdivisions.

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 24–101 to be under the new title "Title 24. Collective Bargaining"
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 459)

ADJOURNMENT

At 9:03 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 16, 2010, in memory of Betty Mae Kramer (mother of Senator Kramer).

Annapolis, Maryland
Tuesday, March 16, 2010
10:00 A.M. Session

The Senate met at 10:04 A.M.

Prayer by Father Mark Smith, St. Joseph Catholic Church, guest of Senator Middleton.

(See Exhibit A of Appendix III)

The Journal of March 15, 2010 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senator Kramer be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 461)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 132 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Examiners in Optometry – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Examiners in Optometry in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to statutory authority and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the Board to submit a certain report on or before a certain date; and generally relating to the State Board of Examiners in Optometry.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 11–602
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(45)
Annotated Code of Maryland
(2009 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 193 – Delegate Rosenberg

AN ACT concerning

Civil Proceedings – Foreign Defamation Judgments – ~~Enforceability~~ Recognition, Enforceability, and Bases of Personal Jurisdiction

FOR the purpose of authorizing a court in this State to exercise personal jurisdiction for certain purposes and under certain circumstances over a certain person who obtains a certain foreign defamation judgment; ~~prohibiting recognition of certain foreign judgments;~~ establishing that certain foreign defamation judgments may not be recognized in this State unless a certain court makes a certain determination; ~~authorizing a court to award costs and reasonable attorney's fees to a party opposing recognition or enforcement of a certain foreign judgment;~~ defining a certain term; providing for the application of this Act; and generally relating to recognition and enforceability of certain foreign defamation judgments and personal jurisdiction over certain persons who obtain certain foreign defamation judgments.

BY adding to
Article – Courts and Judicial Proceedings
Section 6–103.3 and 10–704(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Courts and Judicial Proceedings~~
~~Section 10–704~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2009 Supplement)~~

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 202 – Delegates Cardin, Morhaim, and Stein

AN ACT concerning

Uniform Commercial Code – Financing Statements – ~~Termination by Government Employees~~ False Filings – Prohibited

FOR the purpose of ~~authorizing certain government employees to file certain termination statements with respect to certain financing statements; providing for the contents of the termination statement; requiring a certain filing office to send a copy of the termination statement to a certain secured party along with a certain notice; providing that on the filing of the termination statement, a certain financing statement ceases to be effective as to the government employee; authorizing the secured party to file an action to reinstate a financing statement under certain circumstances; requiring the secured party to provide a certain certified copy of a certain judgment to a certain filing office under certain circumstances; requiring the filing office to file the judgment in a certain manner; providing that on the filing of a certain judgment, a certain financing statement shall be effective and shall be considered never to have been ineffective as against a certain person; authorizing the secured party to file a continuation statement under certain circumstances; providing that a fee may not be charged for the filing of the termination statement; providing that the secured party shall pay the costs, reasonable attorney's fees, and expenses incurred by a government employee in a certain action under certain circumstances; making certain conforming and stylistic changes; defining a certain term; and generally relating to the termination of financing statements by government employees~~ providing that a person who files a financing statement or an amendment to a financing statement that the person knows contains false information is subject to a certain penalty; prohibiting a person from filing a financing statement or an amendment to a financing statement that the person knows contains false information; providing a penalty for a violation of certain provisions of this Act; and generally relating to financing statements.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section ~~9–513 and 9–515(d)~~ 9–509
Annotated Code of Maryland
(2002 Replacement Volume and 2009 Supplement)

BY adding to
Article – Criminal Law
Section 9–508
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 224 – Delegates Morhaim, Cardin, McIntosh, and Stein

AN ACT concerning

Plumbing – Greywater Recycling

FOR the purpose of prohibiting a county from adopting or enforcing certain provisions of a local plumbing code; defining a certain term; and generally relating to greywater recycling.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 12–206
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 278 – Delegate Hubbard

AN ACT concerning

Maryland Medical Assistance Program – Medical Eligibility for Nursing Facility Level of Care – Report

FOR the purpose of requiring the Department of Health and Mental Hygiene to ~~determine that certain individuals are medically eligible for certain services under certain circumstances; requiring the Department to allow individuals to submit certain information under certain circumstances~~ provide a certain report to certain committees of the General Assembly and the Medicaid Advisory Committee within a certain time period prior to making any change to medical eligibility for certain Medical Assistance Program long–term care services; requiring the Department to discuss certain reports submitted to the Medicaid Advisory Committee at a meeting of the Committee; defining a certain ~~terms~~ term; and generally relating to medical eligibility for nursing facility level of care under the Maryland Medical Assistance Program.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 1–101(a) and (c) and 15–101(a) and (h)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health – General
Section 15–146
Annotated Code of Maryland
(2009 Replacement Volume)

Read the first time and referred to the Committee on Finance.

House Bill 407 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Public Accountancy – Disciplinary Authority

FOR the purpose of clarifying the authority of the State Board of Public Accountancy to impose disciplinary action against an applicant or licensee as a result of a sanction by a regulatory entity established by law; authorizing the Board to impose a certain civil penalty against permit holders under certain circumstances; and generally relating to the disciplinary authority of the State Board of Public Accountancy.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 2–315 and 2–410
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 408 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Commission of Real Estate Appraisers and Home Inspectors – Administrative Sanctions – Civil Penalty

FOR the purpose of authorizing the State Commission of Real Estate Appraisers and Home Inspectors to consider certain factors before granting, denying, renewing,

suspending, or revoking a home inspector license or reprimanding a licensee when the applicant or licensee has been convicted of a certain crime; authorizing the Commission to impose a civil penalty instead of, or in addition to, the imposition of an administrative sanction against a licensed home inspector under certain circumstances; and generally relating to the State Commission of Real Estate Appraisers and Home Inspectors.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 16–701.1
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 412 – Delegate Feldman

AN ACT concerning

Real Estate Investment Trusts – Miscellaneous Provisions

FOR the purpose of clarifying that a real estate investment trust may provide by its declaration of trust that holders of one or more classes or series of shares have exclusive voting rights on an amendment that would alter only the contract rights of those shareholders; providing that, without action by the shareholders, the majority of the entire board of trustees may amend the declaration of trust in any respect in which the charter of a corporation may be amended, unless prohibited in the declaration of trust in a certain manner; authorizing the board of trustees of certain real estate investment trusts to amend the declaration of trust, without shareholder action, to effect a certain reverse share split, unless prohibited in the declaration of trust in a certain manner; requiring a certain real estate investment trust to give certain notice of a certain reverse share split to certain shareholders within a certain time after the effective date of the reverse share split; authorizing a real estate investment trust to file a certain certificate of notice for record with the State Department of Assessments and Taxation; providing that a trustee of a real estate investment trust is not required to authorize or direct the filing of a certificate of notice; providing that a real estate investment trust is not required to file a certificate of notice; providing that a certificate of notice shall be executed in a certain manner; defining certain terms and altering a certain definition; and generally relating to real estate investment trusts.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 8–101, 8–203(a) and (c), and 8–501
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Corporations and Associations
Section 8–503
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 423 – Delegate Sossi

AN ACT concerning

Life and Health Insurance Guaranty Corporation – Maximum Liability

FOR the purpose of altering, for ~~certain life insurance death benefits, certain health insurance benefits, and~~ the present value of certain annuity benefits, the maximum amounts of certain contractual obligations of certain impaired insurers or certain insolvent insurers for which the Life and Health Insurance Guaranty Corporation may become liable under certain circumstances; and generally relating to the liability of the Life and Health Insurance Guaranty Corporation for contractual obligations of impaired insurers and insolvent insurers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 9–407(j)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 600 – ~~Delegate Kullen~~ Delegates Kullen, Benson, Donoghue, Elliott, Hubbard, Montgomery, Nathan–Pulliam, Pena–Melnyk, Pendergrass, and V. Turner

AN ACT concerning

Health Occupations – Therapy Management Contracts – Repeal of Sunset

FOR the purpose of repealing the termination of the provisions of law relating to certain licensed physician–pharmacist agreements and certain licensed physician–pharmacist therapy management contracts.

BY repealing and reenacting, with amendments,
Chapter 249 of the Acts of the General Assembly of 2002, as amended by Chapter 650 of the Acts of the General Assembly of 2008

Section 5

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 642 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Real Property – Home Builders – Community Amenities
PG 407–10

FOR the purpose of ~~requiring a home builder that agrees to provide a community amenity to a community development located in Prince George's County to include certain information in the contract of sale; requiring a certain home builder to make a certain community amenity available by a certain date; providing for a certain penalty;~~ requiring a contract of sale for certain property in Prince George's County that includes a certain agreement to include a certain disclosure statement; requiring the disclosure statement to be dated and signed by the purchaser and the home builder and included in or attached to the contract of sale; providing that a certain purchaser has an unconditional right to rescind a certain contract of sale at a certain time and under certain circumstances; requiring certain advertising for a certain community development to include disclosure of certain requirements; providing that a certain home builder may be liable for breach of contract under certain circumstances; defining a certain term; providing for the application of this Act; and generally relating to home builders and disclosure of community amenities in Prince George's County.

BY adding to
Article – Real Property
Section 10–708
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 752 – Delegates Kirk, Barkley, Haddaway, Harrison, Haynes, Impallaria, Jameson, King, Krysiak, Love, Manno, Miller, Stukes, and Vaughn

AN ACT concerning

Business Regulation – Secondhand Precious Metal Object Dealers – Exempted Transactions and Record Keeping Requirements

FOR the purpose of exempting certain transactions of certain retail jewelers from the requirement to hold a secondhand precious metal object dealer license; authorizing certain dealers to identify certain items by certain methods; requiring a certain law enforcement unit to adopt certain procedures for certain dealers to amend certain records; making certain stylistic changes; and generally relating to exempted transactions and the record keeping requirements of secondhand precious metal object dealers.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–102(b), 12–301(d), and 12–304
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing
Article – Business Regulation
Section 12–301(e)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY adding to
Article – Business Regulation
Section 12–301(e)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 814 – Delegates Kach ~~and Olszewski~~, Olszewski, Benson, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Health Insurance – Individual Health Benefit Plans – Frequency of Premium Increases

FOR the purpose of prohibiting health insurance carriers, with a certain exception, from increasing the premium of an individual on an individual health benefit plan more frequently than once during a certain period of time; providing that an increase in an individual's premium includes an increase due to the individual moving into a higher age band; providing for the application of this Act; and generally relating to premiums for individual health benefit plans.

BY adding to
Article – Health – General

Section 19–706(cccc)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Insurance
Section 15–1314
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 821 – Delegates Barkley, King, McHale, Taylor, ~~and Vaughn~~ Vaughn, Braveboy, Burns, Davis, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, Kirk, Krysiak, Love, Manno, Mathias, Miller, Minnick, Rudolph, Stifler, and Walkup

AN ACT concerning

Net Energy Metering – Fuel Cell

FOR the purpose of including, among the list of eligible customer–generators that are eligible for net energy metering, a customer that uses a certain fuel cell electric generating facility that meets certain conditions; defining a certain term; and generally relating to net energy metering.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–306(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–306(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 822 – Queen Anne's County Delegation

AN ACT concerning

Queen Anne's County – Arts and Entertainment District

FOR the purpose of providing that in Queen Anne's County, the governing body may establish an arts and entertainment district composed of noncontiguous areas in the county, including noncontiguous areas in a municipal corporation in the county, subject to the designation of the Secretary of Business and Economic Development; requiring the governing body of Queen Anne's County to comply with certain application procedures; and generally relating to arts and entertainment districts in Queen Anne's County.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 4–703 and 4–704
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 4–705
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 834 – Delegate Heller (Chair, Joint Committee on the Management of Public Funds) and Delegates Elmore, Howard, and Levy

AN ACT concerning

State Treasurer – Permissible Investments – Linked Deposit Program

FOR the purpose of altering the permissible investments that the State Treasurer may make with financial institutions participating in the Linked Deposit Program; and generally relating to permissible investments under the Linked Deposit Program.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–211
Annotated Code of Maryland
(2009 Replacement Volume)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 863 – ~~Delegate Hubbard~~ Delegates Hubbard, Benson, and V. Turner

AN ACT concerning

Maryland Professional Counselors and Therapists Act – Corrections

FOR the purpose of requiring applicants for a license to practice clinical marriage and family therapy to hold a master's or doctoral degree in a certain field from an accredited educational institution that is approved by the State Board of Professional Counselors and Therapists; altering the number of credit hours in alcohol and drug counselor training that are required for qualification as a certified professional counselor–alcohol and drug or certified association counselor–alcohol and drug; and generally relating to corrections of the Maryland Professional Counselors and Therapists Act.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 17–303(a) and 17–402(a)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 17–303(d), 17–402(d), and 17–403
Annotated Code of Maryland
(2009 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 956 – Delegate Myers

AN ACT concerning

Electricians, Gas Fitters, HVAC Contractors, and Plumbers – Display of Licenses and License Numbers

FOR the purpose of prohibiting a county or municipal corporation, subject to a certain exception, from requiring a certain licensed gas fitter, plumber, or heating, ventilation, air–conditioning, and refrigeration (HVAC) contractor to display a certain certificate number on certain vehicles used for providing certain services; 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; requiring a master electrician who holds a certain license or certain licenses to display a State license number on certain vehicles used for providing certain services; and generally relating to the display of licenses and license numbers on vehicles.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions

Section 6–301 and 12–311
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 9A–401
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #36

Senate Bill 383 – Senator Mooney

AN ACT concerning

Public Health – Frederick County – Dogs in Outdoor Dining Areas

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 1 (See Roll Call No. 462)

The Bill was then sent to the House of Delegates.

Senate Bill 633 – Senators Middleton, Astle, Kasemeyer, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, Raskin, ~~and Robey~~ Robey, Exum, Garagiola, Glassman, Pugh, Currie, Jones, McFadden, and Peters

AN ACT concerning

Community Services Reimbursement Rate Commission – Developmental Disabilities and Community Mental Health Services – Rate Adjustments

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 463)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 337 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

Estates and Trusts – Construction of References in Will or Trust to Federal Estate Tax or Generation–Skipping Transfer Tax

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #18

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 266 – Senator Conway

AN ACT concerning

State Board of Nursing – Membership – Nominations for Vacancies

SB0266/424631/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 266
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Nursing" insert "and Certified Nursing Assistant Advisory Committee"; in line 7, after "rotate" insert "with each vacancy"; in the same line, after "specialties;" insert "replacing a certain registered nurse clinician member of the Board with a currently practicing nurse who has practiced as a delegating nurse in a certain setting for at least a certain number of years; requiring that at least one licensed practical nurse member of the Board practice in a long-term care nursing facility;"; in line 16, after "begun;" insert "adding an adult medical day care nursing assistant to the Certified Nursing Assistant Advisory Committee; providing for the appointment of certain members of the Board and the Committee;"; in line 17, after "Nursing" insert "and the Certified Nursing Assistant Advisory Committee"; and in line 20, after "(i)" insert "and 8-6A-13".

AMENDMENT NO. 2

On page 2, in line 8, after "specialty" insert "**THAT ROTATES WITH EACH VACANCY AMONG THE FOLLOWING SPECIALTIES:**

1. NURSE ANESTHETIST;

2. NURSE PRACTITIONER;

3. NURSE MIDWIFE; AND

4. NURSE PSYCHOTHERAPIST";

in line 18, strike "2" and substitute "**1**"; in the same line, strike "nurse clinicians, one of whom shall have," and substitute "**A NURSE CLINICIAN WITH**"; in the same line, strike the third comma; in line 19, strike "**AND**"; in line 22, after "**NURSING**" insert "**; AND**

(VIII) 1 SHALL BE A CURRENTLY PRACTICING NURSE WHO HAS PRACTICED AS A DELEGATING NURSE IN A SUPERVISED GROUP LIVING SETTING, AS DEFINED IN COMAR 10.27.11.02(20), FOR AT LEAST 5 YEARS";

and strike in their entirety lines 23 through 28, inclusive.

On page 3, strike line 1 in its entirety and substitute:

"**(4) OF THE 3 LICENSED PRACTICAL NURSE MEMBERS, AT LEAST 1 SHALL PRACTICE IN A LONG-TERM CARE NURSING FACILITY.**";

and in line 6, strike "**SUBSECTION (A)(4)**" and substitute "**SUBSECTION (A)(3)(I)**".

AMENDMENT NO. 3

On page 5, after line 25, insert:

"8–6A–13.

(a) The Board shall appoint an advisory committee consisting of at least **[**13**] 14** members appointed by the Board.

(b) Of the **[**13**] 14** committee members:

(1) **[**Five**]SIX** shall be nursing assistants:

(i) One shall be an acute care nursing assistant;

(ii) One shall be a home care nursing assistant;

(iii) One shall be a long–term care nursing assistant;

(IV) ONE SHALL BE AN ADULT MEDICAL DAY CARE NURSING ASSISTANT;

[(iv)**](V)** At least one of the nursing assistant members shall be a member of a union; and

[(v)**](VI)** One shall be an independent contractor;

(2) Three shall be registered nurses:

(i) One shall be an acute care registered nurse;

(ii) One shall be a home care registered nurse; and

(iii) One shall be a long–term care registered nurse;

(3) One shall be an administrator from a licensed health care facility;

(4) One shall be a licensed practical nurse;

(5) One shall be an individual who teaches a nursing assistant course;

(6) One shall be a consumer member who has received care, or has a family member who has received care from a nursing assistant; and

(7) One shall be a representative of the Department.

(c) The Board shall appoint an alternate for each of the three nursing assistant members in the event that the nursing assistant member is unable to discharge the duties of the committee.

(d) An advisory committee member shall serve a term of 4 years.

(e) The advisory committee shall:

(1) Evaluate training programs and make recommendations for approval by the Board;

(2) Develop and recommend regulations to enforce the provisions of this subtitle;

(3) Evaluate candidates as required and recommend action to the Board;

(4) Review investigations of complaints against nursing assistants or medication technicians and make recommendations to the Board for disciplinary action;

(5) Keep a record of its proceedings; and

(6) Submit an annual report to the Board.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) the delegating nurse member added to the Board of Nursing under § 8-202(a)(3)(viii) of the Health Occupations Article, as enacted by Section 1 of this Act, shall be appointed to fill the first nurse clinician member vacancy on the Board that occurs on or after the effective date of this Act;

(2) the licensed practical nurse member of the Board of Nursing who is required to be practicing in a long-term care nursing facility under § 8-202(a)(4) of the Health Occupations Article, as enacted by Section 1 of this Act, shall be appointed to fill the first licensed practical nurse member vacancy on the Board that occurs on or after the effective date of this Act; and

(3) the acute care nurse member added to the Board of Nursing under § 8-202(a)(3)(vii) of the Health Occupations Article, as enacted by Section 1 of this Act, and the adult medical day care nursing assistant member added to the Certified Nursing Assistant Advisory Committee under § 8-6A-13(b)(iv) of the Health Occupations Article, as enacted by Section 1 of this Act, shall be appointed as soon as practicable after the effective date of this Act.";

and in line 26, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 305 – Senator Munson

AN ACT concerning

Public Safety – Emergency Medical Services Provider Killed in Performance of Duty – Flag Benefit for Family

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 315 – Senators Raskin, Peters, Miller, Astle, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Glassman, Harrington, Jones, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Muse, Pinsky, Rosapepe, and Stone

AN ACT concerning

Public Ethics Laws – Elected Local Officials and Board of Education Members – Requirements

SB0315/284031/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 315
(First Reading File Bill)

On page 2, in line 2, strike "Each" and substitute "**SUBJECT TO § 15-209 OF THIS TITLE, EACH**".

The preceding amendment was read only.

Senator Mooney moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 394 – Senators Exum, Conway, Currie, Harrington, Kelley, Peters, Pinsky, Pugh, and Rosapepe

AN ACT concerning

Municipalities – Authority to Enter into Agreements with Other Municipalities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 485 – Senator Munson

AN ACT concerning

State Board of Physical Therapy Examiners – Licensure and Regulation

SB0485/464037/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 485
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "mail" insert "under certain circumstances".

AMENDMENT NO. 2

On page 3, in lines 22, 23, and 24, in each instance, strike the bracket; and in line 24, strike "**(II)**".

AMENDMENT NO. 3

On page 4, in line 1, after "(b)" insert "**(1)**"; in line 2, after "**OR**" insert "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**"; strike beginning with "**TO**" in line 3 down through "**LICENSEE**" in line 4; in lines 5, 6, and 8, strike "(1)", "(2)", and "(3)", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; and after line 8, insert:

"**(2) THE BOARD MAY ONLY NOTIFY A LICENSEE BY ELECTRONIC MAIL IF THE LICENSEE HAS AUTHORIZED THE BOARD TO NOTIFY THE LICENSEE IN THIS MANNER.**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 512 – Senators Conway, Currie, DeGrange, Dyson, Exum, Garagiola, Jones, Kasemeyer, Kelley, Klausmeier, McFadden, Middleton, Muse, Peters, and Pinsky

AN ACT concerning

Maryland Locksmiths Act – Revisions – Definitions and Records Inspection

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 555 – Senator Conway

AN ACT concerning

Business Occupations and Professions – Individual Tax Preparers – Registration Requirements

SB0555/724635/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 555
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Registration" and substitute "Examination"; strike beginning with "requiring" in line 4 down through "examination;" in line 9; in line 10, strike "Board" and substitute "State Board of Individual Tax Preparers to an applicant for registration to provide individual tax preparation services"; in the same line, strike "registration" and substitute "examination"; strike in their entirety lines 12 through 16, inclusive; in line 19, strike "21-302 and"; and in the same line, after "21-304" insert "(d)".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 25 on page 1 through line 2 on page 3, inclusive.

On page 3, after line 2, insert:

"21-304.";

in line 3, strike the bracket; in the same line, strike "(1)"; strike in their entirety lines 6 through 15, inclusive; and in line 17, strike "October" and substitute "July".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 858 – Senators Conway, Astle, Brinkley, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, McFadden, Middleton, Miller, Munson, Peters, Pinsky, Pipkin, Pugh, Raskin, Reilly, Robey, Rosapepe, Simonaire, Stone, and Zirkin

AN ACT concerning

Maryland Winery Modernization Act

SB0858/774239/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 858
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Reilly,"; in line 5, after "purposes;" insert "requiring the licensee to notify the local licensing board of the issuance of a farmer's market permit;"; and in line 20, after "licensees;" insert "providing for the construction of a portion of this Act;".

AMENDMENT NO. 2

On page 2, after line 21, insert:

"**(4)** **THE HOLDER OF A PERMIT SHALL NOTIFY THE LOCAL LICENSING BOARD OF THE JURISDICTION IN WHICH THE FARMER'S MARKET WILL BE HELD THAT THE PERMIT HAS BEEN ISSUED.**";

in lines 22 and 29, strike "**(4)**" and "**(5)**", respectively, and substitute "**(5)**" and "**(6)**", respectively; in line 23, after "**1.**" insert "**AT A FARMER'S MARKET THAT IS LISTED IN THE FARMER'S MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF AGRICULTURE;**

2.";

and in line 25, strike "**2.**" and substitute "**3.**".

On page 3, in lines 1 and 8, in each instance, strike "**(6)**" and substitute "**(7)**".

AMENDMENT NO. 3

On page 6, in line 11, strike "**HARD**" and substitute "**HARD**"; in line 20, strike "**AND**"; in line 21, after "**SOUP**" insert "**; AND**

13. CONDIMENTS";

in line 22, before "**A**" insert "**(I)**"; in the same line, strike "**LICENSED UNDER THIS ARTICLE**"; and after line 24, insert:

"**(II)** **A LICENSEE OR ENTITY IN WHICH THE LICENSEE HAS A PECUNIARY INTEREST MAY NOT ACT AS A CATERER OF FOOD.**".

AMENDMENT NO. 4

On page 7, in line 1, strike "**EXCEPT AS PROVIDED IN**" and substitute "**SUBJECT TO**"; and strike in their entirety lines 14 through 30, inclusive; in line 31, strike "**(9)**" and substitute "**(8)**"; in the same line, strike "**A**" and substitute "**(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A**"; and in the same line, strike "**PERMITS**" and substitute "**ALLOWS**"; and after line 32, insert:

"**(II)** **IN GARRETT COUNTY, A LICENSEE MAY OPEN ON SUNDAYS TO ENGAGE IN THE ACTIVITIES LISTED IN PARAGRAPH (5) OF THIS**

SUBSECTION ONLY IN AN ELECTION DISTRICT WHERE THE VOTERS, IN A REFERENDUM AUTHORIZED BY LAW, HAVE APPROVED SUNDAY SALES AT A WINERY.".

On page 8, in lines 1 and 5, strike "**(10)**" and "**(11)**", respectively, and substitute "**(9)**" and "**(10)**", respectively.

AMENDMENT NO. 5

On page 8, after line 8, insert:

"**(11) NOTHING IN THIS SUBSECTION LIMITS THE APPLICATION OF RELEVANT PROVISIONS OF TITLE 21 OF THE HEALTH-GENERAL ARTICLE, AND REGULATIONS ADOPTED UNDER THAT TITLE, TO A LICENSEE.**".

The preceding 5 amendments were read only.

Senator Raskin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 905 – Senator Edwards

AN ACT concerning

Alcoholic Beverages – Maximum Alcohol Content

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #19

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 452 – Senators Pinsky, Frosh, Harrington, King, Madaleno, McFadden, Pugh, and Raskin

EMERGENCY BILL

AN ACT concerning

Education – Innovative School Scheduling Models – Low–Performing and At–Risk Public Schools

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 536 – Senators Muse, Brochin, Conway, Exum, Harrington, Jones, King, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Miller, Peters, Pinsky, Pugh, Raskin, Rosapepe, Simonaire, and Stone

AN ACT concerning

State Board of Education – Student Member – Full Voting Rights Act

Senator Gladden moved, duly seconded, to make the Bill and Report a Special Order for March 17, 2010.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 540 – Senators Harrington, Conway, Kramer, Lenett, Madaleno, Peters, Rosapepe, and Zirkin

AN ACT concerning

Child with a Disability – Individualized Education Program

SB0540/614731/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 540
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "meeting" insert ", subject to a certain exception; requiring certain school personnel to document certain failures and to include certain documentation in certain records under certain circumstances"; and in line 11, after "format;" insert "providing that failure to comply with this Act does not constitute a certain violation of the requirement to provide certain students a free appropriate public education;".

AMENDMENT NO. 2

On page 2, in line 14, strike "**AT**" and substitute:

"**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AT**";

and after line 20, insert:

"**(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, APPROPRIATE SCHOOL PERSONNEL ARE NOT REQUIRED TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION IN THE EVENT OF AN EXTENUATING CIRCUMSTANCE.**

(II) IN THE EVENT OF AN EXTENUATING CIRCUMSTANCE, APPROPRIATE SCHOOL PERSONNEL WHO FAIL TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL:

1. DOCUMENT THE EXTENUATING CIRCUMSTANCE; AND

2. INCLUDE WRITTEN DOCUMENTATION RELATING TO THE EXTENUATING CIRCUMSTANCE IN THE STUDENT'S PERMANENT RECORD.".

AMENDMENT NO. 3

On page 2, after line 31, insert:

"**(E) FAILURE TO COMPLY WITH THIS SECTION DOES NOT CONSTITUTE A SUBSTANTIVE VIOLATION OF THE REQUIREMENT TO PROVIDE A STUDENT WITH A FREE APPROPRIATE PUBLIC EDUCATION.**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 664 – Senators Klausmeier, Dyson, and Harris

AN ACT concerning

Environment – Dental Radiation Machines – Inspections

SB0664/414533/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 664
(First Reading File Bill)

On page 2, in line 26, after "**IF**" insert "**, BASED ON**"; in line 27, after "**FACILITY**" insert "**, THE STATE INSPECTOR**"; and in line 29, strike "**IMMEDIATE**" and substitute "**PROBABLE**".

On page 3, in line 12, strike "October" and substitute "June".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #20

CONSENT CALENDAR #55

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 259 – Senators Dyson, Colburn, and Middleton

AN ACT concerning

Calvert, Charles, and St. Mary's Counties – Deer Hunting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 376 – Senator Della

AN ACT concerning

Baltimore City – Consumption of Alcoholic Beverages – Unlicensed Restaurants

SB0376/714538/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 376
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Della" and substitute "Senators Della and Jones"; and in line 9, after "conditions;" insert "authorizing the Baltimore City Police Department to immediately close all operations of an establishment under certain circumstances; requiring the owner or operator to be given an opportunity for a prompt hearing on when the establishment may reopen;".

AMENDMENT NO. 2

On page 3, after line 9, insert:

"**(D) (1) THE BALTIMORE CITY POLICE DEPARTMENT MAY IMMEDIATELY CLOSE ALL OPERATIONS OF AN ESTABLISHMENT IF THE DEPARTMENT DETERMINES THAT THE ESTABLISHMENT IS IN VIOLATION OF**

THIS SECTION AND THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES EMERGENCY ACTION.

(2) THE ESTABLISHMENT SHALL BE CLOSED UNTIL THE BALTIMORE CITY POLICE DEPARTMENT DETERMINES THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE HAS BEEN RESTORED.

(3) THE OWNER OR OPERATOR OF THE ESTABLISHMENT SHALL BE GIVEN AN OPPORTUNITY TO REQUEST A PROMPT HEARING IN CIRCUIT COURT ON WHEN THE ESTABLISHMENT MAY REOPEN.";

and in line 10, strike "(d)" 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.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 926 – Carroll County Senators

AN ACT concerning

Carroll County – Alcoholic Beverages – Sale of Wine for Off–Premises Consumption

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #10

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 321 – Senator Stone

AN ACT concerning

The Delegate John Arnick Electronic Communications Traffic Safety Act of 2010

SB0321/998178/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 321
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Stone" and substitute "Senators Stone, Lenett, and Forehand".

The preceding amendment was read only.

Senator Pipkin moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 322 – Senator Stone

AN ACT concerning

Motor Vehicles – Use of Video Display Equipment

SB0322/168576/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 322
(First Reading File Bill)

On page 2, in line 2, after "exclusively" insert "**BY A PUBLIC SERVICE COMPANY OR**"; in line 6, strike "electronic" and substitute "**VIDEO**"; strike beginning with "used" in line 6 down through "with" in line 7 and substitute "**THAT IS USED AS**"; in line 8, strike "**THAT**" and substitute "**EXCLUSIVELY FOR SAFETY, WHEN THE EQUIPMENT**"; and in line 10, after "**THE**" insert "**EQUIPMENT OR**".

The preceding amendment was read only.

Senator Pipkin moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 466 – Senator Forehand

AN ACT concerning

Vehicle Laws – Off–Highway Recreational Vehicles – Titling

SB0466/188776/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 466
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; and in line 17, after "Act;" insert "making this Act an emergency measure;".

AMENDMENT NO. 2

On page 10, strike beginning with "shall" in line 3 down through "2010" in line 4 and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

The preceding 2 amendments were read only.

Senator Della moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 509 – Senator Stoltzfus

AN ACT concerning

Somerset, Wicomico, and Worcester Counties – Vehicle Laws – Exceptional Hauling Permits

SB0509/248070/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 509
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Somerset, Wicomico, and Worcester Counties -"; in line 3, after "Permits" insert "- Validity in Select Eastern Shore Counties"; in line 4, after "including" insert "Dorchester County,"; in the same line, after the first "County," insert "Talbot County,"; and in line 10, after "fees;" insert "codifying certain provisions of law concerning the authority of the State Highway Administrator with respect to issuing or renewing exceptional hauling permits; codifying a certain provision of law requiring the Administrator to report to the General Assembly in a certain manner regarding any decision to stop issuing or renewing exceptional hauling permits;".

AMENDMENT NO. 2

On page 1, in line 21, after "in" insert "**:**

(1)";

in line 22, strike the brackets; in the same line, strike "**, GARRETT COUNTY,**" and substitute "**; AND**

(2) DORCHESTER COUNTY,";

and in the same line, after "**SOMERSET**" insert "**COUNTY, TALBOT**".

AMENDMENT NO. 3

On page 4, after line 20, insert:

"**(K) (1) AN EXCEPTIONAL HAULING PERMIT IS ISSUED UNDER THIS SECTION AT THE DISCRETION OF THE STATE HIGHWAY ADMINISTRATOR.**

(2) THE STATE HIGHWAY ADMINISTRATOR MAY STOP ISSUING OR RENEWING EXCEPTIONAL HAULING PERMITS UNDER THIS SECTION IF THE ADMINISTRATOR DETERMINES THAT THE USE OF THE PERMITS IS ADVERSELY AFFECTING ANY PART OF THE STATE HIGHWAY SYSTEM.

(3) THE STATE HIGHWAY ADMINISTRATOR SHALL PROMPTLY REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, REGARDING ANY DECISION TO STOP ISSUING OR RENEWING EXCEPTIONAL HAULING PERMITS UNDER THIS SECTION AND THE REASON FOR THE DECISION.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 560 – Senators Forehand, King, and Madaleno

AN ACT concerning

Vehicle Laws – Traffic Citations – Option to Request Trial

SB0560/438778/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 560
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Madaleno" and substitute "Madaleno, Frosh, Gladden, Brochin, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone".

AMENDMENT NO. 2

On page 1, in line 22, after "**NOTICE**" insert "**IN AT LEAST 14 POINT BOLDFACE TYPE**".

The preceding 2 amendments were read only.

Senator Zirkin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 629 – Senators Muse, Haines, Jacobs, and Stone

AN ACT concerning

Law Enforcement Officers – Unsubstantiated Complaints – Admissibility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #11

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 158 – Senators Brochin and Muse

AN ACT concerning

Foreclosures – Unpaid Water and Sanitary Charges – Prohibition

SB0158/118373/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 158

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Foreclosures –"; in the same line, strike "Prohibition" and substitute "Collection"; strike beginning with "prohibiting" in line 3 down through "bills" in line 4 and substitute "requiring a property to be withheld from a tax sale under certain circumstances"; in line 5, strike the first "a" and substitute "the filing of a bill in equity for a decree of"; in line 6, strike "repealing provisions rendered inconsistent with this Act;"; in line 8, after "commissions" insert "and political subdivisions"; and strike in their entirety lines 9 through 13, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article - Tax - Property
Section 14-811
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 down through line 3 on page 2, inclusive, and substitute:

"Article – Tax – Property

14–811.

(A) [The] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE** collector may withhold from sale any property, when the total taxes on the property, including interest and penalties, amount to less than $250 in any 1 year.

(B) THE COLLECTOR SHALL WITHHOLD FROM SALE ANY RESIDENTIAL PROPERTY, WHEN:

(1) THE LIEN ON THE PROPERTY ARISES SOLELY FROM ANY UNPAID WATER, SEWER, OR OTHER SANITARY SYSTEM CHARGES, FEES, OR ASSESSMENTS; AND

(2) THE TOTAL AMOUNT OF THE LIEN, INCLUDING INTEREST AND PENALTIES, IS LESS THAN $750.".

AMENDMENT NO. 3

On page 3, in line 8, strike the brackets; in lines 9, 16, and 19, in each instance, strike the bracket; strike beginning with the colon in line 9 down through "Sue" in line 10 and substitute "**SUE**"; strike beginning with the semicolon in line 11 down through "paid" in line 14; and in line 31, after "and" insert "**, EXCEPT AS PROVIDED IN § 14–811(B) OF THE TAX – PROPERTY ARTICLE,**".

On page 4, in line 3, strike "The" and substitute "**EXCEPT AS PROVIDED IN § 14–811(B) OF THE TAX – PROPERTY ARTICLE, THE**"; and in line 4, strike the bracket.

On page 6, in lines 5 and 9, in each instance, strike the bracket; and in line 7, after "and" insert "**, EXCEPT AS PROVIDED IN § 14–811(B) OF THE TAX – PROPERTY ARTICLE,**".

On page 7, in lines 23 and 30, in each instance, strike the bracket; strike beginning with the colon in line 24 down through "Sue" in line 25 and substitute "**SUE**"; and strike beginning with the semicolon in line 26 down through "paid" in line 29.

On page 8, in line 30, strike the bracket; and in line 31, strike "The" and substitute "**EXCEPT AS PROVIDED IN § 14–811(B) OF THE TAX – PROPERTY ARTICLE, THE**".

On page 9, in line 3, strike "**], THE**".

The preceding 3 amendments were read only.

Senator Pipkin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 307 – Senator Stoltzfus

AN ACT concerning

Worcester County – Real Property – Recording

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 416 – Senators Lenett and Kittleman

AN ACT concerning

Maryland Condominium Act and Maryland Homeowners Association Act – Proposed Budget – Notice

SB0416/198571/2

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 416
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Kittleman" and substitute ", Kittleman, and Forehand"; in line 3, after "Notice" insert ", Information, and Adoption"; in line 8, strike "members" and substitute "lot owners"; in line 9, after "adoption;" insert "authorizing the proposed annual budget to be submitted in a certain manner; requiring the budget to include certain items; requiring the budget to be adopted at an open meeting of the homeowners association or other body to which the homeowners association has delegated responsibilities for preparing and adopting a budget; requiring that certain expenditures arising after the adoption of the budget that would result in an increase in assessments greater than a certain percentage of the budgeted amount, be approved by a budget amendment at a special meeting of the homeowners association; requiring written notice of the special meeting to be given to the lot owners by a certain time period before the meeting; providing that the adoption of a budget does not impair certain authority of the homeowners association for certain expenditures for certain purposes;"; in line 11, after "association" insert "and providing certain budget information to the lot owners of a homeowners association"; and in line 19, after "(a)" insert "through (e)".

AMENDMENT NO. 2

On page 6, after line 2, insert:

"(b) The annual budget shall provide for at least the following items:

(1) Income;

(2) Administration;

(3) Maintenance;

(4) Utilities;

(5) General expenses;

(6) Reserves; and

(7) Capital items.

(c) The budget shall be adopted at an open meeting of the council of unit owners or any other body to which the council of unit owners delegates responsibilities for preparing and adopting the budget.

(d) Any expenditure made other than those made because of conditions which, if not corrected, could reasonably result in a threat to the health or safety of the unit owners or a significant risk of damage to the condominium, that would result in an increase in an amount of assessments for the current fiscal year of the condominium in excess of 15 percent of the budgeted amount previously adopted, shall be approved by an amendment to the budget adopted at a special meeting, upon not less than 10 days written notice to the council of unit owners.

(e) The adoption of a budget shall not impair the authority of the council of unit owners to obligate the council of unit owners for expenditures for any purpose consistent with any provision of this title.".

AMENDMENT NO. 3

On page 6, in line 6, strike "(4)" and substitute "**(5)**"; in lines 9 and 11, in each instance, strike "members" and substitute "**LOT OWNERS**"; in line 18, strike "**AND**"; in

line 19, after "**(II)**" insert "**1.**"; in line 21, strike "**MEMBERS**" and substitute "**LOT OWNERS**"; and after line 22, insert:

"**2. THE ANNUAL PROPOSED BUDGET MAY BE SUBMITTED BY ELECTRONIC TRANSMISSION IN ACCORDANCE WITH § 11B-113.1 OF THIS TITLE, BY POSTING ON THE HOMEOWNERS ASSOCIATION WEB PAGE, OR BY PUBLICATION IN THE HOMEOWNERS ASSOCIATION NEWSLETTER;**

(III) THE ANNUAL BUDGET SHALL PROVIDE INFORMATION ON OR EXPENDITURES FOR AT LEAST THE FOLLOWING ITEMS:

1. INCOME;

2. ADMINISTRATION;

3. MAINTENANCE;

4. UTILITIES;

5. GENERAL EXPENSES;

6. RESERVES; AND

7. CAPITAL EXPENSES;

(IV) THE BUDGET SHALL BE ADOPTED AT AN OPEN MEETING OF THE HOMEOWNERS ASSOCIATION OR ANY OTHER BODY TO WHICH THE HOMEOWNERS ASSOCIATION DELEGATES RESPONSIBILITIES FOR PREPARING AND ADOPTING THE BUDGET;

(V) EXCEPT FOR AN EXPENDITURE MADE BY THE HOMEOWNERS ASSOCIATION BECAUSE OF A CONDITION THAT, IF NOT CORRECTED, COULD REASONABLY RESULT IN A THREAT TO THE HEALTH OR SAFETY OF THE LOT OWNERS OR A SIGNIFICANT RISK OF DAMAGE TO THE DEVELOPMENT, ANY EXPENDITURE THAT WOULD RESULT IN AN INCREASE IN AN AMOUNT OF ASSESSMENTS FOR THE CURRENT FISCAL YEAR OF THE

HOMEOWNERS ASSOCIATION IN EXCESS OF 15% OF THE BUDGETED AMOUNT PREVIOUSLY ADOPTED SHALL BE APPROVED BY AN AMENDMENT TO THE BUDGET ADOPTED AT A SPECIAL MEETING FOR WHICH NOT LESS THAN 10 DAYS WRITTEN NOTICE SHALL BE PROVIDED TO THE LOT OWNERS; AND

(VI) THE ADOPTION OF A BUDGET DOES NOT IMPAIR THE AUTHORITY OF THE HOMEOWNERS ASSOCIATION TO OBLIGATE THE HOMEOWNERS ASSOCIATION FOR EXPENDITURES FOR ANY PURPOSE CONSISTENT WITH ANY PROVISION OF THIS TITLE;".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 443 – Senator Raskin

AN ACT concerning

Real Property – Wrongful Detainer

SB0443/318574/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 443
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "clarifying" in line 4 down through "possession;" in line 5 and substitute "providing that certain provisions of law relating to an action for possession do not apply to an action for wrongful detainer;".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 13 on page 2, inclusive, and substitute:

"(a) This section does not apply to:

(1) A grantee action under § 14–109 of this subtitle;

(2) A landlord–tenant action that is within the exclusive original jurisdiction of the District Court; **[**or**]**

(3) An action for nonpayment of ground rent under a ground lease on residential property that is or was used, intended to be used, or authorized to be used for four or fewer dwelling units**; OR**

(4) AN ACTION FOR WRONGFUL DETAINER UNDER § 14–130 OF THIS ARTICLE.".

On page 2, in line 15, strike "**UNDER A GROUND LEASE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 562 – Senator Raskin

AN ACT concerning

Real Property – Mortgages and Deeds of Trust – Authority to Exercise a Power of Sale

SB0562/278578/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 562
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first "of" insert "providing that failure to name any trustee in a deed of trust does not have any effect on an instrument under certain circumstances;"; in line 6, after "sale" insert "or assent to decree"; in line 8, after "individual;" insert "providing that the individual selling the property under a power of sale need not be named in the mortgage or deed of trust;"; in line 9, after the second "the" insert "trustee or"; in line 10, after the first "the" insert "instrument or the"; in the same line, after the second "the" insert "mortgagee or beneficiary of the deed of trust to appoint an"; strike beginning with "in" in line 11 down through "substitution" in line 12 and substitute "appointments or substitutions"; in line 12, strike "the" and substitute "a trustee or an"; in line 13, after "term;" insert "providing for the application of this Act;"; and in line 18, after "Section" insert "4-109 and".

AMENDMENT NO. 2

On page 1, after line 23, insert:

"4–109.

(a) If an instrument was recorded before January 1, 1973, any failure of the instrument to comply with the formal requisites listed in this section has no effect, unless the defect was challenged in a judicial proceeding commenced by July 1, 1973.

(b) If an instrument is recorded on or after January 1, 1973, whether or not the instrument is executed on or after that date, any failure to comply with the formal requisites listed in this section has no effect unless it is challenged in a judicial proceeding commenced within six months after it is recorded.

(c) For the purposes of this section, the failures in the formal requisites of an instrument are:

(1) A defective acknowledgment;

(2) A failure to attach any clerk's certificate;

(3) An omission of a notary seal or other seal;

(4) A lack of or improper acknowledgment or affidavit of consideration, agency, or disbursement; **[**or**]**

(5) An omission of an attestation**; OR**

(6) A FAILURE TO NAME ANY TRUSTEE IN A DEED OF TRUST.".

On page 2, in line 7, after "**SALE**" insert "**OR ASSENT TO DECREE**"; after line 8, insert:

"**(3) THE INDIVIDUAL SELLING THE PROPERTY UNDER A POWER OF SALE NEED NOT BE NAMED IN THE MORTGAGE OR DEED OF TRUST.**";

in lines 9 and 13, strike "**(3)**" and "**(4)**", respectively, and substitute "**(4)**" and "**(5)**", respectively; in line 10, after the second "**THE**" insert "**TRUSTEE OR THE**"; in line 11, after "**INVALIDATE**" insert "**THE INSTRUMENT OR**"; in the same line, after the second "**THE**" insert "**MORTGAGEE OR BENEFICIARY OF THE DEED OF TRUST TO APPOINT AN**"; in line 13, after "**THE**" insert "**APPOINTMENT OR**"; in line 14, strike "**THE**" and substitute "**A TRUSTEE OR AN**"; and strike beginning with "**A**" in line 15 down through "**PROCEEDING**" in line 16 and substitute "**THE APPOINTMENTS OR SUBSTITUTIONS FROM TIME TO TIME**".

AMENDMENT NO. 3

On page 2, after line 23, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any mortgage or deed of trust on record or recorded on or after June 1, 2010.";

in line 24, strike "2." and substitute "3."; and in line 25, strike "October" and substitute "June".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 597 – Senator Rosapepe

AN ACT concerning

Condominiums and Homeowners Associations – Common Elements and Common Areas – Implied Warranties

SB0597/998574/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 597
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "improvements;" insert "providing that certain provisions of this Act do not apply to a condominium that is occupied and used solely for nonresidential purposes;".

AMENDMENT NO. 2

On page 3, strike beginning with "**DEVELOPER**" in line 10 down through "**TITLE**" in line 11 and substitute "**UNIT OWNERS, OTHER THAN THE DEVELOPER AND ITS AFFILIATES, FIRST ELECT A CONTROLLING MAJORITY OF THE MEMBERS OF THE BOARD OF DIRECTORS FOR THE COUNCIL OF UNIT OWNERS**"; in line 29, strike "that time" and substitute "**THE FIRST TRANSFER OF TITLE TO A UNIT OWNER**"; in line 31, strike the brackets; in the same line, strike "**THREE**"; and in line 32, after "**(I)**" insert "**OR (II)**".

On page 4, in lines 1, 29, and 31, in each instance, strike "**TWO**" and substitute "**2**"; strike beginning with "**DEVELOPER**" in line 1 down through "**TITLE**" in line 2 and substitute "**UNIT OWNERS, OTHER THAN THE DEVELOPER AND ITS AFFILIATES, FIRST ELECT A CONTROLLING MAJORITY OF THE MEMBERS OF THE BOARD OF DIRECTORS FOR THE COUNCIL OF UNIT OWNERS**"; in line 27, strike "that time" and substitute "**THE FIRST TRANSFER OF TITLE TO A LOT**"; in line 30, after "**(I)**" insert "**OR (II)**"; and strike beginning with "**DECLARANT**" in line 31 down through "**TITLE**" in line 32 and substitute "**LOT OWNERS, OTHER THAN THE DECLARANT AND ITS AFFILIATES, FIRST ELECT A CONTROLLING MAJORITY OF THE MEMBERS OF THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION**".

AMENDMENT NO. 3

On page 2, in line 31, after "**1.**" insert "**A.**"; and after line 34, insert:

"**B.** **THIS SUBPARAGRAPH DOES NOT APPLY TO A CONDOMINIUM THAT IS OCCUPIED AND USED SOLELY FOR NONRESIDENTIAL PURPOSES.**".

AMENDMENT NO. 4

On page 3, in line 7, strike "**THE**" and substitute "**WITH THE EXCEPTION OF CORRECTIVE AMENDMENTS NECESSARY TO COMPLY WITH SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 666 – Senators Muse, Forehand, Haines, and Stone

EMERGENCY BILL

AN ACT concerning

Real Property – Transfer Fees – Prohibition

SB0666/148470/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 666
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Frosh, and Jacobs".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 800 – Senator Klausmeier

AN ACT concerning

Common Ownership Communities – Fidelity Insurance – Exemption

SB0800/578170/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 800
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike "fewer than"; and in the same line, after "number" insert "or fewer".

AMENDMENT NO. 2

On page 2 in line 3, on page 3 in line 4, and on page 4 in line 5, in each instance, strike "**FEWER THAN**".

On page 2 in line 3, on page 3 in line 4, and on page 4 in line 5, in each instance, after "**FOUR**" insert "**OR FEWER**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #9

CONSENT CALENDAR #57

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 658 – Senators DeGrange, Astle, and Rosapepe

AN ACT concerning

Anne Arundel County – Property Tax Credit – Habitat for Humanity of the Chesapeake ReStore

SB0658/919137/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 658
(First Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 6, after "on" insert "certain".

AMENDMENT NO. 2
On page 2, in line 21, after "**RESTORE**" insert "**AND IS LOCATED AT 8101 FT. SMALLWOOD ROAD AND 8104 PARKWAY DRIVE IN BALTIMORE, MARYLAND 21226**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 732 – Cecil County Senators

AN ACT concerning

Cecil County – Public Facilities Bond Bill

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 733 – Cecil County Senators

AN ACT concerning

Cecil County – Budget and Taxes

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 752 – Senator Pipkin

AN ACT concerning

Queen Anne's County – Property Tax Credit – Foster Parent

SB0752/239438/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 752
(First Reading File Bill)

On page 1, in line 4, after "on" insert "certain"; in line 6, strike "and certification"; in line 10, after "for" insert "certain"; and in lines 5 and 10, in each instance, strike "certain individuals" and substitute "a foster parent of a child".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #10

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 234 – Senators Robey, Forehand, Frosh, Garagiola, Gladden, Harrington, Kelley, King, Lenett, Madaleno, Peters, Raskin, Rosapepe, and Zirkin

AN ACT concerning

High Performance Buildings Act – Applicable to Community College Capital Projects

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 281 – The President (By Request – Administration) and Senators DeGrange, Robey, Kramer, King, Currie, Munson, Brochin, Forehand, Frosh, Garagiola, Klausmeier, and Lenett

AN ACT concerning

Motor Vehicle Excise Tax – Tax Credit for Electric Vehicles

SB0281/989438/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 281
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "in" insert "certain amounts in".

AMENDMENT NO. 2

On page 2, in line 10, strike "**4-WHEELED**"; and in line 25, after "**HOURS**" insert "**FOR A 4-WHEELED MOTOR VEHICLE AND NOT LESS THAN 2.5 KILOWATT HOURS FOR A 2-WHEELED OR 3-WHEELED MOTOR VEHICLE**".

AMENDMENT NO. 3

On page 3, in line 31, strike "estimated to offset the" and substitute "equal to $939,600 in fiscal year 2012 and $1,287,000 in fiscal year 2013 to offset a".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 287 – The President (By Request – Administration) and Senators King, Madaleno, McFadden, Munson, Forehand, Garagiola, Harrington, Klausmeier, Lenett, and Pinsky

AN ACT concerning

Maryland Clean Energy Incentive Act of 2010

SB0287/389235/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 287
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "certifications;" insert "prohibiting the Administration from issuing initial credits under a certain amount;".

AMENDMENT NO. 2

On page 3, in line 32, after "(4)" insert "**(I)**"; and after line 33, insert:

"**(II) THE ADMINISTRATION MAY NOT ISSUE INITIAL CREDIT CERTIFICATES FOR CREDIT AMOUNTS LESS THAN $1,000.**".

The preceding 2 amendments were read only.

Senator Pipkin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 347 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

Political Subdivisions – Financial Reports

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 508 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

Employees' Retirement and Pension Systems – Maryland School for the Deaf Retirees – Overpayment of Benefits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 652 – Senators DeGrange, Brochin, Conway, Edwards, Forehand, Garagiola, Kelley, Klausmeier, Munson, Peters, Raskin, Rosapepe, Simonaire, and Stone

AN ACT concerning

Property Tax Credit – Habitat for Humanity

SB0652/589936/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 652
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Brinkley, Currie, Jones, Kasemeyer, King, Kramer, Madaleno, McFadden, Robey, Stoltzfus, and Zirkin".

AMENDMENT NO. 2

On page 2, in line 24, after "**ANY**" insert "**OTHER**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 657 – Senators DeGrange, Astle, Garagiola, Jones, Kasemeyer, Klausmeier, Kramer, Miller, Pipkin, Reilly, and Robey

EMERGENCY BILL

AN ACT concerning

Recordation Taxes and State Transfer Tax – Debt Forgiven in "Short Sale"

SB0657/149338/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 657
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "State" insert "and County"; in lines 3 and 7, in each instance, after "State" insert "and county"; in lines 4 and 7, in each instance, strike "tax" and substitute "taxes"; strike beginning with "does" in line 5 down through "grantee" in line 6 and substitute "includes only the amount paid or delivered in return for the sale of the property and does not include the amount of any debt forgiven or no longer secured by a mortgage or deed of trust"; and after line 12, insert:

"BY adding to
Article – Tax – Property

Section 13-412
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 2, in lines 1 and 9, in each instance, after "**(II)**" insert "**SUBJECT TO ITEM (I) OF THIS PARAGRAPH, INCLUDES ONLY THE AMOUNT PAID OR DELIVERED IN RETURN FOR THE SALE OF THE PROPERTY AND**"; in lines 2 and 10, in each instance, strike "**ASSUMED BY A PERSON OTHER THAN THE GRANTEE**" and substitute "**NO LONGER SECURED BY A MORTGAGE OR DEED OF TRUST ON THE PROPERTY**"; and after line 10, insert:

"**13-412.**

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY TRANSFER TAX SHALL APPLY TO THE CONSIDERATION PAYABLE FOR AN INSTRUMENT OF WRITING; AND

(2) IF A COUNTY TRANSFER TAX APPLIES TO MORTGAGES OR DEEDS OF TRUSTS, THE COUNTY TRANSFER TAX SHALL APPLY TO THE CONSIDERATION PAYABLE OR THE PRINCIPAL AMOUNT OF THE DEBT SECURED FOR AN INSTRUMENT OF WRITING.

(B) THE CONSIDERATION:

(1) INCLUDES THE AMOUNT OF ANY MORTGAGE OR DEED OF TRUST ASSUMED BY THE GRANTEE; AND

(2) SUBJECT TO ITEM (1) OF THIS SUBSECTION, INCLUDES ONLY THE AMOUNT PAID OR DELIVERED IN RETURN FOR THE SALE OF THE PROPERTY AND DOES NOT INCLUDE THE AMOUNT OF ANY DEBT FORGIVEN OR NO LONGER SECURED BY A MORTGAGE OR DEED OF TRUST ON THE PROPERTY.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0657/999038/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 657, AS AMENDED

On page 2 of the Budget and Taxation Committee Amendments (SB0657/149338/1), in line 3 of Amendment No. 2, strike "**; AND**" and substitute a period.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 683 – Senators Peters, Harrington, Currie, Exum, Miller, Muse, Pinsky, and Rosapepe

AN ACT concerning

Property Taxes – Homestead Property Tax Credit

SB0683/489136/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 683
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Homestead Property Tax Credit" and substitute "Bicounty Commissions"; in line 4, strike ", including" and substitute "and"; strike beginning with "by" in line 5 down through "districts;" in line 6 and substitute "for certain bicounty commissions; specifying the applicable homestead credit percentage for certain taxes imposed for certain bicounty commissions; defining a certain term; providing for the application and construction of certain laws relating to certain taxes

imposed for certain bicounty commissions;"; in line 7, after "credit" insert "and property taxes imposed for certain bicounty commissions"; after line 7, insert:

"BY repealing and reenacting, without amendments,
Article - Tax - Property
Section 9-105(a)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article - Tax - Property
Section 9-105(a)(9)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)";

and in line 10, strike "9-105(b)" and substitute "9-105(b), (e)(2), and (g)".

AMENDMENT NO. 2

On page 1, after line 16, insert:

"(a) (1) In this section the following words have the meanings indicated.

(9) "BICOUNTY COMMISSION" MEANS:

(I) THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION;

(II) THE WASHINGTON SUBURBAN SANITARY COMMISSION; OR

(III) THE WASHINGTON SUBURBAN TRANSIT COMMISSION.".

AMENDMENT NO. 3

On page 1, in line 24, strike "**, INCLUDING:**" and substitute "**AND ANY PROPERTY TAX IMPOSED FOR A BICOUNTY COMMISSION.**".

On page 2, strike in their entirety lines 1 through 4, inclusive, and substitute:

"(e) (2) For each taxable year, the homestead credit percentage under paragraph (1)(i) of this subsection is:

(i) for the State property tax **AND FOR ANY PROPERTY TAX IMPOSED FOR A BICOUNTY COMMISSION**, 110%;

(ii) for the county property tax:

1. the homestead credit percentage established by the county under paragraph (3) of this subsection; or

2. if the county has not set a percentage for the taxable year under paragraph (3) of this subsection or has not notified the Department as required under paragraph (6) of this subsection, the homestead credit percentage in effect for the county for the preceding taxable year; and

(iii) for the municipal corporation property tax:

1. the homestead credit percentage established by the municipal corporation under paragraph (4) of this subsection; or

2. if the municipal corporation has not set a percentage under paragraph (4) of this subsection or has not notified the Department as required under paragraph (7) of this subsection, the homestead credit percentage for the taxable year for the county in which the property is located.

(g) A homeowner who meets the requirements of this section shall be granted the property tax credit under this section against the State, county, and municipal corporation property tax **AND ANY PROPERTY TAX IMPOSED FOR A BICOUNTY COMMISSION** imposed on the real property of the dwelling.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) In this section, "bicounty commission" means:

(1) the Maryland–National Capital Park and Planning Commission;

(2) the Washington Suburban Sanitary Commission; or

(3) the Washington Suburban Transit Commission.

(b) Any provision of Article 28 of the Code, Article 29 of the Code, or Chapter 870 of the Acts of the General Assembly of 1965, as amended, providing that a tax imposed for a bicounty commission shall be levied and collected as county taxes are levied and collected, have the same priority rights, bear the same interest and penalties, and in any other respect be treated the same as a county tax:

(1) applies only to the authority to impose, enforce, and collect the tax imposed for the bicounty commission; and

(2) may not be deemed or construed to mean that the tax imposed for the bicounty commission is a county property tax under the Tax - Property Article.";

and in line 5, strike "2." and substitute "3.".

The preceding 3 amendments were read only.

Senator Pipkin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 1002 – Senators Muse, Harrington, and Peters

AN ACT concerning

Satellite Simulcast Betting – Instant Horse Racing Machines

Senator Brinkley moved, duly seconded, to recommit the Bill.

The motion was adopted.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 1035 – Senators Muse and Miller

AN ACT concerning

Card Games – Prince George's County

Senator Della moved, duly seconded, to make the Bill and Report a Special Order for March 17, 2010.

The motion was adopted.

INTRODUCTION OF BILLS

Senator Kasemeyer moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1124 – Senator Kasemeyer

AN ACT concerning

University System of Maryland – Audits – Communicating Preliminary Findings

FOR the purpose of requiring the Legislative Auditor to send the Chancellor of the University System of Maryland a copy of certain discussion notes of a certain examination conducted by the Office of Legislative Audits of a constituent institution of the University System of Maryland; requiring the Chancellor to send the Board of Regents of the University System of Maryland a copy of certain discussion notes at a certain time; and generally relating to audits of the constituent institutions of the University System of Maryland.

BY repealing and reenacting, with amendments,
Article – Education
Section 12–108
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – State Government
Section 2–1223.1
Annotated Code of Maryland
(2009 Replacement Volume)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 464)

ADJOURNMENT

At 11:52 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, March 17, 2010.

Annapolis, Maryland
Wednesday, March 17, 2010
10:00 A.M. Session

The Senate met at 10:06 A.M.

Prayer by Rabbi Ari Sunshine, B'Nai Shalom of Olney Synagogue, guest of Senator Kramer.

(See Exhibit A of Appendix III)

The Journal of March 16, 2010 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 466)

St. Patrick's Day Performance

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 513 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Hal Cummings
Bagpipes
in recognition of
your St. Patrick's Day performance for the
Maryland State Senate.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 17th day of March 2010.

Senate Resolution No. 515 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Randy Welch
Bagpipes
in recognition of
your St. Patrick's Day performance for the
Maryland State Senate.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 17th day of March 2010.

Senate Resolution No. 516 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Jose Cueto
First Violin
in recognition of
your St. Patrick's Day performance for the
Maryland State Senate.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 17th day of March 2010.

Senate Resolution No. 517 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Nick Curry
Second Violin
in recognition of
your St. Patrick's Day performance for the
Maryland State Senate.
The entire membership extends best wishes on

this memorable occasion and directs this resolution
be presented on this 17th day of March 2010.

Senate Resolution No. 518 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Radhi Santos
Viola/Violin
in recognition of
your St. Patrick's Day performance for the
Maryland State Senate.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 17th day of March 2010.

Senate Resolution No. 519 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Jihea Choi
Cello
in recognition of
your St. Patrick's Day performance for the
Maryland State Senate.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 17th day of March 2010.

The preceding Resolutions were read and adopted.

Senate Resolution No. 289 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Maryland Library Community
in recognition of

the 2010 Maryland Library Day, which acknowledges the innovative services provided by all Maryland libraries and the broad–based community support they enjoy.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 17th day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 467)

MESSAGE FROM THE EXECUTIVE

March 17, 2010

The Honorable Thomas V. Mike Miller, Jr.
President
Maryland State Senate
State House
Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, § 13 of the Constitution of Maryland, I am pleased to submit the following appointment nominations for confirmation by the Maryland State Senate. These individuals bring exceptional knowledge and ability to the offices for which they have been nominated. I am confident they will provide the strength of experience and leadership to instill confidence among our citizens and ensure we succeed in our goals for Marylanders.

I look forward to your favorable approval of these nominees. Thank you for your assistance and support.

Sincerely,

Governor

CHESAPEAKE AND ATLANTIC COASTAL BAYS, CRITICAL AREA COMMISSION FOR THE	
David A.C. Carroll 4507 Prospect Circle Baltimore, Maryland 21216 Baltimore City/41	Reappointment Baltimore County – Appointed/Elected Term of 4 years from July 1, 2010

Sadara B. Barrow 4313 Newton Street Colmar Manor, Maryland 20722 Prince George's/47	Reappointment Prince George's County – Appointed/Elected Term of 4 years from July 1, 2010
C. Peter Gutwald 2113 Arden Drive Fallston, Maryland 21047 Harford/35	Reappointment Cecil/Harford Counties – Appointed/Elected Term of 4 years from July 1, 2010
Worrall Reed Carter, III 14272 Drapers Mill Road Greensboro, Maryland 21639 Caroline/36	Reappointment Caroline County – Appointed/Elected Term of 4 years from July 1, 2010
Hon. Judith M. Cox P.O. Box 460 Rising Sun, Maryland 21911 Cecil/34	Reappointment Cecil/Harford Counties – Interest Term of 4 years from July 1, 2010
ST. MARY'S CITY COMMISSION, HISTORIC	
Laura J. Cripps 3742 College Avenue Ellicott City, Maryland 21043 Howard/09	Appointment Distinguished Scholar – Archaeologist Term of 4 years from July 1, 2009
Gabrielle A. Tayac, Ph.D. 210 Philadelphia Avenue Takoma Park, Maryland 20912 Montgomery/20	Appointment Distinguished Scholar – Educator Term of 4 years from July 1, 2009
Barbara G. Carson 308 Griffin Avenue Williamsburg, Virginia 23185 Nonresident	Reappointment Distinguished Scholar – Historian Term of 4 years from July 1, 2009
Martin E. Sullivan, Ph.D. 44572 Bellview Court Tall Timbers, Maryland 20690 St. Mary's/29	Appointment General Public – St. Mary's Term of 4 years from July 1, 2009
Thomas Trezise 908 N. Dupont Road Wilmington, Delaware 19807 Nonresident	Appointment General Public Term of 4 years from July 1, 2008

BALTIMORE COUNTY, COMMUNITY COLLEGE TRUSTEES FOR	
James G. Gresham 4 Plum Tree Court Randallstown, Maryland 21133 Baltimore County/10	Appointment 4th Councilmanic District Term of 5 years from July 1, 2010
Patricia Reed Norman 8809 Cedar Grove Road	Appointment 6th Councilmanic District

Baltimore, Maryland 21221 Baltimore County/06	Remainder of a term of 5 years from July 1, 2006
SOUTHERN MARYLAND BOARD OF TRUSTEES, COLLEGE OF	
Theodore L. Harwood 26415 Jones Wharf Road Hollywood, Maryland 20636 St. Mary's/29	Appointment Member Term of 5 years from July 1, 2010
MacArthur Jones 155 MacArthur Drive Huntingtown, Maryland 20639 Calvert/27	Reappointment Member Term of 5 years from July 1, 2010
Janice T. Walthour 20493 Partin's Lane Lexington Park, Maryland 20653 St. Mary's/29	Reappointment Member Term of 5 years from July 1, 2010

The Message from the Executive, being of an Executive nature, was referred to the Committee on Executive Nominations.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #37

Senate Bill 239 – Senators Pugh, King, Conway, Currie, Exum, Forehand, Frosh, Garagiola, Glassman, Harrington, Jones, Kasemeyer, Kelley, Kramer, Lenett, Madaleno, McFadden, Muse, Peters, Raskin, Robey, and Rosapepe

AN ACT concerning

Education – Age of Compulsory Attendance – Exemptions

Read the third time and passed by yeas and nays as follows:

Affirmative – 31 Negative – 16 (See Roll Call No. 468)

The Bill was then sent to the House of Delegates.

Senate Bill 311 – Senators Miller, Klausmeier, Astle, Brochin, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, King, Kramer, Lenett, Madaleno, McFadden, Middleton, Peters, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Chesapeake Conservation Corps Program

Read the third time and passed by yeas and nays as follows:

Affirmative – 33 Negative – 14 (See Roll Call No. 469)

The Bill was then sent to the House of Delegates.

Senate Bill 385 – Senators DeGrange, Brinkley, Dyson, Klausmeier, McFadden, Peters, Reilly, and Stoltzfus

AN ACT concerning

Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit

Read the third time and passed by yeas and nays as follows:

Affirmative – 30 Negative – 17 (See Roll Call No. 470)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON FINANCE REPORT #12

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 542 – Senators Harrington and Colburn

AN ACT concerning

Health – National Human Trafficking Resource Center Hotline – Posting of Information

SB0542/317570/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 542
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Health" and substitute "Business Regulation – Lodging Establishments"; in the same line, strike " – Posting of"; strike beginning with "requiring" in line 4 down through "hotline;" in line 6 and substitute "requiring the Department of Labor, Licensing, and Regulation to design a sign that contains certain information regarding the National Human Trafficking Resource Center Hotline; requiring the sign to meet certain requirements and be placed on the Department's website; requiring a lodging establishment to post a certain sign in certain places for a certain period of time if certain conditions are met; providing a certain penalty for the violation of a certain provision of this Act;"; in line 7, strike "the posting of" and substitute "lodging establishments and"; in line 8, strike "hotline" and substitute "Hotline"; strike in their entirety lines 9 through 13, inclusive; and after line 13, insert:

"BY adding to
Article – Business Regulation
Section 15-207
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 16 on page 1 through line 7 on page 2, inclusive.

On page 2, after line 7, insert:

"Article – Business Regulation

15–207.

(A) (1) THE DEPARTMENT SHALL DESIGN A SIGN THAT STATES THE FOLLOWING:

"REPORT HUMAN TRAFFICKING: NATIONAL HUMAN TRAFFICKING RESOURCE CENTER -- 1-888-373-7888. CALL FOR HELP IF YOU OR SOMEONE YOU KNOW:

- **IS BEING FORCED TO HAVE SEX WITHOUT CONSENT**
- **HAS HAD AN ID OR DOCUMENTS TAKEN AWAY**

- IS BEING THREATENED BY OR IS IN DEBT TO AN EMPLOYER
- WANTS TO LEAVE A JOB BUT CANNOT FREELY SO.

TOLL-FREE. 24/7. CONFIDENTIAL. INTERPRETERS AVAILABLE.

THIS SIGN IS REQUIRED UNDER STATE LAW."

(2) THE SIGN SHALL:

(I) BE AT LEAST 3 BY 5 INCHES IN SIZE;

(II) CONTAIN THE TEXT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN ENGLISH, SPANISH, AND ANY OTHER LANGUAGES REQUIRED BY THE FEDERAL VOTING RIGHTS ACT;

(III) DRAW ATTENTION TO THE PHONE NUMBER OF THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE BY SHOWING THE PHONE NUMBER IN BOLD TYPE; AND

(IV) BE PLACED ON THE DEPARTMENT WEBSITE.

(B) (1) A STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCY MAY ISSUE A CIVIL CITATION TO A LODGING ESTABLISHMENT REQUIRING IT TO POST PROMINENTLY IN EACH GUEST ROOM FOR 1 YEAR THE SIGN THAT IS IDENTICAL TO THE NOTICE REQUIRED TO BE PLACED ON THE WEBSITE OF THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION, IF THE LODGING ESTABLISHMENT IS LOCATED ON PROPERTY WHERE ARRESTS LEADING TO CONVICTIONS OF PROSTITUTION, SOLICITATION OF A MINOR, OR HUMAN TRAFFICKING UNDER TITLE 11, SUBTITLE 13 OF THE CRIMINAL LAW ARTICLE HAVE OCCURRED.

(2) A STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCY SHALL CONSIDER ANY ASSISTANCE IT RECEIVES FROM A LODGING ESTABLISHMENT IN AN INVESTIGATION LEADING TO A CONVICTION UNDER

PARAGRAPH (1) OF THIS SUBSECTION IN DETERMINING WHETHER TO ISSUE A CITATION UNDER THIS SUBSECTION.

(C) (1) THE OWNER OF A LODGING ESTABLISHMENT THAT VIOLATES SUBSECTION (B)(1) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING $1,000.

(2) EACH GUEST ROOM THAT DOES NOT HAVE A SIGN IS NOT A SEPARATE VIOLATION.".

The preceding 2 amendments were read only.

Senator Brinkley moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 700 – Senator Exum

AN ACT concerning

Health Insurance – Child Wellness Benefits

SB0700/567470/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 700
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike "treatment" and substitute "management"; and in line 7, strike "testing" and substitute "screening".

AMENDMENT NO. 2

On page 2, in line 30, strike "**TREATMENT**" and substitute "**MANAGEMENT**".

On page 3, in line 2, strike "**TESTING**" and substitute "**SCREENING**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 774 – Senators Kramer, Conway, Currie, Della, Forehand, Jacobs, Jones, Kelley, King, Klausmeier, Lenett, Madaleno, Middleton, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, Stoltzfus, and Stone

AN ACT concerning

Life and Health Insurance – Senior Investment Protection

SB0774/177172/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 774
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Astle, Exum, Garagiola, and Glassman"; strike line 2 in its entirety and substitute "Insurance Producers – Use of Senior or Retiree Credential or Designation"; in line 3, strike "a person" and substitute "an insurance producer"; strike beginning with "senior-specific" in line 3 down through "professional" in line 4 and substitute "senior or retiree credential or"; in line 4, after "that" insert "is or"; strike beginning with "mislead" in line 4 down through "annuities" in line 17 and substitute "be misleading in connection with the offer, sale, or purchase of insurance; requiring the Maryland Insurance Commissioner, in consultation with the Securities Commissioner of the Division of Securities in the Office of the Attorney General, to adopt certain regulations; providing that the regulations may contain certain exemptions under certain circumstances; providing that a violation of this Act constitutes a lack of trustworthiness for the purposes of certain provisions of law; providing for the

construction of this Act; and generally relating to the offer, sale, and purchase of insurance".

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 9 on page 2 through line 18 on page 5, inclusive, and substitute:

"**(A) IT IS UNLAWFUL FOR ANY INSURANCE PRODUCER TO USE A SENIOR OR RETIREE CREDENTIAL OR DESIGNATION IN A WAY THAT IS OR WOULD BE MISLEADING IN CONNECTION WITH THE OFFER, SALE, OR PURCHASE OF INSURANCE.**

(B) (1) THE COMMISSIONER, IN CONSULTATION WITH THE SECURITIES COMMISSIONER OF THE DIVISION OF SECURITIES IN THE OFFICE OF THE ATTORNEY GENERAL, SHALL ADOPT REGULATIONS TO DEFINE WHAT CONSTITUTES A MISLEADING USE OF A SENIOR OR RETIREE CREDENTIAL OR DESIGNATION FOR PURPOSES OF SUBSECTION (A) OF THIS SECTION.

(2) THE REGULATIONS ADOPTED BY THE COMMISSIONER MAY PROVIDE EXEMPTIONS FROM SUBSECTION (A) OF THIS SECTION, IF THE EXEMPTIONS ARE CONSISTENT WITH THE PUBLIC INTEREST AND WITHIN THE PURPOSES INTENDED BY THE POLICY AND PROVISIONS OF THIS TITLE.

(C) A VIOLATION OF SUBSECTION (A) OF THIS SECTION CONSTITUTES A LACK OF TRUSTWORTHINESS FOR THE PURPOSES OF § 10-126(A)(13) OF THIS ARTICLE.

(D) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT ANY POWERS OF THE COMMISSIONER GRANTED UNDER THIS TITLE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 885 – Senators Klausmeier and Astle

AN ACT concerning

Health – Administrative Service Provider Contracts – Contracting Provider Definition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 898 – Senator Glassman

AN ACT concerning

Credit Regulation – Installment Loans Secured by Motor Vehicle Lien – Balloon Payments

SB0898/277671/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 898
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Glassman" and substitute "Senators Glassman, Middleton, and Klausmeier".

AMENDMENT NO. 2

On page 2, in line 7, after "**OR**" insert "**ON**"; and in line 8, after "**VEHICLE**" insert "**FOR WHICH THE INSTALLMENT LOAN AMOUNT EXCEEDS $30,000**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 943 – Senators Pugh and Garagiola

AN ACT concerning

Credit Regulation – Mortgage Brokers – Charges

SB0943/577878/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 943
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Garagiola" and substitute ", Garagiola, and Exum"; in line 4, strike "services or goods" and substitute "documents obtained by a mortgage broker at the written request of a borrower; authorizing mortgage brokers to charge borrowers for the actual cost of certain other goods or services that are"; in line 4, after "process" insert "and that, at the written request of a borrower, are paid by a mortgage broker to a certain third-party provider; defining a certain term"; and in line 8, after "Section" insert "12-801 and".

AMENDMENT NO. 2

On page 1, after line 13, insert:

"12–801.

(a) In this subtitle the following words have the meanings indicated.

(b) "Borrower" means an individual who obtains a loan or advance of money.

(C) "COMMISSIONER" MEANS THE COMMISSIONER OF FINANCIAL REGULATION.

[(c)**] (D)** "Finder's fee" means any compensation or commission directly or indirectly imposed by a broker and paid by or on behalf of the borrower for the broker's services in procuring, arranging, or otherwise assisting a borrower in obtaining a loan or advance of money.

[(d)**] (E)** "Lender" means a person defined as a mortgage lender under § 11–501(j)(1)(ii) of the Financial Institutions Article.

[(e)**] (F)** "Mortgage broker" means a person defined as a mortgage lender under § 11–501(j)(1)(i) of the Financial Institutions Article.

[(f)**] (G)** "Person" includes an individual, corporation, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.".

On page 1, in line 19, strike "or" and substitute a comma; in the same line, after "report" insert "**, CONDOMINIUM DOCUMENT, OR SUBORDINATION AGREEMENT DOCUMENT**"; and in the same line, after "broker" insert "**AT THE WRITTEN REQUEST OF THE BORROWER**".

On page 2, in line 1, strike "**SERVICE OR GOOD**" and substitute "**GOOD OR SERVICE, AS SPECIFIED IN REGULATIONS ADOPTED BY THE COMMISSIONER, THAT IS**"; in line 2, strike "**THAT**" and substitute "**AND THAT, AT THE WRITTEN REQUEST OF THE BORROWER,**"; in the same line, strike "**OR PAYABLE**"; and in line 3, strike "**SERVICE OR GOOD**" and substitute "**GOOD OR SERVICE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 189 – Delegate DeBoy (Chair, Joint Audit Committee) and Delegates Aumann, Barkley, Bronrott, G. Clagett, Haynes, Hixson, Howard, Kach, and Oaks

AN ACT concerning

Office of Legislative Audits – Auditing Local School Systems

FOR the purpose of continuing the requirement that the Office of Legislative Audits conduct audits of certain local school systems by requiring the Office to conduct

audits of each local school system within certain periods of time; and generally relating to audits of local school systems by the Office of Legislative Audits.

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–1220(e)
Annotated Code of Maryland
(2009 Replacement Volume)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 260 – Chair, Appropriations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

State Personnel – Classification of Positions in the State Personnel Management System

FOR the purpose of requiring the Secretary of Budget and Management to classify certain positions in the State Personnel Management System; repealing a provision of law that requires the Secretary to provide certain training regarding certain standards and procedures; requiring the Secretary to provide certain advice; authorizing the Secretary to delegate authority to the head of a principal unit to classify positions for the principal unit under certain circumstances; requiring the head of a principal unit to classify certain positions if the Secretary delegates classification authority to the head of the principal unit; altering the circumstances under which the Secretary must conduct position classification audits; authorizing, instead of requiring, the Secretary to conduct certain operational audits; making clarifying and conforming changes; and generally relating to the classification of positions in the State Personnel Management System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 4–202 and 4–203
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 275 – Chair, Appropriations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

State Employees – Employee Performance Appraisals – Revisions

FOR the purpose of altering the factors that must be included in evaluating the performance of certain managers and supervisors; providing that a certain anonymous survey may be performed only under certain circumstances; altering the manner in which an employee's performance may be rated on a performance appraisal; repealing the requirement that an employee perform a certain self–assessment; repealing the requirement that a certain self–assessment be part of an employee's performance appraisal; altering the definition of "grievance" under certain provisions of law to exclude a dispute about a certain mid–year performance appraisal; making clarifying and conforming changes; and generally relating to the conduct of employee performance appraisals for State employees.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 7–501, 7–502, 7–503, and 12–101(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 516 – Delegate Malone

AN ACT concerning

Hazardous Material Response Team Employees – Death Benefits and Funeral Expenses – Local Government Agencies

FOR the purpose of providing that certain individuals employed as hazardous material response team employees for certain local government agencies are eligible for certain death benefits and funeral expenses under certain circumstances; providing that certain benefits may only be paid if local government agencies ~~may place~~ maintain in reserve ~~each fiscal year~~ a certain amount to pay a certain death benefit and funeral benefit ~~under certain circumstances~~; requiring a local government agency, if a certain determination is made to pay a certain benefit, to pay to the Department of Public Safety and Correctional Services funds required to pay the benefit; and generally relating to benefits for hazardous material response team employees employed by local government agencies.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 1–202(a), (b), and (d)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety

Section 1–202(a–1), (g), and (h)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY adding to
Article – Public Safety
Section 1–202(j)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 755 – Delegates Mizeur, Barkley, Bobo, Bronrott, Carr, Dumais, Feldman, Frick, Gilchrist, Glenn, Healey, Hecht, Hixson, Ivey, Kaiser, Lafferty, Manno, McIntosh, Montgomery, Murphy, Pena–Melnyk, Reznik, Rice, Robinson, Rosenberg, and Ross

AN ACT concerning

Earned Income Credit Information Act

FOR the purpose of requiring the Comptroller to publish certain information relating to eligibility for the State earned income tax credit; requiring the Comptroller to prepare and make available to employers of the State a certain notice; requiring an employer to provide certain notification to an employee who may be eligible for the State earned income tax credit; providing that an employee may not pursue a private cause of action against an employer for the employer's failure to provide certain notice; providing for the effective date of this Act; and generally relating to employee notification of the State earned income tax credit.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–905(a), (b), and (f)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY adding to
Article – Tax – General
Section 10–913
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 774 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Bates, Branch, Haynes, Heller, James, and Levy

AN ACT concerning

State Retirement and Pension System – Reemployment Earnings Limitation – Exemptions

FOR the purpose of increasing the maximum average final compensation that certain retirees of the State Retirement and Pension System must have at the time of retirement in order to be exempt from a certain reemployment earnings limitation; and generally relating to exemptions from a reemployment earnings limitation for retirees of the State Retirement and Pension System.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 22–406(c)(1) and ~~(3) and~~ (3), 23–407(c)(1) and (3), and 25–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 22–406(c)(4)(ii) ~~and~~, 23–407(c)(4)(i), and 25–403(b)(3)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 315 – Senators Raskin, Peters, Miller, Astle, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Glassman, Harrington, Jones, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Muse, Pinsky, Rosapepe, and Stone

AN ACT concerning

Public Ethics Laws – Elected Local Officials and Board of Education Members – Requirements

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0315/284031/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 315
(First Reading File Bill)

On page 2, in line 2, strike "Each" and substitute "**SUBJECT TO § 15-209 OF THIS TITLE, EACH**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 858 – Senators Conway, Astle, Brinkley, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, McFadden, Middleton, Miller, Munson, Peters, Pinsky, Pipkin, Pugh, Raskin, Reilly, Robey, Rosapepe, Simonaire, Stone, and Zirkin

AN ACT concerning

Maryland Winery Modernization Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

SB0858/774239/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 858
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Reilly,"; in line 5, after "purposes;" insert "requiring the licensee to notify the local licensing board of the issuance of a farmer's market permit;"; and in line 20, after "licensees;" insert "providing for the construction of a portion of this Act;".

AMENDMENT NO. 2

On page 2, after line 21, insert:

"**(4)** **THE HOLDER OF A PERMIT SHALL NOTIFY THE LOCAL LICENSING BOARD OF THE JURISDICTION IN WHICH THE FARMER'S MARKET WILL BE HELD THAT THE PERMIT HAS BEEN ISSUED.**";

in lines 22 and 29, strike "**(4)**" and "**(5)**", respectively, and substitute "**(5)**" and "**(6)**", respectively; in line 23, after "**1.**" insert "**AT A FARMER'S MARKET THAT IS LISTED IN THE FARMER'S MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF AGRICULTURE;**

2.";

and in line 25, strike "**2.**" and substitute "**3.**".

On page 3, in lines 1 and 8, in each instance, strike "**(6)**" and substitute "**(7)**".

AMENDMENT NO. 3

On page 6, in line 11, strike "**HARD**" and substitute "**HARD**"; in line 20, strike "**AND**"; in line 21, after "**SOUP**" insert "**; AND**

13. CONDIMENTS";

in line 22, before "**A**" insert "**(I)**"; in the same line, strike "**LICENSED UNDER THIS ARTICLE**"; and after line 24, insert:

"**(II)** **A LICENSEE OR ENTITY IN WHICH THE LICENSEE HAS A PECUNIARY INTEREST MAY NOT ACT AS A CATERER OF FOOD.**".

AMENDMENT NO. 4

On page 7, in line 1, strike "**EXCEPT AS PROVIDED IN**" and substitute "**SUBJECT TO**"; and strike in their entirety lines 14 through 30, inclusive; in line 31, strike "**(9)**" and substitute "**(8)**"; in the same line, strike "**A**" and substitute "**(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A**"; and in the same line, strike "**PERMITS**" and substitute "**ALLOWS**"; and after line 32, insert:

"**(II)** **IN GARRETT COUNTY, A LICENSEE MAY OPEN ON SUNDAYS TO ENGAGE IN THE ACTIVITIES LISTED IN PARAGRAPH (5) OF THIS**

SUBSECTION ONLY IN AN ELECTION DISTRICT WHERE THE VOTERS, IN A REFERENDUM AUTHORIZED BY LAW, HAVE APPROVED SUNDAY SALES AT A WINERY.".

On page 8, in lines 1 and 5, strike "**(10)**" and "**(11)**", respectively, and substitute "**(9)**" and "**(10)**", respectively.

AMENDMENT NO. 5

On page 8, after line 8, insert:

"**(11) NOTHING IN THIS SUBSECTION LIMITS THE APPLICATION OF RELEVANT PROVISIONS OF TITLE 21 OF THE HEALTH-GENERAL ARTICLE, AND REGULATIONS ADOPTED UNDER THAT TITLE, TO A LICENSEE.**".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0858/703122/1

BY: Senator Raskin

AMENDMENTS TO SENATE BILL 858
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "of" insert "repealing provisions that provide for a direct wine seller's permit;"; in line 19, after "Act;" insert "establishing a direct wine shipper's license to be issued by the Office of the Comptroller; requiring a person to be licensed before the person or the person's agent may engage in shipping wine directly to a personal consumer in the State; requiring an applicant to meet certain qualifications for a license, submit an application and a copy of its current alcoholic beverages license to the Office of the Comptroller, and pay a certain fee; requiring a direct wine shipper to perform certain actions; prohibiting a direct wine shipper from shipping more than a certain amount of wine annually to any one personal consumer or make deliveries on Sunday; requiring a direct wine shipper to meet certain requirements to renew the license; specifying certain requirements for receiving a

direct shipment of wine; allowing a shipment of wine to be ordered or purchased through a computer network; authorizing the Office of the Comptroller to adopt certain regulations; prohibiting a person without a license from shipping wine directly to personal consumers in the State; providing a certain penalty;"; in the same line, after the second "that" insert "certain provisions of"; in the same line, strike "applies" and substitute "apply"; in line 21, after "industry;" insert "defining certain terms; making certain technical corrections; altering a certain definition;"; after line 22, insert:

"BY repealing
Article 2B – Alcoholic Beverages
Section 7.5–101 through 7.5–110 and the title "Title 7.5. Direct Wine Seller's Permit"
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)";

and in line 25, after "2-101(x)" insert "; and 7.5–101 through 7.5–111 to be under the new title "Title 7.5. Direct Wine Shipper's License"".

On page 2, in line 5, after "Section" insert "2-101(b)(1)(i),"; in the same line, after "2-205," insert "9-102(a),"; in the same line, strike "and"; in the same line, after "11-511" insert ", and 15-204(b)"; and after line 7, insert:

"BY repealing and reenacting, without amendments,
Article – Tax – General
Section 5–101(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 5–101(f) and 5–201(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 2, in line 9, after "That" insert "Section(s) 7.5–101 through 7.5–110 and the title "Title 7.5. Direct Wine Seller's Permit" of Article 2B – Alcoholic Beverages of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That".

On page 11, after line 33, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 2B – Alcoholic Beverages

2–101.

(b) (1) (i) The Office of the Comptroller shall collect a fee for the issuance or renewal of the following permits:

1. $50 for a solicitor's permit, an individual storage permit, a nonresident winery permit, or a commercial nonbeverage permit;

2. $75 for a public storage permit, a public transportation permit, or an import and export permit;

3. $200 for a public storage and transportation permit, a nonresident dealer's permit, a resident dealer's permit, or a bulk transfer permit;

4. $400 for a family beer and wine facility permit; and

5. **[**$10**]** **$100** for a direct wine **[**seller's permit**]** **SHIPPER'S LICENSE**.

TITLE 7.5. DIRECT WINE SHIPPER'S LICENSE.

7.5–101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "DIRECT WINE SHIPPER" MEANS THE HOLDER OF A DIRECT WINE SHIPPER'S LICENSE ISSUED UNDER THIS TITLE.

(C) "LICENSE" MEANS A DIRECT WINE SHIPPER'S LICENSE ISSUED BY THE OFFICE OF THE COMPTROLLER.

(D) "WINE" INCLUDES BRANDY THAT IS DISTILLED FROM THE PULPY RESIDUE OF THE WINE PRESS, INCLUDING THE SKINS, PIPS, AND STALKS OF GRAPES.

7.5–102.

A PERSON SHALL BE LICENSED BY THE OFFICE OF THE COMPTROLLER AS A DIRECT WINE SHIPPER BEFORE THE PERSON OR THE PERSON'S AGENT MAY ENGAGE IN SHIPPING WINE DIRECTLY TO A PERSONAL CONSUMER IN THE STATE.

7.5–103.

TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE:

(1) A PERSON LICENSED OUTSIDE THE STATE TO ENGAGE IN THE MANUFACTURE OF WINE;

(2) AN AUTHORIZED BRAND OWNER OF WINE, A UNITED STATES IMPORTER OF WINE, OR A DESIGNATED MARYLAND AGENT OF A BRAND OWNER OR UNITED STATES IMPORTER;

(3) A HOLDER OF A CLASS 3 MANUFACTURER'S LICENSE OR A CLASS 4 MANUFACTURER'S LICENSE ISSUED UNDER THIS ARTICLE; OR

(4) A PERSON LICENSED BY THE STATE OR OUTSIDE THE STATE TO ENGAGE IN THE RETAIL SALE OF WINE FOR CONSUMPTION OFF THE PREMISES.

7.5–104.

(A) AN APPLICANT FOR A LICENSE SHALL:

(1) SUBMIT TO THE OFFICE OF THE COMPTROLLER A COMPLETED APPLICATION ON A FORM THAT THE OFFICE OF THE COMPTROLLER PROVIDES;

(2) PROVIDE TO THE OFFICE OF THE COMPTROLLER A COPY OF THE APPLICANT'S CURRENT ALCOHOLIC BEVERAGES LICENSE; AND

(3) PAY A FEE OF $100.

(B) THE OFFICE OF THE COMPTROLLER SHALL ISSUE A LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE FOR A LICENSE.

7.5–105.

(A) A DIRECT WINE SHIPPER SHALL:

(1) ENSURE THAT ALL CONTAINERS OF WINE SHIPPED DIRECTLY TO A PERSONAL CONSUMER IN THE STATE ARE CONSPICUOUSLY LABELED WITH THE WORDS "CONTAINS ALCOHOL: SIGNATURE OF PERSON AT LEAST 21 YEARS OF AGE REQUIRED FOR DELIVERY";

(2) REPORT MONTHLY TO THE OFFICE OF THE COMPTROLLER THE TOTAL AMOUNT OF WINE, BY TYPE, SHIPPED IN THE STATE, THE PRICE CHARGED, AND THE NAME AND ADDRESS OF EACH PURCHASER;

(3) PAY MONTHLY TO THE OFFICE OF THE COMPTROLLER ALL SALES TAXES AND EXCISE TAXES DUE ON SALES TO PERSONAL CONSUMERS IN THE STATE, THE AMOUNT OF THE TAXES TO BE CALCULATED AS IF THE SALE WERE MADE AT THE DELIVERY LOCATION;

(4) ALLOW THE OFFICE OF THE COMPTROLLER TO PERFORM AN AUDIT OF THE DIRECT WINE SHIPPER'S RECORDS ON REQUEST; AND

(5) CONSENT TO THE JURISDICTION OF THE OFFICE OF THE COMPTROLLER OR OTHER STATE UNIT AND THE STATE COURTS CONCERNING ENFORCEMENT OF THIS SECTION AND ANY RELATED LAW.

(B) A DIRECT WINE SHIPPER MAY NOT:

(1) SHIP MORE THAN 24 9–LITER CASES OF WINE ANNUALLY TO ANY ONE PERSONAL CONSUMER; OR

(2) DELIVER WINE ON SUNDAY TO AN ADDRESS IN THE STATE.

7.5–106.

A DIRECT WINE SHIPPER MAY ANNUALLY RENEW ITS LICENSE IF THE DIRECT WINE SHIPPER:

(1) IS OTHERWISE ENTITLED TO BE LICENSED;

(2) PROVIDES TO THE OFFICE OF THE COMPTROLLER A COPY OF ITS CURRENT ALCOHOLIC BEVERAGES LICENSE; AND

(3) PAYS TO THE OFFICE OF THE COMPTROLLER A RENEWAL FEE OF $50.

7.5–107.

(A) TO RECEIVE A DIRECT SHIPMENT OF WINE, A PERSONAL CONSUMER OF THE STATE MUST BE AT LEAST 21 YEARS OLD.

(B) A SHIPMENT OF WINE MAY BE ORDERED OR PURCHASED THROUGH A COMPUTER NETWORK.

(C) A PERSON WHO RECEIVES A SHIPMENT OF WINE SHALL USE THE SHIPMENT FOR PERSONAL CONSUMPTION ONLY AND MAY NOT RESELL IT.

7.5–108.

(A) A SHIPMENT MADE IN ACCORDANCE WITH THIS TITLE SHALL BE MADE BY A COMMON CARRIER AND BE ACCOMPANIED BY A SHIPPING LABEL THAT CLEARLY INDICATES THE NAME OF THE DIRECT SHIPPER AND THE NAME AND ADDRESS OF THE RECIPIENT.

(B) TO COMPLETE DELIVERY OF A SHIPMENT, THE COMMON CARRIER SHALL REQUIRE FROM A PERSONAL CONSUMER AT THE ADDRESS LISTED ON THE SHIPPING LABEL:

(1) THE SIGNATURE OF THE PERSONAL CONSUMER; AND

(2) PHOTOGRAPHIC IDENTIFICATION SHOWING THAT THE PERSONAL CONSUMER IS AT LEAST 21 YEARS OLD.

7.5–109.

THE OFFICE OF THE COMPTROLLER MAY ADOPT REGULATIONS TO CARRY OUT THIS TITLE.

7.5–110.

A BUSINESS ENTITY WITHOUT A LICENSE MAY NOT SHIP WINE DIRECTLY TO PERSONAL CONSUMERS IN THE STATE.

7.5–111.

A PERSON WHO VIOLATES THIS TITLE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING $1,000 OR BOTH.

9–102.

(a) No more than one license provided by this article, except by way of renewal or as otherwise provided in this section, shall be issued in any county or Baltimore City, to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company, in Baltimore City or any

county of the State, and no more than one license shall be issued for the same premises except as provided in §§ 2–201 through 2–208, 2–301, **[**and**]** 6–701**, AND TITLE 7.5** of this article, and nothing herein shall be construed to apply to § 6–201(r)(4), (15), and (17), § 7–101(b) and (c), § 8–202(g)(2)(ii) and (iii), § 8–217(e), § 8–508, or § 12–202 of this article.

15–204.

(b) (1) Provided, that in Montgomery County no person, firm, or corporation shall keep for sale any alcoholic beverage not purchased from the Department of Liquor Control for Montgomery County, provided, however, that nothing in this subsection shall apply to a holder of a Class F license or a holder of a Class 1 beer, wine and liquor, Class 2 wine and liquor, Class 3 beer and wine, Class 4 beer, or Class 5 wine wholesaler's license, who may not sell or deliver any alcoholic beverage in Montgomery County for resale except to a county liquor dispensary.

(2) Notwithstanding paragraph (1) of this subsection:

(i) **1.** A holder of a Class 6 limited wine wholesaler's license or of a nonresident winery permit may sell or deliver wine directly to a county liquor dispensary, restaurant, or other retail dealer in Montgomery County; and

[(ii)**]** **2.** A county liquor dispensary, restaurant, or other retail dealer in Montgomery County may purchase wine directly from a holder of a Class 6 limited wine wholesaler's license or of a nonresident winery permit**; AND**

(II) A HOLDER OF A DIRECT WINE SHIPPER'S LICENSE MAY SHIP WINE DIRECTLY TO A PERSONAL CONSUMER IN MONTGOMERY COUNTY.

Article – Tax – General

5–101.

(a) In this title the following words have the meanings indicated.

(f) "Direct wine **[**seller"**]** **SHIPPER"** has the meaning stated in Article 2B, § 7.5–101 of the Code.

5–201.

(d) **[**(1)**]** A person who is a direct wine **[**seller**]** **SHIPPER** shall file with the Office of the Comptroller **[**an annual**]** **A MONTHLY** tax return.

[(2) The annual tax return shall be due no later than October 15 of each year covering the previous 12 calendar months ending September 30.**]**".

On page 12, in lines 1, 4, and 10, strike "2.", "3.", and "4.", respectively, and substitute "4.", "5.", and "6.", respectively; in line 1, after "That" insert "Section 2 of"; and in line 9, strike "1" and substitute "2".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0858/953525/1

BY: Senator Raskin

AMENDMENTS TO SENATE BILL 858, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0858/774239/1), in line 3 of Amendment No. 1, after "permit;" insert "requiring the Comptroller to submit a certain report to the General Assembly on or before a certain date on the viability and efficacy of instituting in Maryland the policy of permitting direct shipment of wine to consumers in the State;".

AMENDMENT NO. 2

On page 12 of the bill, after line 3, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before November 1, 2010, the Comptroller shall submit a report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the viability and efficacy of instituting in Maryland the policy of permitting direct shipment of wine to consumers in the State.

(b) The report shall include:

(1) an evaluation of the best practices used by the 37 states and the District of Columbia that allow direct wine shipment;

(2) an evaluation of related fiscal, tax, and other public policy and regulatory issues; and

(3) a determination regarding:

(i) the best practices for preventing access by underage drinkers to wine that is shipped directly to consumers;

(ii) any significant increase or decrease in access to or demand for wine by underage drinkers that has been documented as the result of direct wine shipment laws;

(iii) the best practices for collecting relevant tax revenues;

(iv) the benefits and costs to consumers; and

(v) the effect of direct wine shipment laws on in-state wineries and other local businesses.";

and in lines 4 and 10, strike "3." and "4.", respectively, and substitute "4." and "5.", respectively.

The preceding 2 amendments were read and adopted.

Senator Colburn moved, duly seconded, to make the Bill a Special Order for March 18, 2010.

The motion was adopted.

Senate Bill 321 – Senator Stone

AN ACT concerning

The Delegate John Arnick Electronic Communications Traffic Safety Act of 2010

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0321/998178/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 321
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Stone" and substitute "Senators Stone, Lenett, and Forehand".

The preceding amendment was read and adopted.

Senator Stone moved, duly seconded, to make the Bill and Report a Special Order for March 18, 2010.

The motion was adopted.

Senate Bill 322 – Senator Stone

AN ACT concerning

Motor Vehicles – Use of Video Display Equipment

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0322/168576/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 322
(First Reading File Bill)

On page 2, in line 2, after "exclusively" insert "**BY A PUBLIC SERVICE COMPANY OR**"; in line 6, strike "electronic" and substitute "**VIDEO**"; strike beginning with "used" in line 6 down through "with" in line 7 and substitute "**THAT IS USED AS**";

in line 8, strike "**THAT**" and substitute "**EXCLUSIVELY FOR SAFETY, WHEN THE EQUIPMENT**"; and in line 10, after "**THE**" insert "**EQUIPMENT OR**".

The preceding amendment was read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 18, 2010.

The motion was adopted.

Senate Bill 466 – Senator Forehand

AN ACT concerning

Vehicle Laws – Off–Highway Recreational Vehicles – Titling

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0466/188776/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 466
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; and in line 17, after "Act;" insert "making this Act an emergency measure;".

AMENDMENT NO. 2

On page 10, strike beginning with "shall" in line 3 down through "2010" in line 4 and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0466/673822/1

BY: Senator Edwards

AMENDMENTS TO SENATE BILL 466
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "date" insert "and not used exclusively on the property of the owner of the vehicle"; and in line 21, after "13-102(13)" insert "and (14)".

AMENDMENT NO. 2

On page 3, in line 19, strike "**OR**"; and in line 21, after "**2010**" insert "**; OR**

(14) AN OFF-HIGHWAY RECREATIONAL VEHICLE USED EXCLUSIVELY ON THE PROPERTY OF THE OWNER OF THE VEHICLE".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 18 Negative – 29 (See Roll Call No. 471)

FLOOR AMENDMENT

SB0466/383820/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 466
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "date" insert "and not used exclusively for the purpose of hunting"; and in line 21, after "13-102(13)" insert "and (14)".

AMENDMENT NO. 2

On page 3, in line 19, strike "**OR**"; and in line 21, after "**2010**" insert "**; OR**

(14) AN OFF-HIGHWAY RECREATIONAL VEHICLE USED EXCLUSIVELY FOR THE PURPOSE OF HUNTING".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 30 (See Roll Call No. 472)

FLOOR AMENDMENT

SB0466/693424/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 466
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "transmission;" insert "prohibiting the Motor Vehicle Administration from charging a fee for the issuance of a certificate of title for an off-highway recreational vehicle;"; strike beginning with "providing" in line 10 down through "purchase" in line 15 and substitute "exempting an off-highway recreational vehicle from a certain excise tax"; in line 21, strike "and" and substitute a comma; in the same line, after "13-102(13)" insert ",13-104.3, and 13-810(a)(26)"; and in line 26, strike "13-809" and substitute "13-810(a)(24) and (25)".

AMENDMENT NO. 2

On page 3, after line 28, insert:

"**13-104.3.**

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE ADMINISTRATION MAY NOT CHARGE A FEE FOR THE ISSUANCE OF A CERTIFICATE OF TITLE FOR AN OFF-HIGHWAY RECREATIONAL VEHICLE.".

AMENDMENT NO. 3

On pages 5 through 8, strike in their entirety the lines beginning with line 5 on page 5 through line 13 on page 8, inclusive, and substitute:

"13–810.

(a) On issuance in this State of an original or subsequent certificate of title for a vehicle, the vehicle is exempt from the excise tax imposed by this part, if it is:

(24) A vehicle acquired by a religious, charitable, or volunteer organization exempt from taxation under § 501(c) of the Internal Revenue Code, the Department of Human Resources, or a local department of social services for the purpose of transferring the vehicle to a Family Investment Program recipient or an individual certified by the Department of Human Resources or a local department of social services as eligible for the transfer; **[**or**]**

(25) A rental vehicle**[**.**]; OR**

(26) AN OFF-HIGHWAY RECREATIONAL VEHICLE.".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 18 Negative – 29 (See Roll Call No. 473)

FLOOR AMENDMENT

SB0466/123721/1

BY: Senator Harris

AMENDMENTS TO SENATE BILL 466
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "dealer;" insert "establishing the fee for a certificate of title issued for an off-highway recreational vehicle;"; and in line 26, after "13-108.1," insert "13-802,".

AMENDMENT NO. 2

On page 5, after line 4, insert:

"13–802.

(A) Except as provided in **SUBSECTION (B) OF THIS SECTION AND** § 13–805 of this subtitle, the fee for each certificate of title issued under this title is $50.

(B) THE FEE FOR EACH CERTIFICATE OF TITLE ISSUED UNDER THIS TITLE FOR AN OFF-HIGHWAY RECREATIONAL VEHICLE IS $2.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 17 Negative – 30 (See Roll Call No. 474)

Read the second time and ordered prepared for Third Reading.

Senate Bill 560 – Senators Forehand, King, and Madaleno

AN ACT concerning

Vehicle Laws – Traffic Citations – Option to Request Trial

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0560/438778/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 560
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Madaleno" and substitute "Madaleno, Frosh, Gladden, Brochin, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone".

AMENDMENT NO. 2

On page 1, in line 22, after "**NOTICE**" insert "**IN AT LEAST 14 POINT BOLDFACE TYPE**".

The preceding 2 amendments were read only.

Senator Zirkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 18, 2010.

The motion was adopted.

Senate Bill 158 – Senators Brochin and Muse

AN ACT concerning

Foreclosures – Unpaid Water and Sanitary Charges – Prohibition

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0158/118373/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 158
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Foreclosures –"; in the same line, strike "Prohibition" and substitute "Collection"; strike beginning with "prohibiting" in line 3 down through "bills" in line 4 and substitute "requiring a property to be withheld from a tax sale under certain circumstances"; in line 5, strike the first "a" and substitute "the filing of a bill in equity for a decree of"; in line 6, strike "repealing provisions rendered inconsistent with this Act;"; in line 8, after "commissions" insert "and political subdivisions"; and strike in their entirety lines 9 through 13, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article - Tax - Property
Section 14-811
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 down through line 3 on page 2, inclusive, and substitute:

"Article – Tax – Property

14–811.

(A) [The] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE** collector may withhold from sale any property, when the total taxes on the property, including interest and penalties, amount to less than $250 in any 1 year.

(B) THE COLLECTOR SHALL WITHHOLD FROM SALE ANY RESIDENTIAL PROPERTY, WHEN:

(1) THE LIEN ON THE PROPERTY ARISES SOLELY FROM ANY UNPAID WATER, SEWER, OR OTHER SANITARY SYSTEM CHARGES, FEES, OR ASSESSMENTS; AND

(2) THE TOTAL AMOUNT OF THE LIEN, INCLUDING INTEREST AND PENALTIES, IS LESS THAN $750.".

AMENDMENT NO. 3

On page 3, in line 8, strike the brackets; in lines 9, 16, and 19, in each instance, strike the bracket; strike beginning with the colon in line 9 down through "Sue" in line 10 and substitute "**SUE**"; strike beginning with the semicolon in line 11 down through "paid" in line 14; and in line 31, after "and" insert "**, EXCEPT AS PROVIDED IN § 14–811(B) OF THE TAX – PROPERTY ARTICLE,**".

On page 4, in line 3, strike "The" and substitute "**EXCEPT AS PROVIDED IN § 14–811(B) OF THE TAX – PROPERTY ARTICLE, THE**"; and in line 4, strike the bracket.

On page 6, in lines 5 and 9, in each instance, strike the bracket; and in line 7, after "and" insert "**, EXCEPT AS PROVIDED IN § 14–811(B) OF THE TAX – PROPERTY ARTICLE,**".

On page 7, in lines 23 and 30, in each instance, strike the bracket; strike beginning with the colon in line 24 down through "Sue" in line 25 and substitute "**SUE**"; and strike beginning with the semicolon in line 26 down through "paid" in line 29.

On page 8, in line 30, strike the bracket; and in line 31, strike "The" and substitute "**EXCEPT AS PROVIDED IN § 14–811(B) OF THE TAX – PROPERTY ARTICLE, THE**".

On page 9, in line 3, strike "**], THE**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0158/373125/2

BY: Senator Colburn

AMENDMENTS TO SENATE BILL 158, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments (SB0158/118373/1), in line 3 of Amendment No. 1, after "requiring" insert ", except in certain counties,".

AMENDMENT NO. 2

On page 2 of the Judicial Proceedings Committee Amendments, in line 1 of Amendment No. 2, strike "**THE**" and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE**"; in lines 3 and 6 of Amendment No. 2, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and in line 7 of Amendment No. 2, after "**$750.**" insert:

"**(2) THIS SUBSECTION DOES NOT APPLY IN CAROLINE COUNTY, CECIL COUNTY, DORCHESTER COUNTY, KENT COUNTY, QUEEN ANNE'S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY, OR WORCESTER COUNTY.**".

The preceding 2 amendments were read only.

Senator Conway moved, duly seconded, to make the Bill and Amendments a Special Order for March 18, 2010.

The motion was adopted.

Senate Bill 287 – The President (By Request – Administration) and Senators King, Madaleno, McFadden, Munson, Forehand, Garagiola, Harrington, Klausmeier, Lenett, and Pinsky

AN ACT concerning

Maryland Clean Energy Incentive Act of 2010

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0287/389235/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 287
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "certifications;" insert "prohibiting the Administration from issuing initial credits under a certain amount;".

AMENDMENT NO. 2

On page 3, in line 32, after "(4)" insert "**(I)**"; and after line 33, insert:

"**(II) THE ADMINISTRATION MAY NOT ISSUE INITIAL CREDIT CERTIFICATES FOR CREDIT AMOUNTS LESS THAN $1,000.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 683 – Senators Peters, Harrington, Currie, Exum, Miller, Muse, Pinsky, and Rosapepe

AN ACT concerning

Property Taxes – Homestead Property Tax Credit

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0683/489136/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 683
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Homestead Property Tax Credit" and substitute "Bicounty Commissions"; in line 4, strike ", including" and substitute "and"; strike beginning with "by" in line 5 down through "districts;" in line 6 and substitute "for certain bicounty commissions; specifying the applicable homestead credit percentage for certain taxes imposed for certain bicounty commissions; defining a certain term; providing for the application and construction of certain laws relating to certain taxes imposed for certain bicounty commissions;"; in line 7, after "credit" insert "and property taxes imposed for certain bicounty commissions"; after line 7, insert:

"BY repealing and reenacting, without amendments,
Article - Tax - Property
Section 9-105(a)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article - Tax - Property
Section 9-105(a)(9)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)";

and in line 10, strike "9-105(b)" and substitute "9-105(b), (e)(2), and (g)".

AMENDMENT NO. 2

On page 1, after line 16, insert:

"(a) (1) In this section the following words have the meanings indicated.

(9) "BICOUNTY COMMISSION" MEANS:

(I) THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION;

(II) THE WASHINGTON SUBURBAN SANITARY COMMISSION; OR

(III) THE WASHINGTON SUBURBAN TRANSIT COMMISSION.".

AMENDMENT NO. 3

On page 1, in line 24, strike "**, INCLUDING:**" and substitute "**AND ANY PROPERTY TAX IMPOSED FOR A BICOUNTY COMMISSION.**".

On page 2, strike in their entirety lines 1 through 4, inclusive, and substitute:

"(e) (2) For each taxable year, the homestead credit percentage under paragraph (1)(i) of this subsection is:

(i) for the State property tax **AND FOR ANY PROPERTY TAX IMPOSED FOR A BICOUNTY COMMISSION**, 110%;

(ii) for the county property tax:

1. the homestead credit percentage established by the county under paragraph (3) of this subsection; or

2. if the county has not set a percentage for the taxable year under paragraph (3) of this subsection or has not notified the Department as required under paragraph (6) of this subsection, the homestead credit percentage in effect for the county for the preceding taxable year; and

(iii) for the municipal corporation property tax:

1. the homestead credit percentage established by the municipal corporation under paragraph (4) of this subsection; or

2. if the municipal corporation has not set a percentage under paragraph (4) of this subsection or has not notified the Department as required under paragraph (7) of this subsection, the homestead credit percentage for the taxable year for the county in which the property is located.

(g) A homeowner who meets the requirements of this section shall be granted the property tax credit under this section against the State, county, and municipal corporation property tax **AND ANY PROPERTY TAX IMPOSED FOR A BICOUNTY COMMISSION** imposed on the real property of the dwelling.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) In this section, "bicounty commission" means:

(1) the Maryland–National Capital Park and Planning Commission;

(2) the Washington Suburban Sanitary Commission; or

(3) the Washington Suburban Transit Commission.

(b) Any provision of Article 28 of the Code, Article 29 of the Code, or Chapter 870 of the Acts of the General Assembly of 1965, as amended, providing that a tax imposed for a bicounty commission shall be levied and collected as county taxes are levied and collected, have the same priority rights, bear the same interest and penalties, and in any other respect be treated the same as a county tax:

(1) applies only to the authority to impose, enforce, and collect the tax imposed for the bicounty commission; and

(2) may not be deemed or construed to mean that the tax imposed for the bicounty commission is a county property tax under the Tax - Property Article.";

and in line 5, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0683/443923/1

BY: Senator Peters

AMENDMENT TO SENATE BILL 683, AS AMENDED

On page 4 of the Budget and Taxation Committee Amendments (SB0683/489136/1), in line 3 of Amendment No. 3, strike "impose, enforce," and substitute "enforce".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #21

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 177 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Expedited Partner Therapy Pilot Program – Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 291 – Senator Conway

AN ACT concerning

Health Occupations Boards – Revisions

SB0291/224135/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 291
(First Reading File Bill)

On page 3, in line 3, strike "**ADMINISTRATIVE**" and substitute "**ADMINISTRATOR**".

On page 5, after line 6, insert:

"**(C) A HEALTH OCCUPATIONS BOARD MAY REFER A LICENSEE TO THE PROGRAM.**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #22

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 93 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Agriculture – Pest Control – Fees and Registration

SB0093/374739/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 93
(First Reading File Bill)

On page 2, in line 20, strike "**10**" and substitute "**30**".

The preceding amendment was read only.

Senator Pipkin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #23

CONSENT CALENDAR #56

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 615 – Senator Edwards

AN ACT concerning

Garrett County – Volunteer Fire Departments and Rescue Squads – Emergency Services Board

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 728 – Cecil County Senators

AN ACT concerning

Cecil County – Board of Electrical Examiners and Licensing of Electricians

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 729 – Cecil County Senators

AN ACT concerning

Cecil County – Regulation of Domestic Animals

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 748 – Senator Colburn

AN ACT concerning

Wicomico County – Board of Elections – Membership

SB0748/574336/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 748
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Colburn" and substitute "Senators Colburn and Stoltzfus"; in line 2, before "Wicomico" insert "Somerset County,"; in the same line, after "County" insert ", and Worcester County"; in the same line, strike "Board" and substitute "Boards"; in line 3, after the second "the" insert "Somerset County Board of Elections,"; in line 4, after "Elections" insert ", and the Worcester County Board of Elections"; in lines 4 and 5, in each instance, strike "board" and substitute "boards"; in line 7, after the second "the" insert "Somerset County Board of Elections,"; in line 8, after "Elections" insert ", and the Worcester County Board of Elections"; and in line 16, strike "2-204(a)(23)" and substitute "2-204(a)(20), (23), and (24)".

AMENDMENT NO. 2

On page 4, in line 18, after "**IN**" insert "**SOMERSET COUNTY,**"; in the same line, after "**COUNTY**" insert "**, AND WORCESTER COUNTY**".

AMENDMENT NO. 3

On page 5, after line 3, insert:

"(20) in Somerset County, $1,000;";

and after line 5, insert:

"(24) in Worcester County, $1,500 for the president and $1,200 for other regular members.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 548 – Senators Astle, DeGrange, and Rosapepe

AN ACT concerning

Anne Arundel County – Alcoholic Beverages Licenses – Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #12

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 25 – Senators Forehand and Frosh

AN ACT concerning

Estates and Trusts – Property Held as Tenants by the Entireties – Transfer to Trust

SB0025/748473/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 25
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "codifying" in line 4 down through "survivorship;" in line 6; in line 6, after "property" insert "of a husband and wife"; in line 7, strike "entireties" and substitute "entirety"; in the same line, strike "certain trusts" and substitute "a trustee or trustees, and the proceeds of that property,"; in line 8, after the semicolon insert "providing that certain property continues to have certain immunity from the claims of certain creditors after the death of a certain individual; providing that a certain immunity may be waived in a certain manner; providing that a certain immunity shall be waived under certain circumstances; providing a certain exception; providing that the trustee or trustees of a certain trust have a certain burden of proof in a certain dispute; providing that certain property shall no longer be held as tenants by the entirety after a certain conveyance; providing that certain items are exempt from execution on a judgment; providing for the construction of certain provisions of this Act; defining a certain term;"; strike beginning with "entireties" in line 9 down through "survivorship" in line 10 and substitute "entirety"; and after line 15, insert:

"BY adding to
Article - Courts and Judicial Proceedings
Section 11-504(b)(8) and (9)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 20 on page 1 through line 22 on page 2, inclusive, and substitute:

"**(A) IN THIS SECTION, "PROCEEDS" MEANS:**

(1) PROPERTY ACQUIRED BY THE TRUSTEE UPON THE SALE, LEASE, LICENSE, EXCHANGE, OR OTHER DISPOSITION OF PROPERTY ORIGINALLY CONVEYED BY A HUSBAND AND WIFE TO A TRUSTEE OR TRUSTEES;

(2) PROPERTY COLLECTED BY THE TRUSTEE ON, OR DISTRIBUTED ON ACCOUNT OF, PROPERTY ORIGINALLY CONVEYED BY A HUSBAND AND WIFE TO A TRUSTEE OR TRUSTEES;

(3) RIGHTS ARISING OUT OF PROPERTY ORIGINALLY CONVEYED BY A HUSBAND AND WIFE TO A TRUSTEE;

(4) CLAIMS ARISING OUT OF THE LOSS, NONCONFORMITY, OR INTERFERENCE WITH THE USE OF, DEFECTS OR INFRINGEMENT OF RIGHTS IN, OR DAMAGE TO, PROPERTY ORIGINALLY CONVEYED BY A HUSBAND AND WIFE TO A TRUSTEE;

(5) INSURANCE PAYABLE BY REASON OF THE LOSS OR NONCONFORMITY OF, DEFECTS OR INFRINGEMENT OF RIGHTS IN, OR DAMAGE TO, PROPERTY ORIGINALLY CONVEYED BY A HUSBAND AND WIFE TO A TRUSTEE; OR

(6) PROPERTY HELD BY THE TRUSTEE THAT IS OTHERWISE TRACEABLE TO PROPERTY ORIGINALLY CONVEYED BY A HUSBAND AND WIFE TO A TRUSTEE OR THE PROPERTY PROCEEDS DESCRIBED IN ITEMS (1) THROUGH (5) OF THIS SUBSECTION.

(B) ANY PROPERTY OF A HUSBAND AND WIFE THAT IS HELD BY THEM AS TENANTS BY THE ENTIRETY AND SUBSEQUENTLY CONVEYED TO A TRUSTEE, AND THE PROCEEDS OF THAT PROPERTY, SHALL HAVE THE SAME IMMUNITY FROM THE CLAIMS OF THEIR SEPARATE CREDITORS AS WOULD EXIST IF THE HUSBAND AND WIFE HAD CONTINUED TO HOLD THE PROPERTY OR ITS PROCEEDS AS TENANTS BY THE ENTIRETY, AS LONG AS:

(1) THE HUSBAND AND WIFE REMAIN MARRIED;

(2) THE PROPERTY OR ITS PROCEEDS CONTINUES TO BE HELD IN TRUST BY THE TRUSTEE OR TRUSTEES OR THEIR SUCCESSORS IN TRUST; AND

(3) BOTH THE HUSBAND AND THE WIFE ARE BENEFICIARIES OF THE TRUST.

(C) AFTER THE DEATH OF THE FIRST OF THE HUSBAND AND WIFE TO DIE, ALL PROPERTY HELD IN TRUST THAT WAS IMMUNE FROM THE CLAIMS OF THEIR SEPARATE CREDITORS UNDER SUBSECTION (B) OF THIS SECTION IMMEDIATELY PRIOR TO THE INDIVIDUAL'S DEATH SHALL CONTINUE TO HAVE THE SAME IMMUNITY FROM THE CLAIMS OF THE DECEDENT'S SEPARATE CREDITORS AS WOULD HAVE EXISTED IF THE HUSBAND AND WIFE HAD CONTINUED TO HOLD THE PROPERTY CONVEYED IN TRUST, OR ITS PROCEEDS, AS TENANTS BY THE ENTIRETY.

(D) THE IMMUNITY FROM THE CLAIMS OF SEPARATE CREDITORS UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION MAY BE WAIVED AS TO ANY SPECIFIC CREDITOR OR ANY SPECIFICALLY DESCRIBED TRUST PROPERTY BY:

(1) THE EXPRESS PROVISIONS OF A TRUST INSTRUMENT; OR

(2) THE WRITTEN CONSENT OF BOTH THE HUSBAND AND THE WIFE.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IMMUNITY FROM THE CLAIMS OF SEPARATE CREDITORS UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION SHALL BE WAIVED IF A TRUSTEE EXECUTES AND DELIVERS A FINANCIAL STATEMENT FOR THE TRUST THAT FAILS TO DISCLOSE THE REQUESTED IDENTITY OF PROPERTY HELD IN TRUST THAT IS IMMUNE FROM THE CLAIMS OF SEPARATE CREDITORS.

(2) IMMUNITY IS NOT WAIVED UNDER THIS SUBSECTION IF THE IDENTITY OF THE PROPERTY THAT IS IMMUNE FROM THE CLAIMS OF SEPARATE CREDITORS IS OTHERWISE REASONABLY DISCLOSED BY:

(I) A PUBLICLY RECORDED DEED OR OTHER INSTRUMENT OF CONVEYANCE BY THE HUSBAND AND WIFE TO THE TRUSTEE;

(II) A WRITTEN MEMORANDUM BY THE HUSBAND AND WIFE, OR BY A TRUSTEE, THAT IS RECORDED AMONG THE LAND RECORDS OR OTHER

PUBLIC RECORDS IN THE COUNTY OR OTHER JURISDICTION WHERE THE RECORDS OF THE TRUST ARE REGULARLY MAINTAINED; OR

(III) THE TERMS OF THE TRUST INSTRUMENT, INCLUDING ANY SCHEDULE OR EXHIBIT ATTACHED TO THE TRUST INSTRUMENT, IF A COPY OF THE TRUST INSTRUMENT IS PROVIDED WITH THE FINANCIAL STATEMENT.

(3) A WAIVER UNDER THIS SUBSECTION SHALL BE EFFECTIVE ONLY AS TO:

(I) THE PERSON TO WHOM THE FINANCIAL STATEMENT IS DELIVERED BY THE TRUSTEE;

(II) THE PARTICULAR TRUST PROPERTY HELD IN TRUST FOR WHICH THE IMMUNITY FROM THE CLAIMS OF SEPARATE CREDITORS IS INSUFFICIENTLY DISCLOSED ON THE FINANCIAL STATEMENT; AND

(III) THE TRANSACTION FOR WHICH THE DISCLOSURE WAS SOUGHT.

(F) IN ANY DISPUTE RELATING TO THE IMMUNITY OF TRUST PROPERTY FROM THE CLAIMS OF A SEPARATE CREDITOR OF A HUSBAND OR WIFE, THE TRUSTEE HAS THE BURDEN OF PROVING THE IMMUNITY OF THE TRUST PROPERTY FROM THE CREDITOR'S CLAIMS.

(G) AFTER A CONVEYANCE TO A TRUSTEE DESCRIBED IN SUBSECTION (B) OF THIS SECTION, THE PROPERTY TRANSFERRED SHALL NO LONGER BE HELD BY THE HUSBAND AND WIFE AS TENANTS BY THE ENTIRETY.

(H) THIS SECTION MAY NOT BE CONSTRUED TO AFFECT EXISTING STATE LAW WITH RESPECT TO TENANCIES BY THE ENTIRETY.".

AMENDMENT NO. 3

On page 2, after line 22, insert:

"Article – Courts and Judicial Proceedings

11–504.

(b) The following items are exempt from execution on a judgment:

(8) THE DEBTOR'S BENEFICIAL INTEREST IN ANY TRUST PROPERTY THAT IS IMMUNE FROM THE CLAIMS OF THE DEBTOR'S CREDITORS UNDER § 14–113 OF THE ESTATES AND TRUSTS ARTICLE.

(9) WITH RESPECT TO CLAIMS BY A SEPARATE CREDITOR OF A HUSBAND OR WIFE, TRUST PROPERTY THAT IS IMMUNE FROM THE CLAIMS OF THE SEPARATE CREDITORS OF THE HUSBAND OR WIFE UNDER § 14–113 OF THE ESTATES AND TRUSTS ARTICLE.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 338 – Senator Frosh

AN ACT concerning

Estates and Trusts – Elective Share – Extension of Time for Making Election

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 339 – Senator Frosh

AN ACT concerning

Estates and Trusts – Guardianship – Payment of Expenses After Death of Ward

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 559 – Senators Kelley, Colburn, Conway, Currie, Della, Exum, Forehand, Lenett, Madaleno, McFadden, Muse, Pinsky, and Stone

AN ACT concerning

Child Protection – Mandatory Reporting of Children Regularly in Contact with Persons Convicted of Child Abuse and Child Sexual Abuse

SB0559/198774/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 559
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Brochin, Jacobs, Raskin, and Simonaire".

AMENDMENT NO. 2

On page 1, in line 2, strike "Mandatory"; strike beginning with "Regularly" in line 2 down through the second "Abuse" in line 3 and substitute "Living with or in the Regular Presence of Registered Child Sexual Offenders"; in line 4, strike "requiring certain professionals" and substitute "authorizing an individual"; in lines 5 and 6, strike "professionals have" and substitute "individual has"; in line 7, strike "regularly associate with" and substitute "be in the regular presence of"; in lines 7 and 8, strike "providing certain exceptions" and substitute "providing for the manner of reporting"; in line 9, after the first "a" insert "certain"; in lines 9 and 10, strike "that a child is at substantial risk of abuse"; in line 11, strike "or" and substitute "and"; in line 14, strike "authorizing and"; in line 15, strike "after completion" and substitute "as part"; strike beginning with "providing" in line 15 down through "reports;" in line 16; in line 17, strike "mandatory"; in line 18, strike "regularly in contact" and substitute "living"; in the same line, after "with" insert "or in the regular presence of"; and in line 26, strike "5–707(b) and".

On page 2, strike in their entirety lines 1 through 21, inclusive.

AMENDMENT NO. 3

On page 2, strike beginning with "**EXCEPT**" in line 26 down through "**SHALL**" in line 30 and substitute "**AN INDIVIDUAL MAY**".

On page 3, strike in their entirety lines 1 through 27, inclusive.

AMENDMENT NO. 4

On page 2, in lines 33 and 34, strike "**OR REGULARLY ASSOCIATE**"; in line 34, after "**WITH**" insert "**OR BE IN THE REGULAR PRESENCE OF**"; and after line 35, insert:

"**(1) IS REGISTERED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE AS A CHILD SEXUAL OFFENDER; AND**

(2) BASED ON ADDITIONAL INFORMATION, POSES A SUBSTANTIAL RISK OF SEXUAL ABUSE TO THE CHILD.".

On page 4 in lines 11, 12, 16, 18, and 22, on page 5, in lines 4 and 11, and on page 6 in line 28, in each instance, before "**ABUSE**" insert "**SEXUAL**".

On page 5, in line 5, strike "**§ 5–704.1 OF**"; and in line 15, strike "**CHILD**" and substitute "**SEXUAL**".

AMENDMENT NO. 5

On page 3, after line 27, insert:

"**(B) (1) A REPORT UNDER SUBSECTION (A) OF THIS SECTION MAY BE ORAL OR IN WRITING.**".

On page 4, in line 3, strike "**(D)**" and substitute "**(C)**".

AMENDMENT NO. 6

On page 4, in line 23, strike "**(I)**"; and strike in their entirety lines 26 through 29, inclusive.

On page 5, in line 8, strike "**TRUE**" and substitute "**ACCURATE AND THAT THERE IS SPECIFIC INFORMATION THAT THE CHILD IS AT SUBSTANTIAL RISK OF SEXUAL ABUSE**"; in line 12, strike "**MAY**" and substitute "**SHALL**"; in line 20, strike

"**OR**" and substitute "**AND**"; and in lines 23 and 24 and 29, in each instance, strike "**HAVING A HISTORY OF ABUSE**" and substitute "**A CHILD SEXUAL OFFENDER**".

AMENDMENT NO. 7

On page 5, in line 30, strike "**(1)**"; and in line 31, strike "**WITHIN 10**" and substitute "**AS SOON AS PRACTICABLE BUT NOT LATER THAN 30**".

On page 6, strike in their entirety lines 1 and 2.

AMENDMENT NO. 8

On page 6, strike in their entirety lines 3 through 13, inclusive, and substitute:

"**(E) AS PART OF THE INVESTIGATION, THE LOCAL DEPARTMENT SHALL:**

(1) DETERMINE WHETHER THE CHILD IS SAFE;

(2) DETERMINE WHETHER SEXUAL ABUSE OF THE CHILD HAS OCCURRED;

(3) IF APPROPRIATE, OFFER SERVICES TO THE FAMILY; AND

(4) IMMEDIATELY DECIDE WHETHER TO FILE A PETITION ALLEGING THAT THE CHILD IS IN NEED OF ASSISTANCE.".

AMENDMENT NO. 9

On page 6, strike in their entirety lines 14 through 24, inclusive.

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 605 – Senators King, Conway, Frosh, Garagiola, Harrington, Kramer, Lenett, Madaleno, and Middleton

AN ACT concerning

Angel's Law – Foster Care and Child Care – Cordless Window Coverings

SB0605/468572/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 605
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Middleton" and substitute "Middleton, Gladden, Brochin, Forehand, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone"; in line 2, strike "Cordless"; and in lines 9, 11, 13, and 14, in each instance, strike "cordless".

On page 2, in line 31, strike "**BEAD**" and substitute "**BEADED**".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 1 through 4, inclusive; in lines 5, 18, and 25, strike "**(5)**", "**(6)**", and "**(8)**", respectively, and substitute "**(4)**", "**(5)**", and "**(6)**", respectively; strike in their entirety lines 20 through 24, inclusive; and strike in their entirety lines 27 through 30, inclusive.

On page 4, in line 1, strike "**(11)**" and substitute "**(7)**".

AMENDMENT NO. 3

On pages 4 and 5, strike beginning with "**THE**" in line 10 on page 4 down through the period in line 4 on page 5 and substitute "**MINIMUM SAFETY STANDARDS ESTABLISHED IN REGULATIONS JOINTLY ADOPTED BY THE DEPARTMENT AND THE STATE DEPARTMENT OF EDUCATION THAT INCLUDE STANDARDS FOR:**

(I) ROMAN SHADES, ROLL-UP SHADES, WOVEN SHADES, AND ALL WINDOW COVERINGS WITH EXPOSED AND UNSECURED CORDS;

(II) HORIZONTAL BLINDS, CELLULAR SHADES, AND ALL WINDOW COVERINGS THAT HAVE DRAW CORDS FOR THEIR OPERATION; AND

(III) VERTICAL BLINDS AND OTHER WINDOW COVERING PRODUCTS WITH LOOPS UTILIZED IN THEIR OPERATION.".

AMENDMENT NO. 4

On page 5 in line 26, on page 6 in line 13, and on page 7 in line 21, in each instance, strike "**CORDLESS**".

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 JUDICIAL PROCEEDINGS REPORT #13

Senator Frosh, Chair, for the Committee on Judicial Proceedings and Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 279 – The President (By Request – Administration) and Senators Frosh, Lenett, Currie, Della, Gladden, Harrington, Kelley, Klausmeier, Madaleno, Middleton, Pinsky, Raskin, Robey, and Rosapepe

AN ACT concerning

Maryland False Health Claims Act of 2010

SB0279/138975/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 279
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "program;" insert "requiring the court to consider and give special attention to certain factors in determining the amount of fines and penalties provided for in this Act;"; in line 13, after "program;" insert "requiring the State to make certain efforts to coordinate certain investigations and to establish a certain objective for the State;"; in line 16, strike "authorizing the person that initiated

the action to proceed" and substitute "requiring the court to dismiss the action"; and in line 19, strike "to intervene at a later time in the proceedings or".

AMENDMENT NO. 2

On page 4, in line 18, after "**(F)**" insert "**(1)**"; in line 19, after "**REQUIRING**" insert "**PROOF OF**"; in lines 21, 22, and 24, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; and after line 25, insert:

"**(2) "KNOWING" OR "KNOWINGLY" DOES NOT MEAN, WITH RESPECT TO INFORMATION, THAT A PERSON ACTS IN A MANNER THAT CONSTITUTES MISTAKE OR NEGLIGENCE.**".

On page 6, in line 27, strike "**COMMUNITY**" and substitute "**INFECTIOUS DISEASE AND ENVIRONMENTAL**".

AMENDMENT NO. 3

On page 8, strike beginning with "**EXCEPT**" in line 3 down through "**A**" in line 4 and substitute "**A**"; in line 6, strike "**NOT LESS THAN $5,000 AND**"; in line 9, strike "**EQUAL TO**" and substitute "**OF NOT MORE THAN**"; and strike in their entirety lines 12 through 31, inclusive, and substitute:

"**(2) THE TOTAL AMOUNT OWED BY A PERSON UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE LESS THAN THE AMOUNT OF THE ACTUAL DAMAGES THE STATE HEALTH PLAN OR STATE HEALTH PROGRAM INCURS AS A RESULT OF THE PERSON'S VIOLATION OF SUBSECTION (A) OF THIS SECTION.**".

On page 9, in lines 9 and 25, in each instance, after "**SUBTITLE;**" insert "**AND**"; strike beginning with "**COMPENSATORY**" in line 10 down through "**(3)**" in line 13; in lines 13 and 29, in each instance, strike "**COURT**" and substitute "**SUBJECT TO THE GUIDELINES SET FORTH IN § 2–605(A)(4) OF THIS SUBTITLE, COURT**"; strike beginning with "**ANY**" in line 23 down through "**(II)**" in line 24; and strike beginning with "**(III)**" in line 26 down through "**(IV)**" in line 29 and substitute "**(II)**".

AMENDMENT NO. 4

On page 8, before line 32, insert:

"(C) (1) IN DETERMINING THE APPROPRIATE AMOUNT OF FINES AND DAMAGES UNDER SUBSECTION (B) OF THIS SECTION, THE COURT SHALL CONSIDER:

(I) THE NUMBER, NATURE, AND SEVERITY OF THE VIOLATIONS OF THIS SUBTITLE FOR WHICH THE PERSON HAS BEEN FOUND LIABLE;

(II) THE NUMBER, NATURE, AND SEVERITY OF ANY PREVIOUS VIOLATIONS OF THIS SUBTITLE;

(III) THE DEGREE OF LOSS SUFFERED BY THE STATE HEALTH PLAN OR STATE HEALTH PROGRAM;

(IV) THE PERSON'S HISTORY OF BILLING COMPLIANCE;

(V) WHETHER THE PERSON HAS A COMPLIANCE PROGRAM IN PLACE;

(VI) THE EXTENT TO WHICH THE PERSON HAS TAKEN STEPS TO ADDRESS AND CORRECT THE VIOLATION SINCE THE PERSON BECAME AWARE OF THE VIOLATION;

(VII) THE EXTENT TO WHICH THE VIOLATION CAUSED HARM OR DETRIMENT TO PATIENTS OR CONSUMERS OF THE STATE HEALTH PLAN OR STATE HEALTH PROGRAM;

(VIII) ANY FUNDS PREVIOUSLY RETURNED TO THE STATE HEALTH PLAN OR STATE HEALTH PROGRAM IN COMPLIANCE WITH FEDERAL REQUIREMENTS REGARDING OVERPAYMENTS, TO THE EXTENT THE FUNDS REPRESENTED LOSSES TO THE STATE HEALTH PLAN OR STATE HEALTH PROGRAM CAUSED BY THE VIOLATION;

(IX) WHETHER THE PERSON SELF-REPORTED THE VIOLATION, THE TIMELINESS OF THE SELF-REPORTING, THE EXTENT TO WHICH THE PERSON OTHERWISE COOPERATED IN THE INVESTIGATION OF THE

VIOLATION, AND THE EXTENT TO WHICH THE PERSON HAD PRIOR KNOWLEDGE OF AN INVESTIGATION OR OTHER ACTION RELATING TO THE VIOLATION; AND

(X) ANY OTHER FACTOR AS JUSTICE REQUIRES.

(2) IN WEIGHING THE FACTORS SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL, WHERE APPROPRIATE, GIVE SPECIAL CONSIDERATION TO:

(I) THE EXTENT TO WHICH THE PERSON'S SIZE, OPERATIONS, OR FINANCIAL CONDITION MAY HAVE AFFECTED EACH OF THE FACTORS SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) THE EXTENT TO WHICH THE PERSON'S SIZE, OPERATIONS, OR FINANCIAL CONDITION MAY AFFECT THE PERSON'S ABILITY TO PROVIDE CARE AND CONTINUE OPERATIONS AFTER PAYMENT OF DAMAGES AND FINES.";

and in line 32, strike "**(C)**" and substitute "**(D)**".

AMENDMENT NO. 5

On page 10, after line 29, insert:

"**(III) DURING THE PERIOD IN WHICH THE COMPLAINT IS UNDER SEAL, IF THE STATE'S INVESTIGATION REVEALS THAT THE ACT, TRANSACTION, OR OCCURRENCE THAT GAVE RISE TO THE ALLEGED VIOLATION OF THIS SUBTITLE IS REASONABLY LIKELY TO BE CONTINUING, THE STATE SHALL NOTIFY THE DEFENDANT AS SOON AS PRACTICABLE WITHOUT JEOPARDIZING THE COURSE AND CONDUCT OF THE STATE'S OR THE FEDERAL GOVERNMENT'S INVESTIGATION OF THE VIOLATION, COMPROMISING THE DEVELOPMENT OF EVIDENCE, OR VIOLATING ANY STATE OR FEDERAL LAW.**".

AMENDMENT NO. 6

On page 11, after line 4, insert:

"**(7)** **IF THE STATE DOES NOT ELECT TO INTERVENE AND PROCEED WITH THE ACTION UNDER PARAGRAPH (6) OF THIS SUBSECTION, BEFORE UNSEALING THE COMPLAINT, THE COURT SHALL DISMISS THE ACTION.**";

in line 5, strike "**(7)**" and substitute "**(8)**"; in line 24, after "**(3)**" insert "**(I)**"; strike beginning with "**PETITION**" in line 25 down through "**IF:**" in line 26 and substitute "**ELECT AT ANY POINT TO WITHDRAW ITS INTERVENTION AS A PARTY TO THE ACTION.**

(II) **IF THE STATE ELECTS TO WITHDRAW AS A PARTY TO THE ACTION:**

1. **THE STATE SHALL NOTIFY THE COURT AND THE PARTY INITIATING THE ACTION; AND**

2. **THE COURT SHALL DISMISS THE ACTION.**";

and strike in their entirety lines 27 through 30, inclusive.

On pages 12 and 13, strike in their entirety the lines beginning with line 27 on page 12 through line 13 on page 13, inclusive.

On page 13, in line 14, strike "**(D)**" and substitute "**(C)**".

On page 14, in line 1, strike "**(E)**" and substitute "**(D)**"; and strike beginning with "**WHETHER**" in line 1 down through "**ON**" in line 2 and substitute "**ON**".

On pages 15 and 16, strike in their entirety the lines beginning with line 16 on page 15 through line 2 on page 16, inclusive.

On page 16, in line 3, strike "**(C)**" and substitute "**(B)**"; and strike beginning with "**WHETHER**" in line 3 down through "**IF**" in line 4 and substitute "**IF**".

On page 17, in line 1, strike "**(D)**" and substitute "**(C)**".

AMENDMENT NO. 7

On page 12, in line 4, strike "**THE**" and substitute "**ON MOTION OF THE STATE OR THE DEFENDANT OR ON THE COURT'S OWN MOTION, THE**".

AMENDMENT NO. 8

On page 15, in line 9, strike "**SHALL**" and substitute "**MAY**"; after line 13, insert:

"**(II) IN DETERMINING THE AMOUNT OF ANY AWARD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COURT SHALL CONSIDER THE AMOUNT OF ANY PENALTIES AND DAMAGES RECOVERED IN THE ACTION AND ANY OTHER FACTOR AS JUSTICE MAY REQUIRE.**";

in line 14, strike "**(II)**" and substitute "**(III)**"; and in the same line, strike "**ALL**" and substitute "**ANY**".

AMENDMENT NO. 9

On page 17, in line 1, strike "**SHALL**" and substitute "**MAY**"; in line 4, after "**ACTION;**" insert "**AND**"; in line 6, strike "**CLEARLY FRIVOLOUS, VEXATIOUS, OR**"; in line 7, after "**HARASSMENT**" insert "**OR OTHERWISE BROUGHT IN BAD FAITH**"; strike beginning with the semicolon in line 7 down through the third "**ACTION**" in line 9; and in line 30, strike "**PARAGRAPH (2)**" and substitute "**PARAGRAPHS (2) AND (3)**".

AMENDMENT NO. 10

On page 21, in lines 4 and 12, in each instance, strike "**§ 2–604 OF**"; and in line 9, after "**KNOWN**" insert "**BY THE RELATOR, THE STATE'S INSPECTOR GENERAL, OR THE DIRECTOR OF THE STATE'S MEDICAID FRAUD CONTROL UNIT**".

AMENDMENT NO. 11

On page 22, after line 10, insert:

"**(B) (1) THE STATE SHALL MAKE ALL REASONABLE EFFORTS TO COORDINATE ANY INVESTIGATION OF AN ALLEGED VIOLATION UNDER THIS SUBTITLE WITH ANY INVESTIGATION CONDUCTED BY THE FEDERAL GOVERNMENT INVOLVING THE SAME VIOLATION.**

(2) THE STATE'S OBJECTIVE SHALL BE TO AVOID UNNECESSARY DUPLICATION OF EFFORT ON THE PART OF THE PERSON ALLEGED TO HAVE

COMMITTED THE VIOLATION AND TO MINIMIZE THE BURDEN OF THE INVESTIGATION ON THE PERSON.";

and in lines 11 and 14, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively.

AMENDMENT NO. 12

On page 23, in line 4, strike the semicolon and substitute "**AND THE FOLLOWING INFORMATION ABOUT THE DEFENDANT:**

(I) THE NUMBER OF EMPLOYEES AND ANY OTHER DATA RELEVANT TO THE SIZE OF THE DEFENDANT;

(II) THE AMOUNT OF PAYMENTS MADE TO THE DEFENDANT IN THE YEAR PRIOR TO THE FILING OF THE ACTION FROM STATE HEALTH PLANS AND, TO THE EXTENT KNOWN BY THE INSPECTOR GENERAL AND THE MEDICAID FRAUD CONTROL UNIT, FROM OTHER SOURCES; AND

(III) WHETHER THE DEFENDANT IS A MINORITY-OWNED BUSINESS ENTERPRISE AS DEFINED BY § 14-301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.".

The preceding 12 amendments were read and adopted.

Senator Kittleman moved, duly seconded, to make the Bill and Report a Special Order for March 18, 2010.

The motion was adopted.

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

Senate Bill 1117 – Senator Conway

AN ACT concerning

Environment – Maryland Oil Disaster Containment, Clean–Up and Contingency Fund and Oil Contaminated Site Environmental Cleanup Fund

Reassigned to the Committee on Education, Health, and Environmental Affairs under Rule 33(d).

Read and ordered journalized.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 536 – Senators Muse, Brochin, Conway, Exum, Harrington, Jones, King, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Miller, Peters, Pinsky, Pugh, Raskin, Rosapepe, Simonaire, and Stone

AN ACT concerning

State Board of Education – Student Member – Full Voting Rights Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Conway moved, duly seconded, to recommit the Bill.

The motion was adopted.

Senate Bill 1035 – Senators Muse and Miller

AN ACT concerning

Card Games – Prince George's County

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator McFadden moved, duly seconded, to make the Bill and Report a Special Order for March 18, 2010.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 475)

ADJOURNMENT

At 12:42 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 18, 2010.

Annapolis, Maryland
Thursday, March 18, 2010
10:00 A.M. Session

The Senate met at 10:12 A.M.

Prayer by Reverend Cynthia A. Terry, Haebler Memorial Chapel at Goucher College, guest of Senator Brochin.

(See Exhibit A of Appendix III)

The Journal of March 17, 2010 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 477)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #38
CONSENT CALENDAR #5

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 259	Sen. Dyson	Calvert, Charles, and St. Mary's Counties – Deer Hunting	EHE
SB 376	Sen. Della	Baltimore City – Consumption of Alcoholic Beverages – Unlicensed Restaurants	EHE
SB 658	Sen. DeGrange	Anne Arundel County – Property Tax Credit – Habitat for Humanity of the Chesapeake ReStore	B&T
SB 732	Cecil Co. Senators	Cecil County – Public	B&T

		Facilities Bond Bill	
SB 733	Cecil Co. Senators	Cecil County – Budget and Taxes	B&T
SB 752	Sen. Pipkin	Queen Anne's County – Property Tax Credit – Foster Parent	B&T
SB 926	Carroll Co. Senators	Carroll County – Alcoholic Beverages – Sale of Wine for Off–Premises Consumption	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 5 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 478)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #39

Senate Bill 266 – Senator Conway

AN ACT concerning

State Board of Nursing and Certified Nursing Assistant Advisory Committee – Membership – Nominations for Vacancies

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 479)

The Bill was then sent to the House of Delegates.

Senate Bill 305 – Senator Munson

AN ACT concerning

Public Safety – Emergency Medical Services Provider Killed in Performance of Duty – Flag Benefit for Family

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 480)

The Bill was then sent to the House of Delegates.

Senate Bill 337 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

Estates and Trusts – Construction of References in Will or Trust to Federal Estate Tax or Generation–Skipping Transfer Tax

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 481)

The Bill was then sent to the House of Delegates.

Senate Bill 394 – Senators Exum, Conway, Currie, Harrington, Kelley, Peters, Pinsky, Pugh, and Rosapepe

AN ACT concerning

Municipalities – Authority to Enter into Agreements with Other Municipalities

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 482)

The Bill was then sent to the House of Delegates.

Senate Bill 452 – Senators Pinsky, Frosh, Harrington, King, Madaleno, McFadden, Pugh, and Raskin

EMERGENCY BILL

AN ACT concerning

Education – Innovative School Scheduling Models – Low–Performing and At–Risk Public Schools

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 483)

The Bill was then sent to the House of Delegates.

Senate Bill 485 – Senator Munson

AN ACT concerning

State Board of Physical Therapy Examiners – Licensure and Regulation

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 484)

The Bill was then sent to the House of Delegates.

Senate Bill 512 – Senators Conway, Currie, DeGrange, Dyson, Exum, Garagiola, Jones, Kasemeyer, Kelley, Klausmeier, McFadden, Middleton, Muse, Peters, and Pinsky

AN ACT concerning

Maryland Locksmiths Act – Revisions – Definitions and Records Inspection

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 485)

The Bill was then sent to the House of Delegates.

Senate Bill 555 – Senator Conway

AN ACT concerning

Business Occupations and Professions – Individual Tax Preparers – ~~Registration~~ Examination Requirements

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 486)

The Bill was then sent to the House of Delegates.

Senate Bill 905 – Senator Edwards

AN ACT concerning

Alcoholic Beverages – Maximum Alcohol Content

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 487)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #40

Senate Bill 234 – Senators Robey, Forehand, Frosh, Garagiola, Gladden, Harrington, Kelley, King, Lenett, Madaleno, Peters, Raskin, Rosapepe, and Zirkin

AN ACT concerning

High Performance Buildings Act – Applicable to Community College Capital Projects

Read the third time and passed by yeas and nays as follows:

Affirmative – 41 Negative – 6 (See Roll Call No. 488)

The Bill was then sent to the House of Delegates.

Senate Bill 281 – The President (By Request – Administration) and Senators DeGrange, Robey, Kramer, King, Currie, Munson, Brochin, Forehand, Frosh, Garagiola, Klausmeier, and Lenett

AN ACT concerning

Motor Vehicle Excise Tax – Tax Credit for Electric Vehicles

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 489)

The Bill was then sent to the House of Delegates.

Senate Bill 347 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

Political Subdivisions – Financial Reports

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 490)

The Bill was then sent to the House of Delegates.

Senate Bill 508 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

Employees' Retirement and Pension Systems – Maryland School for the Deaf Retirees – Overpayment of Benefits

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 491)

The Bill was then sent to the House of Delegates.

Senate Bill 540 – Senators Harrington, Conway, Kramer, Lenett, Madaleno, Peters, Rosapepe, and Zirkin

AN ACT concerning

Child with a Disability – Individualized Education Program

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 492)

The Bill was then sent to the House of Delegates.

Senate Bill 652 – Senators DeGrange, Brochin, Conway, Edwards, Forehand, Garagiola, Kelley, Klausmeier, Munson, Peters, Raskin, Rosapepe, Simonaire, ~~and Stone~~ Stone, Brinkley, Currie, Jones, Kasemeyer, King, Kramer, Madaleno, McFadden, Robey, Stoltzfus, and Zirkin

AN ACT concerning

Property Tax Credit – Habitat for Humanity

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 493)

The Bill was then sent to the House of Delegates.

Senate Bill 657 – Senators DeGrange, Astle, Garagiola, Jones, Kasemeyer, Klausmeier, Kramer, Miller, Pipkin, Reilly, and Robey

EMERGENCY BILL

AN ACT concerning

Recordation Taxes and State and County Transfer Tax – Debt Forgiven in "Short Sale"

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 494)

The Bill was then sent to the House of Delegates.

Senate Bill 664 – Senators Klausmeier, Dyson, and Harris

AN ACT concerning

Environment – Dental Radiation Machines – Inspections

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 495)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #41

Senate Bill 307 – Senator Stoltzfus

AN ACT concerning

Worcester County – Real Property – Recording

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 496)

The Bill was then sent to the House of Delegates.

Senate Bill 416 – Senators Lenett ~~and Kittleman~~, Kittleman, and Forehand

AN ACT concerning

Maryland Condominium Act and Maryland Homeowners Association Act – Proposed Budget – Notice, Information, and Adoption

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 497)

The Bill was then sent to the House of Delegates.

Senate Bill 443 – Senator Raskin

AN ACT concerning

Real Property – Wrongful Detainer

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 498)

The Bill was then sent to the House of Delegates.

Senate Bill 509 – Senator Stoltzfus

AN ACT concerning

~~Somerset, Wicomico, and Worcester Counties –~~ Vehicle Laws – Exceptional Hauling Permits – Validity in Select Eastern Shore Counties

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 1 (See Roll Call No. 499)

The Bill was then sent to the House of Delegates.

Senate Bill 562 – Senator Raskin

AN ACT concerning

Real Property – Mortgages and Deeds of Trust – Authority to Exercise a Power of Sale

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 500)

The Bill was then sent to the House of Delegates.

Senate Bill 597 – Senator Rosapepe

AN ACT concerning

Condominiums and Homeowners Associations – Common Elements and Common Areas – Implied Warranties

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 501)

The Bill was then sent to the House of Delegates.

Senate Bill 629 – Senators Muse, Haines, Jacobs, and Stone

AN ACT concerning

Law Enforcement Officers – Unsubstantiated Complaints – Admissibility

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 502)

The Bill was then sent to the House of Delegates.

Senate Bill 666 – Senators Muse, Forehand, Haines, ~~and Stone~~ Stone, Frosh, and Jacobs

EMERGENCY BILL

AN ACT concerning

Real Property – Transfer Fees – Prohibition

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 503)

The Bill was then sent to the House of Delegates.

Senate Bill 800 – Senator Klausmeier

AN ACT concerning

Common Ownership Communities – Fidelity Insurance – Exemption

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 504)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 1035 – Senators Muse and Miller

AN ACT concerning

Card Games – Prince George's County

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

FLOOR AMENDMENT

SB1035/683829/1

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 1035
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Commercial Card Games Facilities"; and in line 4, after "Prince George's County" insert "and other locations in the State".

AMENDMENT NO. 2

On page 1, in line 13, strike "one license" and substitute "not more than six licenses"; in line 15, strike the first "the" and substitute "each"; in line 18, strike "The" and substitute "A"; in line 19, after "in" insert ":

(1)";

in line 20, after "414" insert "; and

(2) not more than five other sites to be selected by the Maryland Video Lottery Facility Location Commission".

On page 2, in line 2, after "the" insert "State Lottery Commission to oversee the"; in lines 3 and 4, strike beginning with "a" in line 3 down through "County" in line 4 and substitute "the card games facilities".

The preceding 2 amendments were read only.

Senator Glassman moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 542 – Senators Harrington and Colburn

AN ACT concerning

Health – National Human Trafficking Resource Center Hotline – Posting of Information

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0542/317570/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 542
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Health" and substitute "Business Regulation – Lodging Establishments"; in the same line, strike " – Posting of"; strike beginning with "requiring" in line 4 down through "hotline;" in line 6 and substitute "requiring the

Department of Labor, Licensing, and Regulation to design a sign that contains certain information regarding the National Human Trafficking Resource Center Hotline; requiring the sign to meet certain requirements and be placed on the Department's website; requiring a lodging establishment to post a certain sign in certain places for a certain period of time if certain conditions are met; providing a certain penalty for the violation of a certain provision of this Act;"; in line 7, strike "the posting of" and substitute "lodging establishments and"; in line 8, strike "hotline" and substitute "Hotline"; strike in their entirety lines 9 through 13, inclusive; and after line 13, insert:

"BY adding to
Article – Business Regulation
Section 15–207
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 16 on page 1 through line 7 on page 2, inclusive.

On page 2, after line 7, insert:

"Article – Business Regulation

15–207.

(A) (1) THE DEPARTMENT SHALL DESIGN A SIGN THAT STATES THE FOLLOWING:

"REPORT HUMAN TRAFFICKING: NATIONAL HUMAN TRAFFICKING RESOURCE CENTER — 1–888–373–7888. CALL FOR HELP IF YOU OR SOMEONE YOU KNOW:

- **IS BEING FORCED TO HAVE SEX WITHOUT CONSENT**
- **HAS HAD AN ID OR DOCUMENTS TAKEN AWAY**
- **IS BEING THREATENED BY OR IS IN DEBT TO AN EMPLOYER**
- **WANTS TO LEAVE A JOB BUT CANNOT FREELY SO.**

TOLL–FREE. 24/7. CONFIDENTIAL. INTERPRETERS AVAILABLE.

THIS SIGN IS REQUIRED UNDER STATE LAW."

(2) THE SIGN SHALL:

(I) BE AT LEAST 3 BY 5 INCHES IN SIZE;

(II) CONTAIN THE TEXT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN ENGLISH, SPANISH, AND ANY OTHER LANGUAGES REQUIRED BY THE FEDERAL VOTING RIGHTS ACT;

(III) DRAW ATTENTION TO THE PHONE NUMBER OF THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE BY SHOWING THE PHONE NUMBER IN BOLD TYPE; AND

(IV) BE PLACED ON THE DEPARTMENT WEBSITE.

(B) (1) A STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCY MAY ISSUE A CIVIL CITATION TO A LODGING ESTABLISHMENT REQUIRING IT TO POST PROMINENTLY IN EACH GUEST ROOM FOR 1 YEAR THE SIGN THAT IS IDENTICAL TO THE NOTICE REQUIRED TO BE PLACED ON THE WEBSITE OF THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION, IF THE LODGING ESTABLISHMENT IS LOCATED ON PROPERTY WHERE ARRESTS LEADING TO CONVICTIONS OF PROSTITUTION, SOLICITATION OF A MINOR, OR HUMAN TRAFFICKING UNDER TITLE 11, SUBTITLE 13 OF THE CRIMINAL LAW ARTICLE HAVE OCCURRED.

(2) A STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCY SHALL CONSIDER ANY ASSISTANCE IT RECEIVES FROM A LODGING ESTABLISHMENT IN AN INVESTIGATION LEADING TO A CONVICTION UNDER PARAGRAPH (1) OF THIS SUBSECTION IN DETERMINING WHETHER TO ISSUE A CITATION UNDER THIS SUBSECTION.

(C) (1) THE OWNER OF A LODGING ESTABLISHMENT THAT VIOLATES SUBSECTION (B)(1) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING $1,000.

(2) EACH GUEST ROOM THAT DOES NOT HAVE A SIGN IS NOT A SEPARATE VIOLATION.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 93 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Agriculture – Pest Control – Fees and Registration

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0093/374739/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 93
(First Reading File Bill)

On page 2, in line 20, strike "**10**" and substitute "**30**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #11

Senator Currie, Chair, for the Committee on Budget and Taxation moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1029 – Senators Klausmeier, Brochin, and Stone

AN ACT concerning

Baltimore County – Use of Public School Facilities – Games of Chance

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

THE COMMITTEE ON RULES REPORT #10

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 985 – Senator Muse

AN ACT concerning

Alexander L. Booker Child Protection Construction Site Safety Act

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 986 – Senators Pugh, Forehand, Harrington, Jones, King, Lenett, Madaleno, Raskin, and Rosapepe

AN ACT concerning

Education – Public High Schools and Public High School Students – Data Collection System

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1003 – Senator Pugh

AN ACT concerning

Income Tax – Subtraction Modification – Health Improvement and Disease Prevention Act of 2010

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1006 – Senator Pugh

AN ACT concerning

Baltimore City – Sale of Motor Fuel for Dirt Bikes – Prohibition

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1007 – Senator Pugh

AN ACT concerning

Public Schools – Law Enforcement Officers – Cultural Competency Training Program

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1021 – Senator McFadden

AN ACT concerning

Baltimore City – Alcoholic Beverages – License Fees

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1026 – Senator Rosapepe

AN ACT concerning

Maryland–Washington Regional District – Boundaries – City of Laurel

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1034 – Senator Muse

AN ACT concerning

State Government – Office of the Juvenile Justice Monitor

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1051 – Senator Muse

AN ACT concerning

Standardbred Recovery Act of 2010

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1059 – Senator Edwards

AN ACT concerning

Procurement – Employee Uniforms and Equipment – Place of Manufacture

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1063 – Senator Madaleno

AN ACT concerning

Task Force to Study Deceptive Real Estate Practices

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1066 – Senator Colburn

AN ACT concerning

Health Occupations – Facilities for Dental Radiology

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1071 – Senator Colburn

AN ACT concerning

Health Insurance – Definition of Bona Fide Wellness Program

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1075 – Senator Pipkin

AN ACT concerning

Health Services Cost Review Commission – Membership

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs and the Committee on Finance:

Senate Bill 1092 – Senators Rosapepe, Conway, Currie, Forehand, Frosh, Garagiola, Harrington, Jones, Lenett, Madaleno, Muse, Peters, Pugh, Raskin, and Zirkin

AN ACT concerning

Snowstorm and Related Climate Change Preparation Act

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs and the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1096 – Senator Astle

AN ACT concerning

Natural Resources – Fishery Management Reform Act – Task Force and Sunset Repeal

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1101 – Senator Stone

AN ACT concerning

Elevator Safety – Elevator Units in Churches – Exemption from Third–Party Inspections

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1104 – Senator Astle

AN ACT concerning

Environment – Heating Oil – Sulfur Content

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1107 – Senator Garagiola

AN ACT concerning

Renewable Energy Portfolio Standard – Renewable Energy Credits – Solar Water Heating Systems

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1120 – Senators Jacobs and Stone

EMERGENCY BILL

AN ACT concerning

Recognition of Out–of–State Same–Sex Marriages – Changes in Governmental Policies – Moratorium

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 1123 – Senator Frosh

AN ACT concerning

Political Subdivisions – Collective Bargaining Agreements – Binding Arbitration

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1124 – Senator Kasemeyer

AN ACT concerning

University System of Maryland – Audits – Communicating Preliminary Findings

The bill was re–referred to the Committee on Budget and Taxation.

MOTION

Senator Kelley moved, duly seconded, that the Senate receive in Open Session the following Report from the Committee on Executive Nominations.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #6

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #6
March 18, 2010

Amusement Ride Safety Board

1. Glenn Dale Fishack, Sr. District 2
13434 Bikle Road, P.O. Box 118
Smithsburg, MD 21783

Member of the Amusement Ride Safety Board; reappointed to serve a term of 4 years from July 1, 2010

Apprenticeship and Training Council

2. Robert F. Yeatman, Jr. District 33
5872 Swamp Circle Road, P.O. Box 232
Deale, MD 20751

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2008

Arts Council, Maryland State

3. Lora Bottinelli District 37
110 Walston Avenue
Salisbury, MD 21804

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2010

Chiropractic and Massage Therapy Examiners, State Board of

4. Ernestine Jones Jolivet District 10
9802 Mendoza Road
Randallstown, MD 21133

Member of the State Board of Chiropractic and Massage Therapy Examiners; appointed to serve a term of four years from July 1, 2010

Clean Energy Center, Board of Directors for Maryland

5. Carol Collins District 36
152 Mike Court
Elkton, MD 21921

Member of the Board of Directors for the Maryland Clean Energy Center; appointed to serve a term to expire June 30, 2014

Collection Agency Licensing Board

6. Eric S. Friedman District 16
8604 Maryland Avenue
Bethesda, MD 20814

Member of the Collection Agency Licensing Board; appointed to serve a term of four years from July 1, 2010

7. Susan K. Hayes District 30
1156 Ramblewood Drive
Annapolis, MD 21409

Member of the Collection Agency Licensing Board; reappointed to serve a term of four years from July 1, 2010

8. Joanne Young District 38
611 N. Pinehurst Avenue
Salisbury, MD 21801

Member of the Collection Agency Licensing Board; reappointed to serve a term of four years from July, 1 2010

Deaf and Hard of Hearing, Maryland Advisory Council for the

9. Shane H. Feldman District 4
10915 Oakcrest Circle
New Market, MD 21774

Member of the Maryland Advisory Council for the Deaf and Hard of Hearing; appointed to serve remainder of a term of three years from October 1, 2009

Economic Development Commission, Maryland

10. Kevin M. Johnson District 9
3109 Fox Valley Drive
West Friendship, MD 21794

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2009

Elevator Safety Review Board

11. Edward M. Hord District 42
1220 Copper Hill Road
Baltimore, MD 21209

Member of the Elevator Safety Review Board; reappointed to serve remainder of a term of three years from October 1, 2007 and a term of three years from October 1, 2010

12. Albert Michael Warfield District 28
11620 Bachelors Hope Court
Swan Point, MD 20645

Member of the Elevator Safety Review Board; reappointed to serve remainder of a term of three years from October 1, 2007 and a term of three years from October 1, 2010

13. Robert F. Yeatman, Jr. District 33
5872 Swamp Circle Road, P.O. Box 232
Deale, MD 20751

Member of the Elevator Safety Review Board; reappointed to serve remainder of a term of three years from October 1, 2007 and a term of three years from October 1, 2010

Emergency Number Systems Board

14. Colleen M. O'Neill District 5
4049 Rinehart Road
Westminster, MD 21158

Member of the Emergency Number Systems Board; appointed to serve a term of four years from July 1, 2009

Environmental Sanitarian Registration, State Board of

15. Karen L. Brandt District 28
1064 Norfold Drive
La Plata, MD 20646

Member of the State Board of Environmental Sanitarian Registration; appointed to serve a term of five years from July 1, 2010

16. Gwendolyn John District 33
86 Premier Court
Severna Park, MD 21146

Member of the State Board of Environmental Sanitarian Registration; appointed to serve a term of five years from July 1, 2010

Foresters, State Board of

17. Syed A. Karim District 19
7107 Intrepid Lane
Gaithersburg, MD 20879–5420

Member of the State Board of Foresters; appointed to serve remainder of a term of five years from July 1, 2009

Infants and Toddlers, Interagency Coordinating Council for

18. Guy Guzzone District 13
9702 Deep Smoke
Columbia, MD 21046

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2008

19. Brenda Wilson District 11
6 Rhodes Place
Timonium, MD 21093

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2010

Maryland Economic Development Corporation Board of Directors

20. Frederick J. Puente District 37
6388 Quantico Mill Lane
Quantico, MD 21856

Member of the Maryland Economic Development Corporation Board of Directors; appointed to serve remainder of a term of four years from July 1, 2008

Morgan State University Board of Regents

21. Nahila Bertrand District 43
Office of Residence of Life, Morgan State University, 1700 East Cold Spring Lane
Baltimore, MD 21251

Member of the Morgan State University Board of Regents; appointed to serve a term of one year from July 1, 2009

Professional Land Surveyors, State Board for

22. John Vernon Mettee, III District 35
1818 Morning Brook Drive
Forest Hill, MD 21050

Member of the State Board for Professional Land Surveyors; reappointed to serve a term of five years from July 1, 2010

23. Donald J. Ocker District 29
20070 Havirland Court
Lexington Park, MD 20653

Member of the State Board for Professional Land Surveyors; reappointed to serve a term of five years from July 1, 2010

School for the Deaf, Board of Trustees of the Maryland

24. Khadijat K. Rashid, Ph.D. District 13
7919 Fawn Run
Jessup, MD 20794

Member of the Board of Trustees of the Maryland School for the Deaf; appointed to serve remainder of a term of six years from October 1, 2008

Technology Development Corporation Board of Directors, Maryland

25. Claire M. Fraser–Liggett, Ph.D. District 9
12986 Brighton Dam Road
Clarksville, MD 21029

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve a term of four years from July 1, 2008

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Airport Zoning Appeals Board

S–1. Michael P. Ertel, Sr. District 42
505 West Joppa Road
Towson, MD 21204

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2010

S–2. John T. Hierholzer District 12
10325 Wilde Lake Terrace
Columbia, MD 21044

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2010

S–3. Henry A. Mack, Jr. District 32
311 Chestnut Road
Linthicum, MD 21090

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2010

S–4. Douglas E. Moore District 9
3714 Garand Road
Ellicott City, MD 21042

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2010

Apprenticeship and Training Council

S–5. Grant Blake Shmelzer District 16
4977 Battery Lane, Apt. 1019N
Bethesda, MD 20814

Member of the Apprenticeship and Training Council; appointed to serve a term of four years from July 1, 2009

Blind Industries and Services of Maryland, Board of Trustees of

S–6. Walter A. Brown, Ed.D. District 40
2156 Mt. Royal Terrace
Baltimore, MD 21217

Member of the Board of Trustees of Blind Industries and Services of Maryland; reappointed to serve a term of three years from July 1, 2010

S–7. Millicent Morris District 43
4611 Marble Hall Road
Baltimore, MD 21239

Member of the Board of Trustees of Blind Industries and Services of Maryland; reappointed to serve a term of three years from July 1, 2010

Canal Place Preservation and Development Authority

S–8. Frederick A. Thayer, IV District 1
208 Washington Street
Cumberland, MD 21502

Member of the Canal Place Preservation and Development Authority; reappointed to serve a term of four years from June 1, 2010

S–9. Andrew L. Vick District 1
12 South Mechanic Street
Cumberland, MD 21502

Member of the Canal Place Preservation and Development Authority; reappointed to serve a term of four years from June 1, 2010

Chiropractic and Massage Therapy Examiners, State Board of

S–10. Michael Fedorczyk, D.C. District 27
4004 Lakeview Turn
Dunkirk, MD 20754

Member of the State Board of Chiropractic and Massage Therapy Examiners; reappointed to serve a term of four years from July 1, 2010

Clean Energy Center, Board of Directors for Maryland

S–11. Jill A. T. Sorensen District 41
5804 Stony Run Drive
Baltimore, MD 21210

Member of the Board of Directors for the Maryland Clean Energy Center; reappointed to serve a term to expire June 30, 2014

Correctional Standards, Commission on

S–12. Maria T. Elmo, M.D. District 41
5605 Greenspring Avenue
Baltimore, MD 21209

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2010

S–13. Walter B. Ridley District 26
8301 Arden Lane
Fort Washington, MD 20744

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2010

Correctional Training Commission

S–14. Deborah J. Richardson District 10
3927 Susanna Road
Randallstown, MD 21133

Member of the Correctional Training Commission; reappointed to serve a term of three years from July 1, 2010

Deaf and Hard of Hearing, Maryland Advisory Council for the

S–15. Marian V. Bland District 11
2 Lydia Court
Pikesville, MD 21208

Member of the Maryland Advisory Council for the Deaf and Hard of Hearing; reappointed to serve a term of three years from October 1, 2009

Dietetic Practice, State Board of

S–16. Sandra E. Kick District 11
11 Tenby Court
Timonium, MD 21093

Member of the State Board of Dietetic Practice; reappointed to serve a term of four years from July 1, 2010

Economic Development Commission, Maryland

S–17. Richard Bernstein District 37
5820 Deepwater Drive
Oxford, MD 21654

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2010

S–18. Ricardo Martinez District 42
10370 Pot Spring Road
Timonium, MD 21093

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2010

S–19. Harold S. Stinger District 99
16147 Waterford Creek Circle
Hamilton, VA 20158

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2010

Emergency Number Systems Board

S–20. John L. Chew, Jr. District 30
1273 Bugeye Court
Annapolis, MD 21403

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2010

S–21. William A. Frazier District 28
29 Willow Lane, P.O. Box 492
La Plata, MD 20646

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2010

S–22. Steven R. Marshall District 38
124 N. Somerset Avenue
Crisfield, MD 21817

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2010

S–23. John S. Moulton, Jr. District 2
50 N. Burhans Boulevard
Hagerstown, MD 21740

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2010

Maryland Economic Development Corporation Board of Directors

S–24. C. Vernon Gray District 13
8502 Dark Hawk Circle
Columbia, MD 21045

Member of the Maryland Economic Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

S–25. David H. Michael District 33
1922 Chaparrall Court
Crownsville, MD 21032

Member of the Maryland Economic Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

Maryland School for the Blind, Board of Directors of the

S–26. Kimberley G. Alfonso District 16
7500 Woodmont Avenue #616
Bethesda, MD 20814

Member of the Board of Directors of the Maryland School for the Blind; reappointed to serve a term of three years from July 1, 2010

S–27. Craig D. Borne, Esq. District 8
14 Bellfalls Way
Baltimore, MD 21236

Member of the Board of Directors of the Maryland School for the Blind; reappointed to serve a term of three years from July 1, 2010

S–28. Lorraine A. Costella, Ph.D. District 13
5387 Graywing Court
Columbia, MD 21045

Member of the Board of Directors of the Maryland School for the Blind; reappointed to serve a term of three years from July 1, 2010

S–29. Cheryl D. Glenn District 45
314 House Office Building
Annapolis, MD 21401

Member of the Board of Directors of the Maryland School for the Blind; reappointed to serve a term of three years from July 1, 2010

Master Electricians, State Board of

S–30. Michael W. Berg District 11
10224 Davis Avenue
Granite, MD 21163

Member of the State Board of Master Electricians; reappointed to serve a term of three years from July 1, 2010

S–31. Michael T. Oles District 5
3839 Dakota Road
Hampstead, MD 21074

Member of the State Board of Master Electricians; reappointed to serve a term of three years from July 1, 2010

Residential Child Care Program Administrators, State Board for Certification of

S–32. Mary Giovanni Rode District 42
102 Westdale Court
Baltimore, MD 21903

Member of the State Board for Certification of Residential Child Care Program Administrators; reappointed to serve a term of four years from July 1, 2010

S–33. Ada P. Thomas District 12
5320 Dorsey Hall Drive
Ellicott City, MD 21043

Member of the State Board for Certification of Residential Child Care Program Administrators; reappointed to serve a term of four years from July 1, 2010

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 19, 2010.

The motion was adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 858 – Senators Conway, Astle, Brinkley, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett,

McFadden, Middleton, Miller, Munson, Peters, Pinsky, Pipkin, Pugh, Raskin, Reilly, Robey, Rosapepe, Simonaire, Stone, and Zirkin

AN ACT concerning

Maryland Winery Modernization Act

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

Senator Conway moved, duly seconded, to make the Bill a Special Order for March 19, 2010.

The motion was adopted.

Senate Bill 321 – Senator Stone

AN ACT concerning

The Delegate John Arnick Electronic Communications Traffic Safety Act of 2010

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Pipkin moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

Senate Bill 322 – Senator Stone

AN ACT concerning

Motor Vehicles – Use of Video Display Equipment

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0322/168576/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 322
(First Reading File Bill)

On page 2, in line 2, after "exclusively" insert "**BY A PUBLIC SERVICE COMPANY OR**"; in line 6, strike "electronic" and substitute "**VIDEO**"; strike beginning with "used" in line 6 down through "with" in line 7 and substitute "**THAT IS USED AS**"; in line 8, strike "**THAT**" and substitute "**EXCLUSIVELY FOR SAFETY, WHEN THE EQUIPMENT**"; and in line 10, after "**THE**" insert "**EQUIPMENT OR**".

The preceding amendment was read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for the end of today's business.

The motion was adopted.

Senate Bill 560 – Senators Forehand, King, and Madaleno

AN ACT concerning

Vehicle Laws – Traffic Citations – Option to Request Trial

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0560/438778/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 560
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Madaleno" and substitute "Madaleno, Frosh, Gladden, Brochin, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone".

AMENDMENT NO. 2

On page 1, in line 22, after "**NOTICE**" insert "**IN AT LEAST 14 POINT BOLDFACE TYPE**".

The preceding 2 amendments were read only.

Senator Zirkin moved, duly seconded, to make the Bill a Special Order for March 19, 2010.

The motion was adopted.

Senate Bill 158 – Senators Brochin and Muse

AN ACT concerning

Foreclosures – Unpaid Water and Sanitary Charges – Prohibition

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR COLBURN.

FLOOR AMENDMENT

SB0158/373125/2

BY: Senator Colburn

AMENDMENTS TO SENATE BILL 158, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments (SB0158/118373/1), in line 3 of Amendment No. 1, after "requiring" insert ", except in certain counties,".

AMENDMENT NO. 2

On page 2 of the Judicial Proceedings Committee Amendments, in line 1 of Amendment No. 2, strike "**THE**" and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE**"; in lines 3 and 6 of Amendment No. 2, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and in line 7 of Amendment No. 2, after "**$750.**" insert:

"**(2) THIS SUBSECTION DOES NOT APPLY IN CAROLINE COUNTY, CECIL COUNTY, DORCHESTER COUNTY, KENT COUNTY, QUEEN ANNE'S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY, OR WORCESTER COUNTY.**".

The preceding 2 amendments were read only.

Senator Haines moved, duly seconded, to postpone indefinitely further action on **Senate Bill 158** .

The motion was adopted by a roll call vote as follows:

Affirmative – 24 Negative – 23 (See Roll Call No. 505)

Senate Bill 279 – The President (By Request – Administration) and Senators Frosh, Lenett, Currie, Della, Gladden, Harrington, Kelley, Klausmeier, Madaleno, Middleton, Pinsky, Raskin, Robey, and Rosapepe

AN ACT concerning

Maryland False Health Claims Act of 2010

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

FLOOR AMENDMENT

SB0279/763228/1

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 279
(First Reading File Bill)

On page 11, in line 12, strike "**AND**"; and in line 15, after "**ACTION**" insert "**; AND**

(III) THE PERSON WHO INITIATED THE ACTION SHALL OBTAIN THE CONSENT OF THE STATE BEFORE FILING ANY MOTIONS, SUBPOENAS, DISCOVERY REQUESTS, NOTICES OF DEPOSITION, OR SETTLEMENT AGREEMENTS".

The preceding amendment was read only.

Senator Kittleman moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senate Bill 321 – Senator Stone

AN ACT concerning

The Delegate John Arnick Electronic Communications Traffic Safety Act of 2010

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Pipkin moved, duly seconded, to make the Bill a Special Order for March 19, 2010.

The motion was adopted.

Senate Bill 322 – Senator Stone

AN ACT concerning

Motor Vehicles – Use of Video Display Equipment

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0322/168576/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 322
(First Reading File Bill)

On page 2, in line 2, after "exclusively" insert "**BY A PUBLIC SERVICE COMPANY OR**"; in line 6, strike "electronic" and substitute "**VIDEO**"; strike beginning with "used" in line 6 down through "with" in line 7 and substitute "**THAT IS USED AS**"; in line 8, strike "**THAT**" and substitute "**EXCLUSIVELY FOR SAFETY, WHEN THE EQUIPMENT**"; and in line 10, after "**THE**" insert "**EQUIPMENT OR**".

The preceding amendment was read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 19, 2010.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 506)

ADJOURNMENT

At 12:12 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 19, 2010.

Annapolis, Maryland
Friday, March 19, 2010
11:00 A.M. Session

The Senate met at 11:10 A.M.

Prayer by Reverend Michael E. Erickson, Professor at Capital Bible Seminary and Chaplain, Boy Scouts of America, guest of Senator Glassman.

(See Exhibit A of Appendix III)

The Journal of March 18, 2010 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 513)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 106 – Delegates Dumais, Rosenberg, Anderson, Barnes, Carter, Conaway, Frush, Gutierrez, Ivey, Jones, Lafferty, Lee, Levi, Oaks, Simmons, Valderrama, and Waldstreicher

AN ACT concerning

Civil Cases – Maryland Legal Services Corporation Fund ~~– Surcharges~~

FOR the purpose of altering a certain surcharge on certain fees, charges, and costs in certain civil cases in the circuit courts and the District Court; requiring the executive director of the Maryland Legal Services Corporation to prepare a budget for the Corporation; requiring a certain informational budget to be submitted to the General Assembly in conjunction with the budget of the Judicial Branch of the State Government; providing for the termination of this Act; making a stylistic change; and generally relating to ~~certain surcharges deposited into~~ the Maryland Legal Services Corporation Fund.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings
Section 7–202(a)(1) and (d) and 7–301(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 7–202(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Human Services
Section 11–208
Annotated Code of Maryland
(2007 Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 110 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

Dorchester County – Alcoholic Beverages – Clubs – Membership

FOR the purpose of reducing in Dorchester County the membership requirements for certain fraternal organizations and armed forces organizations or clubs to obtain a Class C beer, wine and liquor license; and generally relating to alcoholic beverages licenses in Dorchester County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–301(a)(1) and (k)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–301(k)(4) and (5)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 112 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

Dorchester County – Alcoholic Beverages License Holders – Fines

FOR the purpose of increasing the maximum fine that the Dorchester County Board of License Commissioners may impose on a holder of an alcoholic beverages license instead of or in addition to suspending the license for a violation of the alcoholic beverages laws; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 16–507(k)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 120 – Delegates Kelly, Vallario, Dumais, Elmore, Frank, Jennings, Kramer, Schuler, Shank, Simmons, Smigiel, and Waldstreicher

AN ACT concerning

Law Enforcement Officers – Unsubstantiated Complaints – Admissibility

FOR the purpose of providing that evidence of a certain complaint against a law enforcement officer is not admissible in a certain proceeding if the complaint resulted in a certain outcome; and generally relating to the admissibility of evidence relating to a law enforcement officer.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–110
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 176 – Delegates Hixson, Hucker, Manno, Olszewski, Reznik, ~~and Robinson~~ Robinson, Kaiser, Bronrott, Carr, George, Healey, Ivey, Love, Kramer, Montgomery, Niemann, Ramirez, Sophocleus, Waldstreicher, Murphy, and Myers

AN ACT concerning

Public Schools – Student Information – Availability to Military Recruiters

FOR the purpose of requiring certain public schools that administer the Armed Services Vocational Aptitude Battery (ASVAB) to choose a certain score reporting option for military recruiter contact; requiring certain public schools to send a certain notice containing certain information to the ASVAB representative coordinating the administration of the ASVAB and to notify certain students and the parent or guardian of certain students of certain release of student information requirements; providing that certain students or the parent or guardian of certain students who choose to release certain information to military recruiters may individually submit certain forms to the military services; defining a certain term; and generally relating to public schools and the availability of student information for military recruiters.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–111
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 199 – Delegates Pendergrass, Carr, Conaway, Costa, DeBoy, Guzzone, McDonough, Mizeur, Montgomery, Robinson, Smigiel, Sophocleus, Sossi, F. Turner, and Walkup

AN ACT concerning

Homestead Property Tax Credit – Eligibility of Employees of the Federal Government Stationed Outside the State

FOR the purpose of providing that under certain circumstances a homeowner who is an employee of the federal government stationed outside the State may qualify for the homestead property tax credit if the homeowner is otherwise eligible for the credit but does not actually reside in a dwelling for the required time period; providing for the calculation of the homestead property tax credit ~~for a certain taxable year~~ under certain circumstances; providing for the application of this Act; and generally relating to the homestead property tax credit.

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9–105(a)(1) through (3) and (b)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Tax – Property

Section 9–105(c)(6)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 203 – Delegates Cardin, Bromwell, Hecht, Lafferty, Love, Morhaim, Olszewski, Rosenberg, Schuler, ~~and Stein~~ Stein, Bartlett, Barve, Boteler, Doory, Elmore, Frick, George, Gilchrist, Hixson, Howard, Ivey, Kaiser, Murphy, Myers, Rice, Ross, Shank, Stukes, F. Turner, and Walker

AN ACT concerning

Sales and Use Tax – Exemptions – Veterans' Organizations

FOR the purpose of providing for an exemption from the sales and use tax for sales to certain veterans' organizations; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to a sales and use tax exemption for sales to certain veterans' organizations.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–204(a)(7) and (8)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY adding to
Article – Tax – General
Section 11–204(a)(9)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–204(a)(6) and (7)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)
(As enacted by Chapters 217 and 218 of the Acts of the General Assembly of 2006, as amended by Chapter 506 of the Acts of the General Assembly of 2009)

BY adding to
Article – Tax – General
Section 11–204(a)(8)
Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)
(As enacted by Chapters 217 and 218 of the Acts of the General Assembly of 2006, as amended by Chapter 506 of the Acts of the General Assembly of 2009)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 226 – Delegate Anderson (By Request – Baltimore City Administration) and Delegate McHale

AN ACT concerning

Baltimore City Police Department Death Relief Fund – Procedures and Benefit Amount

FOR the purpose of altering the amount of benefit payable from the Baltimore City Police Department Death Relief Fund because of the death of an officer or civilian employee under certain circumstances; changing certain references to the rank of "captain" to be references to the rank of "deputy major"; ~~requiring a certain oath of office taken by a certain trustee to be administered by the Police Commissioner of Baltimore City or the Police Commissioner's designee and requiring the oath to be filed in the Police Commissioner's office;~~ repealing a requirement that copies of a certain report of the board of trustees of the Fund be submitted for posting at certain facilities; requiring a certain report of the board of trustees of the Fund to be provided to all members of the board by electronic mail; requiring the board of trustees of the Fund to post copies of a certain report on the Baltimore City Police Department's Intranet; and generally relating to the Baltimore City Police Department Death Relief Fund.

BY repealing and reenacting, without amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 16–101
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 16–103(a), 16–105(a)(1) ~~and (d)~~, and 16–106(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 230 – Howard County Delegation

AN ACT concerning

Howard County Ethics Law – Clarifications and Enhancements
Ho. Co. 1–10

FOR the purpose of altering provisions of the Howard County ethics law; clarifying a certain definition; making certain persons subject to the Howard County ethics law under certain circumstances; altering provisions governing the preparation of a certain report about the affidavits and disclosures filed by certain persons under the Howard County ethics law; requiring that the summary reports be made available for immediate inspection by the public; and generally relating to the Howard County ethics law.

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–848 and 15–849
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Government
Section 15–850
Annotated Code of Maryland
(2009 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 279 – Delegates Robinson ~~and Tarrant~~, Tarrant, Carter, Rosenberg, and Oaks

AN ACT concerning

Baltimore City – Park Heights Redevelopment Area – Alcoholic Beverages – Store Opening Hours

FOR the purpose of altering the time at which establishments issued certain alcoholic beverages licenses in the Park Heights Redevelopment Area in Baltimore City may begin selling alcoholic beverages; making certain technical corrections; and generally relating to alcoholic beverages licensees in Baltimore City.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–203(a), (b), and (d)(1), 11–302(b)(1) and (d)(1), and 11–303(d)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages

Section 8–203(d)(3), 11–302(a), (b)(2), (d)(2), and (j), and 11–303(a), (b), and (d)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 11–302(j) and 11–303(g)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 327 – Delegates Carter, Conaway, McConkey, and Vallario

AN ACT concerning

Estates – Disqualification – Conviction for Unlawfully Obtaining Property of Vulnerable Adult or Elderly Individual

FOR the purpose of altering the extent to which a person convicted of a certain prohibition against unlawfully obtaining property from a certain victim shall be disqualified from inheriting, taking, enjoying, receiving, or otherwise benefitting from the estate, insurance proceeds, or property of the victim; providing that a certain person be treated as if the person predeceased a certain victim under certain circumstances; requiring a certain person to make full restitution for a certain erroneously made distribution to another certain person; providing that a certain defendant has a certain burden of proof; making a clarifying change; providing for the application of this Act; and generally relating to a certain disqualification concerning the estate, insurance proceeds, or property of a certain victim under certain circumstances.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 8–801
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY adding to
Article – Estates and Trusts
Section ~~9–113~~ 11–110
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 365 – Delegates Anderson, G. Clagett, Conaway, DeBoy, Frank, Glenn, Ivey, Kelly, Levi, O'Donnell, Ramirez, Schuler, Shank, V. Turner, Valderrama, and Waldstreicher

AN ACT concerning

Criminal Law – Assault – Law Enforcement Officers and Parole and Probation Agents

FOR the purpose of prohibiting a person from intentionally causing physical injury to another if the person knows or has reason to know that the other is a parole or probation agent engaged in performing the agent's official duties; establishing penalties for a violation of this Act; ~~increasing the penalty for the crime of intentionally causing physical injury to another if the person knows or has reason to know that the other is a law enforcement officer engaged in the performance of the officer's official duties;~~ and generally relating to assaults on law enforcement officers and parole and probation agents.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 3–201
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–203
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 391 – Delegates Lafferty, Frank, and Aumann

AN ACT concerning

Baltimore County – Towson Commercial Revitalization District – Alcoholic Beverages Licenses – Restaurants

FOR the purpose of ~~lowering~~ altering in the Towson Commercial Revitalization District in Baltimore County the ~~minimum~~ amount of capital investment required for certain restaurants for which certain alcoholic beverages licenses may be transferred and new licenses issued; altering the food sales and seating capacity requirements for certain restaurants; ~~reducing the time by a certain amount that an applicant for transfer must wait under certain circumstances;~~ and generally relating to alcoholic beverages licenses for restaurants in Baltimore County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–204.3(a) ~~and (b)(1)~~, (b)(1), and (f)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–204.3(d)(3) and (5) ~~and (f)~~
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing
Article 2B – Alcoholic Beverages
Section 8–204.3(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–204.3(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 400 – Delegate Beitzel

AN ACT concerning

Garrett County – Wine Festival License – Qualifications – Hearing and Notice

FOR the purpose of altering the requirements for a wine festival license in Garrett County to allow certain additional applicants to be issued the license; requiring that the Board of License Commissioners hold a hearing before a license is issued; requiring that the Board publish a certain notice before a certain time; and generally relating to alcoholic beverages licenses in Garrett County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–308.2
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 418 – Delegate Beitzel

AN ACT concerning

Garrett County – Noncertificated Public School Employees – Service Fees

FOR the purpose of authorizing the Garrett County Board of Education to negotiate with certain employee organizations a reasonable service fee to be charged to nonmember noncertificated employees for representing the employees in certain matters; prohibiting certain nonmember noncertificated employees from being charged a service fee under certain circumstances; and generally relating to service fees for nonmembers of certain employee organizations in Garrett County.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–504
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 444 – Delegate Cardin

AN ACT concerning

Election Law – Citizens Who Have Not Lived in the United States – Right to Vote

FOR the purpose of providing that a citizen who has not lived in the United States but has a parent who is a resident of the State is a resident of the State for purposes of voter registration; prohibiting an individual from being considered a resident of the State if the individual has established a domicile outside the State; authorizing an individual to register to vote and vote only in elections for federal office in the county in the State where a parent resides if the individual meets certain requirements; and generally relating to enfranchising certain citizens who have not lived in the United States.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–102
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 485 – Delegate Malone

AN ACT concerning

Motor Vehicle Equipment – Spare Tire Requirement – Application

FOR the purpose of expanding the requirement that a motor vehicle manufacturer equip certain motor vehicles with a spare tire that conforms with State law to apply to ~~all~~ certain additional new motor vehicles sold in the State; creating an exception to the spare tire equipment standard for a motor vehicle equipped with a factory installed temporary tire repair and inflation system; making a stylistic change; and generally relating to motor vehicle spare tire equipment standards in the State.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 22–405
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 22–405.3
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 499 – ~~Delegate Malone~~ Delegates Malone, Bates, Conaway, Anderson, and Norman

AN ACT concerning

Motor Vehicles – Approaching Emergency Vehicles and Personnel

FOR the purpose of requiring drivers approaching an emergency vehicle that is stopped, standing, or parked on a highway and using any visual signals, unless otherwise directed by a police officer or traffic control device, to vacate the lane closest to the emergency vehicle under certain circumstances or to slow to a reasonable and prudent speed that ensures the safety of the emergency services personnel under certain circumstances; and generally relating to the rules of the road when approaching emergency vehicles and personnel.

BY repealing and reenacting, with amendments,

Article – Transportation
Section 21–405
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 535 – Cecil County Delegation

AN ACT concerning

Cecil County – Alcoholic Beverages – Entertainment Facility License

FOR the purpose of creating in Cecil County a Class EF (entertainment facility) beer, wine and liquor license; authorizing a license holder to sell beer, wine, and liquor, from one or more outlets in a certain entertainment facility, for consumption anywhere in the entertainment facility only; requiring a facility for which a license is issued to have a certain amount of capital investment; authorizing the Board of License Commissioners to issue one or more licenses for the same facility; specifying that the license authorizes the playing of music and dancing; specifying the hours of sale and a certain license fee; and generally relating to alcoholic beverages licenses in Cecil County.

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(i)(4)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 551 – Wicomico County Delegation

AN ACT concerning

Wicomico County – Alcoholic Beverages – Beer Tasting – Workers in Licensed Establishments

FOR the purpose of creating in Wicomico County a beer tasting (BT) license and a beer/wine tasting (BWT) license; specifying to whom the licenses may be issued; providing for license fees, applications, renewals, and issuance procedures; setting certain maximum limits on the amounts of individual servings and open containers and bottles of beer and wine at certain events; specifying certain restrictions and notice requirements on certain beer or wine events; authorizing the Board of License Commissioners to adopt certain regulations; authorizing a person of a certain age who has a valid work permit to be employed for certain

purposes at premises that are licensed to sell alcoholic beverages in Wicomico County; making certain stylistic changes; and generally relating to alcoholic beverages in Wicomico County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–101(a)(1) and (x)(1), 6–401(a)(1) and (x)(1), and 12–302(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–101(x)(5)(i), 6–401(x)(6), and 8–412
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 12–302(b)(13)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 567 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – License Fees and Salaries of Inspectors

PG 305–10

FOR the purpose of altering the fees for certain alcoholic beverages licenses in George's County; repealing a certain alcoholic beverages license in Prince George's County; increasing the percentage of alcohol by volume in wine for consumption purposes allowed under a certain wine tasting license in Prince George's County; requiring that alcoholic beverages inspectors in Prince George's County shall receive a certain annual salary; and generally relating to alcoholic beverages in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 3–101(r), 3–201(r)(1), 3–301(r), 3–401(r), 5–101(r), 5–201(r)(2) and (4)(ii), 5–301(r), 5–401(r), 6–101(r), 6–201(r)(2)(i)1., (ii)2., and (iii)2., (3)(i), (5)(ii), (6)(ii), (8)(ii), (9)(ii), (10)(ii), (11)(ii), (12)(ii), (13)(ii), (14)(ii), (15)(iii),

(16)(iii), and (17)(iii), 6–301(r)(2)(ii), (3)(ii), (4)(ii), (5)(ii), (6)(ii), and (7)(ii), 7–101(b)(11)(i), (d)(11)(i), and (x), 8–409(a), 8–505(b)(5), 8–702(e)(1), ~~and~~ 8–1001(e), and 15–109(r)(6)

Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 5–201(r)(1) and (4)(i) and (iii), 6–201(r)(1)(i), (2)(i)2., (ii)1., and (iii)1., (5)(i), (6)(i), (8)(i), (9)(i), (10)(i), (11)(i), (12)(i), (13)(i), (14)(i), (15)(i), (16)(ii), and (17)(i), 6–301(r)(1), (2)(i), (3)(i), (4)(i), (5)(i), (6)(i), and (7)(i), 7–101(b)(11)(ii) and (d)(11)(ii), 8–702(b) and (c), ~~and~~ 8–1001(b) and (c), and 15–109(r)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing
Article 2B – Alcoholic Beverages
Section 6–201(r)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 571 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages Licenses – Waterfront Entertainment Retail Complex

PG 316–10

FOR the purpose of authorizing the Board of License Commissioners for Prince George's County to issue a special Class D beer and wine license for an establishment in a certain waterfront entertainment retail complex; specifying the hours and days of sale; specifying that the license holder need not meet any food requirements; specifying that beer and wine may be sold on or off the premises; authorizing the Board to issue a Class D beer and wine license to an individual or entity that holds a certain event in a certain location; authorizing the license holder to sell beer and wine for consumption on or off the licensed premises; specifying the days and hours of sale; specifying that the event may not last longer than a certain time; providing that a holder of the licenses is not prevented from holding a certain other license; authorizing the Board to adopt certain regulations; setting certain license fees; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–401(r) and 7–101(b)(11)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 573 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Class A/Class 4 Light Wine Licenses

PG 312–10

FOR the purpose of authorizing a Class A light wine license to be issued in Prince George's County; exempting a winery that applies for a certain license from certain quotas; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 4–201(a) and (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 582 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Prince George's County – Issuance of Alcoholic Beverages Licenses and Park Permits – Notification
PG/MC 112–10

FOR the purpose of requiring the Prince George's County Board of License Commissioners to notify certain county officials and, if applicable, a certain municipal corporation, of certain information when the Board issues a special Class C beer, wine and liquor license; requiring an administrative official who issues a use and occupancy permit in Prince George's County to notify promptly

certain county officials and, if applicable, a certain municipal corporation, when the Commission official issues a certain permit that allows entertainment to be held in the county under certain circumstances; 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 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 7–101(d)(11)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 8–119
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 619 – Delegate James

AN ACT concerning

State Contributory Law Enforcement Officers' Pension System – Transfer of Service Credit

FOR the purpose of providing that certain members of the State Contributory Law Enforcement Officers' Pension System may transfer certain service credit from the Employees' Pension System in a certain manner; requiring that certain members of the State Contributory Law Enforcement Officers' Pension System who transfer certain service credit from the Employees' Pension System complete and file certain forms with the Board of Trustees of the State Retirement and Pension System by a certain date; defining a certain term; providing for the termination of certain provisions of this Act; and generally relating to the transfer of service credit for members of the State Contributory Law Enforcement Officers' Pension System.

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 625 – Delegates Simmons, Anderson, Eckardt, Lee, Smigiel, and Valderrama

AN ACT concerning

Domestic Violence – Domestic Violence Central Repository

FOR the purpose of requiring the Administrative Office of the Courts to maintain a Domestic Violence Central Repository; requiring that the Central Repository store certain domestic violence orders issued in the State; establishing the purposes of the Central Repository; defining a certain term; and generally relating to domestic violence and the Domestic Violence Central Repository.

BY adding to
Article – Family Law
Section 4–512
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 631 – Delegates Niemann, Beidle, and Holmes

AN ACT concerning

Natural Resources – Park Advisory Commission – Membership

FOR the purpose of increasing the membership of the Park Advisory Commission in the Department of Natural Resources; repealing certain obsolete language; and generally relating to the Park Advisory Commission.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–204
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 633 – Delegates Niemann, Beidle, Holmes, and McConkey

AN ACT concerning

Real Property – Mortgages and Deeds of Trust – Authority to Exercise a Power of Sale

FOR the purpose of providing that failure to name any trustee in a deed of trust does not have any effect on an instrument under certain circumstances; clarifying that a mortgage or deed of trust may authorize the sale of property or declare a borrower's assent to the passing of a decree for the sale of the property under certain circumstances; clarifying that a power of sale or assent to decree authorized in a mortgage or deed of trust may be exercised only by an individual; providing that the individual selling the property under a power of sale need not be named in the mortgage or deed of trust; providing that an error or omission in a mortgage or deed of trust concerning the designation of the trustee or individual authorized to exercise a power of sale does not invalidate the instrument or the ability of the mortgagee or beneficiary of the deed of trust to appoint an individual to exercise the power of sale; authorizing the holder of a mortgage or deed of trust to make ~~in any foreclosure proceeding a substitution~~ appointments or substitutions of ~~the~~ a trustee or an individual authorized to exercise a power of sale under certain circumstances; defining a certain term; providing for the application of this Act; and generally relating to the authority to exercise a power of sale in mortgages and deeds of trust.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 4–109 and 7–105
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 667 – Delegates Elmore, Cane, Conway, Mathias, and Rudolph

AN ACT concerning

~~Somerset, Wicomico, and Worcester Counties –~~ Vehicle Laws – Exceptional Hauling Permits – Validity in Select Eastern Shore Counties

FOR the purpose of including Dorchester County, Somerset County, Talbot County, Wicomico County, and Worcester County as counties in which an exceptional hauling permit issued by the State Highway Administration is valid for a combination of vehicles that transports certain forestry products, subject to certain axle configuration requirements, increased maximum load limits, weight tolerances, inspection requirements, operation restrictions and requirements, penalties, record keeping and reporting requirements, and fees; and generally relating to vehicle laws and exceptional hauling permits.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–113.2
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 668 – Harford County Delegation

AN ACT concerning

Harford County – Liquor Control Board Membership – Nomination Process

FOR the purpose of altering the process in which nominees are selected for vacancies on the Harford County Liquor Control Board resulting from expired terms; requiring the County Executive to submit the name of one nominee within a certain time to the County Delegation of State Senators and Delegates for its advice and consent; requiring the County Delegation to approve or reject the nominee within a certain time; specifying that if the County Delegation fails to act the nominee shall be considered to have been approved; requiring the County Executive to submit the name of a new nominee to the County Delegation under certain circumstances if the previous nominee is rejected; requiring the County Executive to submit the name of the nominee approved by the County Delegation to the County Council for its advice and consent; specifying certain procedures to follow to fill a vacancy on the Board other than one resulting from an expired term; and generally relating to the Harford County Liquor Control Board.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–201(c)(3) and (j)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 685 – Delegates Stein, Cardin, Carr, Hucker, and Morhaim

AN ACT concerning

Environment – Fluorescent and Compact Fluorescent Light Recycling – County Plans

FOR the purpose of requiring a county recycling plan to address the collection and recycling of certain fluorescent lights; requiring a county to submit a revised recycling plan by a certain date; and generally relating to recycling fluorescent lights.

BY repealing and reenacting, with amendments,
Article – Environment

Section 9–1703
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 689 – Delegates Myers, Beitzel, Kelly, Miller, Serafini, Shank, and Stull

AN ACT concerning

Natural Resources – POWs and Disabled Veterans – Exception to Trout Stamp Requirement

FOR the purpose of creating an exception for certain holders of a lifetime complimentary angler's license who are former prisoners of war or service disabled veterans to the requirement to obtain a trout stamp before catching or possessing freshwater trout; and generally relating to exceptions to the requirement to obtain trout stamps.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–607
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–614
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 695 – Delegate Hecht

AN ACT concerning

~~Real Property –~~ Homeowners Association – Annual Budget – Notice, Information, and Adoption

FOR the purpose of requiring the board of directors or other governing body of a homeowners association to prepare and submit an annual proposed budget to the lot owners by a certain time period before its adoption; authorizing the annual proposed budget and notice of the meeting at which the proposed budget

will be considered to be sent to lot owners by electronic transmission, by posting on the homeowners association's home page, or by including the annual proposed budget or notice in the homeowners association's newsletter; requiring the budget to include certain items; requiring the budget to be adopted at an open meeting of the homeowners association or other body to whom the homeowners association has delegated responsibilities for preparing and adopting a budget; requiring that certain expenditures, under certain conditions, arising after the adoption of the budget that would result in an assessment greater than a certain percent of the budgeted amount, be adopted by a budget amendment at a special meeting of the homeowners association; requiring written notice of the special meeting to be given to the lot owners by a certain time period before the meeting; providing that the adoption of a budget does not impair certain authority of the homeowners association for certain expenditures for certain purposes; providing for the application of this Act; and generally relating to the preparation and adoption of an annual budget by a homeowners association.

BY adding to
Article – Real Property
Section 11B–112.2
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 724 – ~~**Delegates Love, Barnes, Beidle, V. Clagett, Costa, Dwyer, Frush, George, King, Kipke, McConkey, Pena-Melnyk, Schuh, and Sophocleus**~~ **Anne Arundel County Delegation**

AN ACT concerning

Anne Arundel County – Property Tax Credit – ~~Habitat for Humanity of the Chesapeake ReStore~~ Arundel Habitat for Humanity, Inc.

FOR the purpose of authorizing the governing body of Anne Arundel County or of a municipal corporation in Anne Arundel County to grant, by law, a property tax credit against the county or municipal tax imposed on certain real property that is owned by ~~Habitat for Humanity of the Chesapeake ReStore~~ Arundel Habitat for Humanity, Inc.; authorizing the governing body of Anne Arundel County or of a municipal corporation in Anne Arundel County to provide, by law, for the amount, terms, scope, and duration of the credit and to provide for any other provision necessary to carry out the tax credit; providing for the application of this Act; and generally relating to a property tax credit for certain real property owned by ~~Habitat for Humanity of the Chesapeake ReStore.~~ Arundel Habitat for Humanity, Inc.

BY repealing and reenacting, with amendments,

Article – Tax – Property
Section 9–303(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 812 – Delegate Rudolph

AN ACT concerning

Environment – Water Service – ~~Property Owners~~ Billing

FOR the purpose of clarifying that a political subdivision shall send a bill for water service to ~~each~~ the property, the property owner, or the property owner's designee for each property served on a monthly, quarterly, or semiannual basis; and generally relating to bills for water service.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–724(c)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–724(c)(2) and (3)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 818 – Delegates Dumais, Simmons, and Sophocleus

AN ACT concerning

Criminal Law – Trespass on Posted Property and Wanton Trespass on Private Property – Penalties

FOR the purpose of increasing the penalties for subsequent violations of the crime of trespass on posted property; increasing the penalties for subsequent violations of the crime of wanton trespass on private property; and generally relating to penalties for the trespass crimes.

BY repealing and reenacting, with amendments,
Article – Criminal Law

Section 6–402 and 6–403
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 844 – Delegates Conway, Mathias, and Rudolph

AN ACT concerning

Local Government Funds – Redeposit into Insured Accounts

FOR the purpose of authorizing a local government to deposit unexpended or surplus money in any federally insured bank or savings and loan association without certain security under certain conditions; and generally relating to the deposit of local government funds.

BY repealing and reenacting, with amendments,
Article 95 – Treasurer
Section 22–O
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 948 – Delegates Olszewski, Aumann, Cardin, DeBoy, Lafferty, Malone, Minnick, and Schuler

AN ACT concerning

Baltimore County – Bargaining Unit for Public School Employees

FOR the purpose of altering certain provisions of law relating to the designation of the exclusive representative for certain public school employees in Baltimore County; repealing provisions that authorized Baltimore County to designate as a separate bargaining unit only certain registered nurses in certain schools in the county; prohibiting more than two bargaining units in Baltimore County and requiring each unit to consist of certain employees; and generally relating to bargaining units for public school employees in Baltimore County.

BY repealing and reenacting, without amendments,
Article – Education
Section 6–401(d)(1) and (3)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 6–404
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 1053 – Delegates Simmons and Stifler

AN ACT concerning

Child Pornography – Matter Reflecting Belief That a Minor Is Depicted in a Certain Manner

FOR the purpose of prohibiting a person from knowingly promoting, advertising, presenting, soliciting, distributing, or possessing with the intent to distribute any matter, purported matter, visual representation, or performance that reflects the belief, or is intended to cause another to believe, that the matter depicts a minor engaged as a subject of sadomasochistic abuse or sexual conduct; expanding a certain provision of the child pornography laws so as to prohibit a person from knowingly advertising, presenting, or soliciting any matter, purported matter, visual representation, or performance that depicts a minor engaged as a subject of sadomasochistic abuse or sexual conduct; and generally relating to child pornography.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 11–207
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1134 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Bates, Branch, Eckardt, Gutierrez, Haynes, James, Jones, and Schuh

AN ACT concerning

State Retirement and Pension System – Eligible Governmental Units

FOR the purpose of providing that the effective date of certain eligible governmental units to join the State Retirement and Pension System shall be postponed to a certain date if the Board of Trustees for the State Retirement and Pension System does not receive certain documents on or before a certain date from the eligible governmental unit; making certain technical and clarifying changes to the State Personnel and Pensions Article; deleting certain obsolete provisions in

the State Personnel and Pensions Article; defining certain terms; and generally relating to eligible governmental units participating in the State Retirement and Pension System.

BY repealing
Article – State Personnel and Pensions
Section 31–201 through 31–205 and the subtitle "Subtitle 2. Participation in the Local Fire and Police System"
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 31–101(a), 31–2A–01(a), and 31–2B–01(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 31–101(e) and (h), 31–109.1, 31–2A–01(f), 31–2A–03, 31–2A–03.1, 31–2A–05, 31–2B–01(e), 31–2B–03, 31–2B–05, 31–301, 31–302, 31–304, 31–305, and 31–306
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 31–2A–01(g), 31–2B–01(f), and 31–2B–03.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 1160 – Delegates Busch, Dumais, Gilchrist, Heller, Hixson, Ivey, Kaiser, Kramer, Manno, Myers, Olszewski, ~~and Rice~~ Rice, Frick, Shank, Murphy, Elmore, F. Turner, Barve, Bartlett, Ross, Walker, Stukes, and George

AN ACT concerning

Safe Schools Act of 2010

FOR the purpose of requiring the juvenile court to notify a certain school official that a child has been found to be delinquent, in need of assistance, or in need of supervision and committed to a certain agency under certain circumstances; requiring a court to notify certain school officials if a child found to be delinquent, in need of assistance, or in need of supervision is no longer

committed to the custody of certain agencies; requiring that certain information transmitted by the juvenile court to certain school officials relating to a child found to be delinquent, in need of assistance, or in need of supervision is confidential and may not be made part of the student's permanent educational record; authorizing a local superintendent of schools to transmit certain information as a confidential file to certain persons under certain circumstances; adding certain offenses to a list of offenses for which a student is arrested that are required to be reported to certain school officials under certain circumstances; requiring a certain local law enforcement agency to notify a school security officer of the arrest of a student for a certain offense within a certain period of time under certain circumstances; authorizing a certain law enforcement agency to notify the State's Attorney of the arrest of a student for a certain offense; requiring the State Board of Education to adopt certain regulations; requiring a local school superintendent and a school principal to consider prohibiting a student who is arrested for a reportable offense from attending the same school or riding on the same school bus as the alleged victim under certain circumstances; prohibiting a student who is convicted of or adjudicated delinquent for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same school bus as the victim; requiring ~~each public middle and high school~~ certain public schools to designate at least one school security officer; requiring the State Board of Education to develop a model policy to address gangs and gang–like activity in schools; specifying the components of the model policy; requiring each county board of education to establish a policy to address gangs and gang–like activity; requiring each county board to develop the policy in consultation with certain groups; requiring each county board to publicize its policy in a certain manner; requiring each county board to submit its policy to the State Board by a certain date; requiring each county board to develop certain educational programs to address gangs and gang–like activity in schools; requiring a school employee to report suspected gang or gang–like activity to certain school officials; authorizing certain school officials to take certain actions; requiring each county superintendent of schools to require certain school security meetings for certain schools; requiring the participation of certain individuals in school security meetings; requiring each county superintendent to enter into a certain memorandum of understanding with the county State's Attorney's Office; requiring the State Department of Education to submit a certain report to the General Assembly on or before a certain date each year; requiring the Governor's Office of Crime Control and Prevention to perform certain actions and submit a certain report to the General Assembly on or before a certain date; defining certain terms; repealing a certain definition; altering a certain definition; making certain clarifying and conforming changes; and generally relating to school safety, gang prevention and intervention in schools, and truancy.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–819(b–1) and 3–8A–19(d)(5)

Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–302 and 7–303
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Education
Section 7–424.2
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs and the Committee on Judicial Proceedings.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #42
CONSENT CALENDAR #6

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 615	Sen. Edwards	Garrett County – Volunteer Fire Departments and Rescue Squads – Emergency Services Board	EHE
SB 728	Cecil Co. Senators	Cecil County – Board of Electrical Examiners and Licensing of Electricians	EHE
SB 729	Cecil Co. Senators	Cecil County – Regulation of Domestic Animals	EHE
SB 748	Sen. Colburn	Somerset County, Wicomico County, and Worcester County – Boards of Elections – Membership	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 6 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 514)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #43

Senate Bill 25 – Senators Forehand and Frosh

AN ACT concerning

Estates and Trusts – Property Held as Tenants by the Entireties – Transfer to Trust

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 515)

The Bill was then sent to the House of Delegates.

Senate Bill 177 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Expedited Partner Therapy Pilot Program – Extension

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 516)

The Bill was then sent to the House of Delegates.

Senate Bill 287 – The President (By Request – Administration) and Senators King, Madaleno, McFadden, Munson, Forehand, Garagiola, Harrington, Klausmeier, Lenett, and Pinsky

AN ACT concerning

Maryland Clean Energy Incentive Act of 2010

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 517)

The Bill was then sent to the House of Delegates.

Senate Bill 291 – Senator Conway

AN ACT concerning

Health Occupations Boards – Revisions

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 518)

The Bill was then sent to the House of Delegates.

Senate Bill 315 – Senators Raskin, Peters, Miller, Astle, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Glassman, Harrington, Jones, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Muse, Pinsky, Rosapepe, and Stone

AN ACT concerning

Public Ethics Laws – Elected Local Officials and Board of Education Members – Requirements

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 519)

The Bill was then sent to the House of Delegates.

Senate Bill 339 – Senator Frosh

AN ACT concerning

Estates and Trusts – Guardianship – Payment of Expenses After Death of Ward

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 520)

The Bill was then sent to the House of Delegates.

Senate Bill 466 – Senator Forehand

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Off–Highway Recreational Vehicles – Titling

Read the third time and passed by yeas and nays as follows:

Affirmative – 28 Negative – 19 (See Roll Call No. 521)

The Bill was then sent to the House of Delegates.

Senate Bill 605 – Senators King, Conway, Frosh, Garagiola, Harrington, Kramer, Lenett, Madaleno, ~~and Middleton~~ Middleton, Gladden, Brochin, Forehand, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Angel's Law – Foster Care and Child Care – ~~Cordless~~ Window Coverings

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 522)

The Bill was then sent to the House of Delegates.

Senate Bill 683 – Senators Peters, Harrington, Currie, Exum, Miller, Muse, Pinsky, and Rosapepe

AN ACT concerning

Property Taxes – ~~Homestead Property Tax Credit~~ Bicounty Commissions

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 523)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #44

Senate Bill 338 – Senator Frosh

AN ACT concerning

Estates and Trusts – Elective Share – Extension of Time for Making Election

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 524)

The Bill was then sent to the House of Delegates.

Senate Bill 548 – Senators Astle, DeGrange, and Rosapepe

AN ACT concerning

Anne Arundel County – Alcoholic Beverages Licenses – Fees

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 4 (See Roll Call No. 525)

The Bill was then sent to the House of Delegates.

Senate Bill 559 – Senators Kelley, Colburn, Conway, Currie, Della, Exum, Forehand, Lenett, Madaleno, McFadden, Muse, Pinsky, ~~and Stone~~ Stone, Brochin, Jacobs, Raskin, and Simonaire

AN ACT concerning

Child Protection – ~~Mandatory~~ Reporting of Children ~~Regularly in Contact with Persons Convicted of Child Abuse and Child Sexual Abuse~~ Living with or in the Regular Presence of Registered Child Sexual Offenders

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 526)

The Bill was then sent to the House of Delegates.

Senate Bill 700 – Senator Exum

AN ACT concerning

Health Insurance – Child Wellness Benefits

Senator Middleton moved, duly seconded, to make the Bill a Special Order for March 22, 2010.

The motion was adopted.

Senate Bill 774 – Senators Kramer, Conway, Currie, Della, Forehand, Jacobs, Jones, Kelley, King, Klausmeier, Lenett, Madaleno, Middleton, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, Stoltzfus, ~~and Stone~~ Stone, Astle, Exum, Garagiola, and Glassman

AN ACT concerning

~~Life and Health Insurance – Senior Investment Protection~~
Insurance Producers – Use of Senior or Retiree Credential or Designation

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 527)

The Bill was then sent to the House of Delegates.

Senate Bill 885 – Senators Klausmeier and Astle

AN ACT concerning

Health – Administrative Service Provider Contracts – Contracting Provider Definition

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 528)

The Bill was then sent to the House of Delegates.

Senate Bill 898 – ~~Senator Glassman~~ Senators Glassman, Middleton, and Klausmeier

AN ACT concerning

Credit Regulation – Installment Loans Secured by Motor Vehicle Lien – Balloon Payments

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 3 (See Roll Call No. 529)

The Bill was then sent to the House of Delegates.

Senate Bill 943 – Senators Pugh ~~and Garagiola~~, Garagiola, and Exum

AN ACT concerning

Credit Regulation – Mortgage Brokers – Charges

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 530)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON FINANCE REPORT #13

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 547 – Senators Pugh, Jones, and McFadden

AN ACT concerning

Insurance – Domestic Reinsurers

SB0547/447479/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 547
(First Reading File Bill)

On page 2, in line 30, after "**GROSS**" insert "**DIRECT**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 678 – Senators Della, Forehand, Lenett, Pinsky, and Raskin

AN ACT concerning

Commercial Law – Credit Services Businesses – Limitation on Fees

Senator Conway moved, duly seconded, to make the Bill and Report a Special Order for March 22, 2010.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 731 – Cecil County Senators

AN ACT concerning

Cecil County – Emergency Medical Services – Collective Bargaining

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 1035 – Senators Muse and Miller

AN ACT concerning

Card Games – Prince George's County

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR KITTLEMAN.

FLOOR AMENDMENT

SB1035/683829/1

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 1035
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Commercial Card Games Facilities"; and in line 4, after "Prince George's County" insert "and other locations in the State".

AMENDMENT NO. 2

On page 1, in line 13, strike "one license" and substitute "not more than six licenses"; in line 15, strike the first "the" and substitute "each"; in line 18, strike "The" and substitute "A"; in line 19, after "in" insert ":

(1)";

in line 20, after "414" insert "; and

(2) not more than five other sites to be selected by the Maryland Video Lottery Facility Location Commission".

On page 2, in line 2, after "the" insert "State Lottery Commission to oversee the"; in lines 3 and 4, strike beginning with "a" in line 3 down through "County" in line 4 and substitute "the card games facilities".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 10 Negative – 37 (See Roll Call No. 531)

FLOOR AMENDMENT

SB1035/893822/1

BY: Senator Della

AMENDMENTS TO SENATE BILL 1035
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Games –" insert "Baltimore City and"; and in line 4, after "in" insert "Baltimore City and".

AMENDMENT NO. 2

On page 1, in line 13, strike "one license" and substitute "two licenses"; in lines 15 and 18, in each instance, strike "license" and substitute "licenses"; in line 19, after "in" insert ":

(1)";

and in line 20, after "414" insert "; or

(2) the video lottery facility in Baltimore City awarded a video lottery operation license under § 9–1A–36 of the State Government Article".

On page 2, in line 3, after "in" insert "Baltimore City and".

The preceding 2 amendments were read and rejected.

FLOOR AMENDMENT

SB1035/503527/1

BY: Senator Pinsky

AMENDMENTS TO SENATE BILL 1035
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike "their" and substitute "the"; and in the same line, after "rejection" insert "of this Act by the qualified voters of the State and of Prince George's County".

AMENDMENT NO. 2

On page 2, in line 11, after "question" insert "by the legally qualified voters of Maryland and a majority of the votes cast on the question by the legally qualified voters of Prince George's County"; and in line 13, after "question" insert "by the legally qualified voters of Maryland or a majority of the votes cast on the question by the legally qualified voters of Prince George's County".

The preceding 2 amendments were read and adopted by a roll call vote as follows:

Affirmative – 25 Negative – 21 (See Roll Call No. 532)

Read the second time and ordered prepared for Third Reading.

Senate Bill 279 – The President (By Request – Administration) and Senators Frosh, Lenett, Currie, Della, Gladden, Harrington, Kelley, Klausmeier, Madaleno, Middleton, Pinsky, Raskin, Robey, and Rosapepe

AN ACT concerning

Maryland False Health Claims Act of 2010

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENT (1) OFFERED FROM THE FLOOR BY SENATOR KITTLEMAN.

FLOOR AMENDMENT

SB0279/763228/1

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 279
(First Reading File Bill)

On page 11, in line 12, strike "**AND**"; and in line 15, after "**ACTION**" insert "**; AND**

(III) THE PERSON WHO INITIATED THE ACTION SHALL OBTAIN THE CONSENT OF THE STATE BEFORE FILING ANY MOTIONS, SUBPOENAS, DISCOVERY REQUESTS, NOTICES OF DEPOSITION, OR SETTLEMENT AGREEMENTS".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 20 Negative – 26 (See Roll Call No. 533)

Read the second time and ordered prepared for Third Reading.

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

Senate Bill 1101 – Senator Stone

AN ACT concerning

Elevator Safety – Elevator Units in Churches – Exemption from Third–Party Inspections

Reassigned to the Committee on Finance under Rule 33(d).

Read and ordered journalized.

RECONSIDERATION

Senator Frosh moved, duly seconded, to reconsider the vote by which **Senate Bill 466** passed Third Reading.

The motion was adopted by a roll call vote as follows:

Affirmative – 41 Negative – 6 (See Roll Call No. 534)

THIRD READING

Senate Bill 466 – Senator Forehand

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Off–Highway Recreational Vehicles – Titling

Read the third time and passed by yeas and nays as follows:

Affirmative – 30 Negative – 17 (See Roll Call No. 535)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 398 – Senators Raskin, Gladden, Kelley, and Muse

AN ACT concerning

Courts – County Administrative Judge – Responsibilities

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

Senator Frosh moved, duly seconded, to recommit the Bill.

The motion was adopted.

Senate Bill 858 – Senators Conway, Astle, Brinkley, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, McFadden, Middleton, Miller, Munson, Peters, Pinsky, Pipkin, Pugh, Raskin, Reilly, Robey, Rosapepe, Simonaire, Stone, and Zirkin

AN ACT concerning

Maryland Winery Modernization Act

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

FLOOR AMENDMENT

SB0858/923425/1

BY: Senator Conway

AMENDMENTS TO SENATE BILL 858, AS AMENDED

AMENDMENT NO. 1

On page 1 of Senator Raskin's Amendments (SB0858/953525/1), in line 3 of Amendment No. 2, strike "November 1" and substitute "December 31".

AMENDMENT NO. 2

On page 2 of Senator Raskin's Amendments, in line 8 of Amendment No. 2, strike "wineries" and substitute "alcoholic beverages licensees".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0858/603423/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 858

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "of" insert "repealing provisions that provide for a direct wine seller's permit;"; in line 19, after "Act;" insert "establishing a direct wine shipper's license to be issued by the Office of the Comptroller; requiring a person to be licensed before the person or the person's agent may engage in shipping wine directly to a personal consumer in the State; requiring an applicant to meet certain qualifications for a license, submit an application and a copy of its current alcoholic beverages license to the Office of the Comptroller, and pay a certain fee; requiring a direct wine shipper to perform certain actions; prohibiting a direct wine shipper from shipping more than a certain amount of wine annually to any one personal consumer or make deliveries on Sunday; requiring a direct wine shipper to meet certain requirements to renew the license; specifying certain requirements for receiving a direct shipment of wine; allowing a shipment of wine to be ordered or purchased through a computer network; authorizing the Office of the Comptroller to adopt certain regulations; prohibiting a person without a license from shipping wine directly to personal consumers in the State; providing a certain penalty;"; in the same line, after the second "that" insert "certain provisions of"; in the same line, strike "applies" and substitute "apply"; in line 21, after "industry;" insert "defining certain terms; making certain technical corrections; altering a certain definition;"; after line 22, insert:

"BY repealing
Article 2B – Alcoholic Beverages
Section 7.5–101 through 7.5–110 and the title "Title 7.5. Direct Wine Seller's Permit"
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)";

and in line 25, after "2–101(x)" insert "; and 7.5–101 through 7.5–111 to be under the new title "Title 7.5. Direct Wine Shipper's License"".

On page 2, in line 5, after "Section" insert "2–101(b)(1)(i),"; in the same line, after "2–205," insert "9–102(a),"; in the same line, strike "and"; in the same line, after "11–511" insert ", and 15–204(b)"; and after line 7, insert:

"BY repealing and reenacting, without amendments,
Article – Tax – General
Section 5–101(a)

Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 5–101(f) and 5–201(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 2, in line 9, after "That" insert "Section(s) 7.5–101 through 7.5–110 and the title "Title 7.5. Direct Wine Seller's Permit" of Article 2B – Alcoholic Beverages of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That".

On page 11, after line 33, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 2B – Alcoholic Beverages

2–101.

(b) (1) (i) The Office of the Comptroller shall collect a fee for the issuance or renewal of the following permits:

1. $50 for a solicitor's permit, an individual storage permit, a nonresident winery permit, or a commercial nonbeverage permit;

2. $75 for a public storage permit, a public transportation permit, or an import and export permit;

3. $200 for a public storage and transportation permit, a nonresident dealer's permit, a resident dealer's permit, or a bulk transfer permit;

4. $400 for a family beer and wine facility permit; and

5. [$10] **$100** for a direct wine [seller's permit] SHIPPER'S LICENSE.

TITLE 7.5. DIRECT WINE SHIPPER'S LICENSE.

7.5–101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "DIRECT WINE SHIPPER" MEANS THE HOLDER OF A DIRECT WINE SHIPPER'S LICENSE ISSUED UNDER THIS TITLE.

(C) "LICENSE" MEANS A DIRECT WINE SHIPPER'S LICENSE ISSUED BY THE OFFICE OF THE COMPTROLLER.

(D) "WINE" INCLUDES BRANDY THAT IS DISTILLED FROM THE PULPY RESIDUE OF THE WINE PRESS, INCLUDING THE SKINS, PIPS, AND STALKS OF GRAPES.

7.5–102.

A PERSON SHALL BE LICENSED BY THE OFFICE OF THE COMPTROLLER AS A DIRECT WINE SHIPPER BEFORE THE PERSON OR THE PERSON'S AGENT MAY ENGAGE IN SHIPPING WINE DIRECTLY TO A PERSONAL CONSUMER IN THE STATE.

7.5–103.

TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE:

(1) A PERSON LICENSED OUTSIDE THE STATE TO ENGAGE IN THE MANUFACTURE OF WINE;

(2) AN AUTHORIZED BRAND OWNER OF WINE, A UNITED STATES IMPORTER OF WINE, OR A DESIGNATED MARYLAND AGENT OF A BRAND OWNER OR UNITED STATES IMPORTER;

(3) A HOLDER OF A CLASS 3 MANUFACTURER'S LICENSE OR A CLASS 4 MANUFACTURER'S LICENSE ISSUED UNDER THIS ARTICLE; OR

(4) A PERSON LICENSED BY THE STATE OR OUTSIDE THE STATE TO ENGAGE IN THE RETAIL SALE OF WINE FOR CONSUMPTION OFF THE PREMISES.

7.5–104.

(A) AN APPLICANT FOR A LICENSE SHALL:

(1) SUBMIT TO THE OFFICE OF THE COMPTROLLER A COMPLETED APPLICATION ON A FORM THAT THE OFFICE OF THE COMPTROLLER PROVIDES;

(2) PROVIDE TO THE OFFICE OF THE COMPTROLLER A COPY OF THE APPLICANT'S CURRENT ALCOHOLIC BEVERAGES LICENSE; AND

(3) PAY A FEE OF $100.

(B) THE OFFICE OF THE COMPTROLLER SHALL ISSUE A LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE FOR A LICENSE.

7.5–105.

(A) A DIRECT WINE SHIPPER SHALL:

(1) ENSURE THAT ALL CONTAINERS OF WINE SHIPPED DIRECTLY TO A PERSONAL CONSUMER IN THE STATE ARE CONSPICUOUSLY LABELED WITH THE WORDS "CONTAINS ALCOHOL: SIGNATURE OF PERSON AT LEAST 21 YEARS OF AGE REQUIRED FOR DELIVERY";

(2) REPORT MONTHLY TO THE OFFICE OF THE COMPTROLLER THE TOTAL AMOUNT OF WINE, BY TYPE, SHIPPED IN THE STATE, THE PRICE CHARGED, AND THE NAME AND ADDRESS OF EACH PURCHASER;

(3) PAY MONTHLY TO THE OFFICE OF THE COMPTROLLER ALL SALES TAXES AND EXCISE TAXES DUE ON SALES TO PERSONAL CONSUMERS IN THE STATE, THE AMOUNT OF THE TAXES TO BE CALCULATED AS IF THE SALE WERE MADE AT THE DELIVERY LOCATION;

(4) ALLOW THE OFFICE OF THE COMPTROLLER TO PERFORM AN AUDIT OF THE DIRECT WINE SHIPPER'S RECORDS ON REQUEST; AND

(5) CONSENT TO THE JURISDICTION OF THE OFFICE OF THE COMPTROLLER OR OTHER STATE UNIT AND THE STATE COURTS CONCERNING ENFORCEMENT OF THIS SECTION AND ANY RELATED LAW.

(B) A DIRECT WINE SHIPPER MAY NOT:

(1) SHIP MORE THAN 24 9–LITER CASES OF WINE ANNUALLY TO ANY ONE PERSONAL CONSUMER; OR

(2) DELIVER WINE ON SUNDAY TO AN ADDRESS IN THE STATE.

7.5–106.

A DIRECT WINE SHIPPER MAY ANNUALLY RENEW ITS LICENSE IF THE DIRECT WINE SHIPPER:

(1) IS OTHERWISE ENTITLED TO BE LICENSED;

(2) PROVIDES TO THE OFFICE OF THE COMPTROLLER A COPY OF ITS CURRENT ALCOHOLIC BEVERAGES LICENSE; AND

(3) PAYS TO THE OFFICE OF THE COMPTROLLER A RENEWAL FEE OF $50.

7.5–107.

(A) TO RECEIVE A DIRECT SHIPMENT OF WINE, A PERSONAL CONSUMER OF THE STATE MUST BE AT LEAST 21 YEARS OLD.

(B) A SHIPMENT OF WINE MAY BE ORDERED OR PURCHASED THROUGH A COMPUTER NETWORK.

(C) A PERSON WHO RECEIVES A SHIPMENT OF WINE SHALL USE THE SHIPMENT FOR PERSONAL CONSUMPTION ONLY AND MAY NOT RESELL IT.

7.5–108.

(A) A SHIPMENT MADE IN ACCORDANCE WITH THIS TITLE SHALL BE MADE BY A COMMON CARRIER AND BE ACCOMPANIED BY A SHIPPING LABEL THAT CLEARLY INDICATES THE NAME OF THE DIRECT SHIPPER AND THE NAME AND ADDRESS OF THE RECIPIENT.

(B) TO COMPLETE DELIVERY OF A SHIPMENT, THE COMMON CARRIER SHALL REQUIRE FROM A PERSONAL CONSUMER AT THE ADDRESS LISTED ON THE SHIPPING LABEL:

(1) THE SIGNATURE OF THE PERSONAL CONSUMER; AND

(2) PHOTOGRAPHIC IDENTIFICATION SHOWING THAT THE PERSONAL CONSUMER IS AT LEAST 21 YEARS OLD.

7.5–109.

THE OFFICE OF THE COMPTROLLER MAY ADOPT REGULATIONS TO CARRY OUT THIS TITLE.

7.5–110.

A BUSINESS ENTITY WITHOUT A LICENSE MAY NOT SHIP WINE DIRECTLY TO PERSONAL CONSUMERS IN THE STATE.

7.5–111.

A PERSON WHO VIOLATES THIS TITLE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING $1,000 OR BOTH.

9–102.

(a) No more than one license provided by this article, except by way of renewal or as otherwise provided in this section, shall be issued in any county or Baltimore City, to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company, in Baltimore City or any county of the State, and no more than one license shall be issued for the same premises except as provided in §§ 2–201 through 2–208, 2–301, **[**and**]** 6–701**, AND TITLE 7.5** of this article, and nothing herein shall be construed to apply to § 6–201(r)(4), (15), and (17), § 7–101(b) and (c), § 8–202(g)(2)(ii) and (iii), § 8–217(e), § 8–508, or § 12–202 of this article.

15–204.

(b) (1) Provided, that in Montgomery County no person, firm, or corporation shall keep for sale any alcoholic beverage not purchased from the Department of Liquor Control for Montgomery County, provided, however, that nothing in this subsection shall apply to a holder of a Class F license or a holder of a Class 1 beer, wine and liquor, Class 2 wine and liquor, Class 3 beer and wine, Class 4 beer, or Class 5 wine wholesaler's license, who may not sell or deliver any alcoholic beverage in Montgomery County for resale except to a county liquor dispensary.

(2) Notwithstanding paragraph (1) of this subsection:

(i) **1.** A holder of a Class 6 limited wine wholesaler's license or of a nonresident winery permit may sell or deliver wine directly to a county liquor dispensary, restaurant, or other retail dealer in Montgomery County; and

[(ii)] **2.** A county liquor dispensary, restaurant, or other retail dealer in Montgomery County may purchase wine directly from a holder of a Class 6 limited wine wholesaler's license or of a nonresident winery permit**; AND**

(II) A HOLDER OF A DIRECT WINE SHIPPER'S LICENSE MAY SHIP WINE DIRECTLY TO A PERSONAL CONSUMER IN MONTGOMERY COUNTY.

Article – Tax – General

5–101.

(a) In this title the following words have the meanings indicated.

(f) "Direct wine [seller"] **SHIPPER"** has the meaning stated in Article 2B, § 7.5–101 of the Code.

5–201.

(d) [(1)] A person who is a direct wine [seller] **SHIPPER** shall file with the Office of the Comptroller [an annual] **A MONTHLY** tax return.

[(2) The annual tax return shall be due no later than October 15 of each year covering the previous 12 calendar months ending September 30.]".

On page 12, in lines 1, 4, and 10, strike "2.", "3.", and "4.", respectively, and substitute "4.", "5.", and "6.", respectively; in line 1, after "That" insert "Section 2 of"; and in line 9, strike "1" and substitute "2".

The preceding 2 amendments were read only.

Senator Kasemeyer moved, duly seconded, to make the Bill and Amendments a Special Order for March 23, 2010.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #6

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #6
March 18, 2010

Amusement Ride Safety Board

1. Glenn Dale Fishack, Sr. District 2
13434 Bikle Road, P.O. Box 118
Smithsburg, MD 21783

Member of the Amusement Ride Safety Board; reappointed to serve a term of 4 years from July 1, 2010

Apprenticeship and Training Council

2. Robert F. Yeatman, Jr. District 33
5872 Swamp Circle Road, P.O. Box 232
Deale, MD 20751

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2008

Arts Council, Maryland State

3. Lora Bottinelli District 37
110 Walston Avenue
Salisbury, MD 21804

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2010

Chiropractic and Massage Therapy Examiners, State Board of

4. Ernestine Jones Jolivet District 10
9802 Mendoza Road
Randallstown, MD 21133

Member of the State Board of Chiropractic and Massage Therapy Examiners; appointed to serve a term of four years from July 1, 2010

Clean Energy Center, Board of Directors for Maryland

5. Carol Collins District 36
152 Mike Court
Elkton, MD 21921

Member of the Board of Directors for the Maryland Clean Energy Center; appointed to serve a term to expire June 30, 2014

Collection Agency Licensing Board

6. Eric S. Friedman District 16
8604 Maryland Avenue
Bethesda, MD 20814

Member of the Collection Agency Licensing Board; appointed to serve a term of four years from July 1, 2010

7. Susan K. Hayes District 30
1156 Ramblewood Drive
Annapolis, MD 21409

Member of the Collection Agency Licensing Board; reappointed to serve a term of four years from July 1, 2010

8. Joanne Young District 38
611 N. Pinehurst Avenue
Salisbury, MD 21801

Member of the Collection Agency Licensing Board; reappointed to serve a term of four years from July, 1 2010

Deaf and Hard of Hearing, Maryland Advisory Council for the

9. Shane H. Feldman District 4
10915 Oakcrest Circle
New Market, MD 21774

Member of the Maryland Advisory Council for the Deaf and Hard of Hearing; appointed to serve remainder of a term of three years from October 1, 2009

Economic Development Commission, Maryland

10. Kevin M. Johnson District 9
3109 Fox Valley Drive
West Friendship, MD 21794

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2009

Elevator Safety Review Board

11. Edward M. Hord District 42
1220 Copper Hill Road
Baltimore, MD 21209

Member of the Elevator Safety Review Board; reappointed to serve remainder of a term of three years from October 1, 2007 and a term of three years from October 1, 2010

12. Albert Michael Warfield District 28
11620 Bachelors Hope Court
Swan Point, MD 20645

Member of the Elevator Safety Review Board; reappointed to serve remainder of a term of three years from October 1, 2007 and a term of three years from October 1, 2010

13. Robert F. Yeatman, Jr. District 33
5872 Swamp Circle Road, P.O. Box 232
Deale, MD 20751

Member of the Elevator Safety Review Board; reappointed to serve remainder of a term of three years from October 1, 2007 and a term of three years from October 1, 2010

Emergency Number Systems Board

14. Colleen M. O'Neill District 5
4049 Rinehart Road
Westminster, MD 21158

Member of the Emergency Number Systems Board; appointed to serve a term of four years from July 1, 2009

Environmental Sanitarian Registration, State Board of

15. Karen L. Brandt District 28
1064 Norfold Drive
La Plata, MD 20646

Member of the State Board of Environmental Sanitarian Registration; appointed to serve a term of five years from July 1, 2010

16. Gwendolyn John District 33
86 Premier Court
Severna Park, MD 21146

Member of the State Board of Environmental Sanitarian Registration; appointed to serve a term of five years from July 1, 2010

Foresters, State Board of

17. Syed A. Karim District 19
7107 Intrepid Lane
Gaithersburg, MD 20879–5420

Member of the State Board of Foresters; appointed to serve remainder of a term of five years from July 1, 2009

Infants and Toddlers, Interagency Coordinating Council for

18. Guy Guzzone District 13
9702 Deep Smoke
Columbia, MD 21046

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2008

19. Brenda Wilson District 11
6 Rhodes Place
Timonium, MD 21093

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2010

Maryland Economic Development Corporation Board of Directors

20. Frederick J. Puente District 37
6388 Quantico Mill Lane
Quantico, MD 21856

Member of the Maryland Economic Development Corporation Board of Directors; appointed to serve remainder of a term of four years from July 1, 2008

Morgan State University Board of Regents

21. Nahila Bertrand District 43
Office of Residence of Life, Morgan State University, 1700 East Cold Spring Lane
Baltimore, MD 21251

Member of the Morgan State University Board of Regents; appointed to serve a term of one year from July 1, 2009

Professional Land Surveyors, State Board for

22. John Vernon Mettee, III District 35
1818 Morning Brook Drive
Forest Hill, MD 21050

Member of the State Board for Professional Land Surveyors; reappointed to serve a term of five years from July 1, 2010

23. Donald J. Ocker District 29
20070 Havirland Court
Lexington Park, MD 20653

Member of the State Board for Professional Land Surveyors; reappointed to serve a term of five years from July 1, 2010

School for the Deaf, Board of Trustees of the Maryland

24. Khadijat K. Rashid, Ph.D. District 13
7919 Fawn Run
Jessup, MD 20794

Member of the Board of Trustees of the Maryland School for the Deaf; appointed to serve remainder of a term of six years from October 1, 2008

Technology Development Corporation Board of Directors, Maryland

25. Claire M. Fraser–Liggett, Ph.D. District 9
12986 Brighton Dam Road
Clarksville, MD 21029

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve a term of four years from July 1, 2008

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Airport Zoning Appeals Board

S–1. Michael P. Ertel, Sr. District 42
505 West Joppa Road
Towson, MD 21204

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2010

S–2. John T. Hierholzer District 12
10325 Wilde Lake Terrace
Columbia, MD 21044

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2010

S–3. Henry A. Mack, Jr. District 32
311 Chestnut Road
Linthicum, MD 21090

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2010

S–4. Douglas E. Moore District 9
3714 Garand Road
Ellicott City, MD 21042

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2010

Apprenticeship and Training Council

S–5. Grant Blake Shmelzer District 16
4977 Battery Lane, Apt. 1019N
Bethesda, MD 20814

Member of the Apprenticeship and Training Council; appointed to serve a term of four years from July 1, 2009

Blind Industries and Services of Maryland, Board of Trustees of

S–6. Walter A. Brown, Ed.D. District 40
2156 Mt. Royal Terrace
Baltimore, MD 21217

Member of the Board of Trustees of Blind Industries and Services of Maryland; reappointed to serve a term of three years from July 1, 2010

S–7. Millicent Morris District 43
4611 Marble Hall Road
Baltimore, MD 21239

Member of the Board of Trustees of Blind Industries and Services of Maryland; reappointed to serve a term of three years from July 1, 2010

Canal Place Preservation and Development Authority

S–8. Frederick A. Thayer, IV District 1
208 Washington Street
Cumberland, MD 21502

Member of the Canal Place Preservation and Development Authority; reappointed to serve a term of four years from June 1, 2010

S–9. Andrew L. Vick District 1
12 South Mechanic Street
Cumberland, MD 21502

Member of the Canal Place Preservation and Development Authority; reappointed to serve a term of four years from June 1, 2010

Chiropractic and Massage Therapy Examiners, State Board of

S–10. Michael Fedorczyk, D.C. District 27
4004 Lakeview Turn
Dunkirk, MD 20754

Member of the State Board of Chiropractic and Massage Therapy Examiners; reappointed to serve a term of four years from July 1, 2010

Clean Energy Center, Board of Directors for Maryland

S–11. Jill A. T. Sorensen District 41
5804 Stony Run Drive
Baltimore, MD 21210

Member of the Board of Directors for the Maryland Clean Energy Center; reappointed to serve a term to expire June 30, 2014

Correctional Standards, Commission on

S–12. Maria T. Elmo, M.D. District 41
5605 Greenspring Avenue
Baltimore, MD 21209

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2010

S–13. Walter B. Ridley District 26
8301 Arden Lane
Fort Washington, MD 20744

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2010

Correctional Training Commission

S–14. Deborah J. Richardson District 10
3927 Susanna Road
Randallstown, MD 21133

Member of the Correctional Training Commission; reappointed to serve a term of three years from July 1, 2010

Deaf and Hard of Hearing, Maryland Advisory Council for the

S–15. Marian V. Bland District 11
2 Lydia Court
Pikesville, MD 21208

Member of the Maryland Advisory Council for the Deaf and Hard of Hearing; reappointed to serve a term of three years from October 1, 2009

Dietetic Practice, State Board of

S–16. Sandra E. Kick District 11
11 Tenby Court
Timonium, MD 21093

Member of the State Board of Dietetic Practice; reappointed to serve a term of four years from July 1, 2010

Economic Development Commission, Maryland

S–17. Richard Bernstein District 37
5820 Deepwater Drive
Oxford, MD 21654

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2010

S–18. Ricardo Martinez District 42
10370 Pot Spring Road
Timonium, MD 21093

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2010

S–19. Harold S. Stinger District 99
16147 Waterford Creek Circle
Hamilton, VA 20158

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2010

Emergency Number Systems Board

S–20. John L. Chew, Jr. District 30
1273 Bugeye Court
Annapolis, MD 21403

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2010

S–21. William A. Frazier District 28
29 Willow Lane, P.O. Box 492
La Plata, MD 20646

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2010

S–22. Steven R. Marshall District 38
124 N. Somerset Avenue
Crisfield, MD 21817

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2010

S–23. John S. Moulton, Jr. District 2
50 N. Burhans Boulevard
Hagerstown, MD 21740

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2010

Maryland Economic Development Corporation Board of Directors

S–24. C. Vernon Gray District 13
8502 Dark Hawk Circle
Columbia, MD 21045

Member of the Maryland Economic Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

S–25. David H. Michael District 33
1922 Chaparrall Court
Crownsville, MD 21032

Member of the Maryland Economic Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

Maryland School for the Blind, Board of Directors of the

S–26. Kimberley G. Alfonso District 16
7500 Woodmont Avenue #616
Bethesda, MD 20814

Member of the Board of Directors of the Maryland School for the Blind; reappointed to serve a term of three years from July 1, 2010

S–27. Craig D. Borne, Esq. District 8
14 Bellfalls Way
Baltimore, MD 21236

Member of the Board of Directors of the Maryland School for the Blind; reappointed to serve a term of three years from July 1, 2010

S–28. Lorraine A. Costella, Ph.D. District 13
5387 Graywing Court
Columbia, MD 21045

Member of the Board of Directors of the Maryland School for the Blind; reappointed to serve a term of three years from July 1, 2010

S–29. Cheryl D. Glenn District 45
314 House Office Building
Annapolis, MD 21401

Member of the Board of Directors of the Maryland School for the Blind; reappointed to serve a term of three years from July 1, 2010

Master Electricians, State Board of

S–30. Michael W. Berg District 11
10224 Davis Avenue
Granite, MD 21163

Member of the State Board of Master Electricians; reappointed to serve a term of three years from July 1, 2010

S–31. Michael T. Oles District 5
3839 Dakota Road
Hampstead, MD 21074

Member of the State Board of Master Electricians; reappointed to serve a term of three years from July 1, 2010

Residential Child Care Program Administrators, State Board for Certification of

S–32. Mary Giovanni Rode District 42
102 Westdale Court
Baltimore, MD 21903

Member of the State Board for Certification of Residential Child Care Program Administrators; reappointed to serve a term of four years from July 1, 2010

S–33. Ada P. Thomas District 12
5320 Dorsey Hall Drive
Ellicott City, MD 21043

Member of the State Board for Certification of Residential Child Care Program Administrators; reappointed to serve a term of four years from July 1, 2010

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nominations of the Executive?"

The above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 536)

RECONSIDERATION

Senator Kittleman moved, duly seconded, to make the Motion to Reconsider **Senate Bill 1035** a Special Order for March 22, 2010.

The motion was adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 560 – Senators Forehand, King, and Madaleno

AN ACT concerning

Vehicle Laws – Traffic Citations – Option to Request Trial

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0560/438778/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 560
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Madaleno" and substitute "Madaleno, Frosh, Gladden, Brochin, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone".

AMENDMENT NO. 2

On page 1, in line 22, after "**NOTICE**" insert "**IN AT LEAST 14 POINT BOLDFACE TYPE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0560/193721/2

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 560
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "within" in line 5 down through "period" in line 6 and substitute "by marking a certain check–off box provided on the citation"; in line 7, after "notice;" insert "requiring a police officer who issues a certain traffic citation to give a certain explanation to the person to whom the citation is issued; requiring the District Court to schedule a certain trial date requested in a certain manner;"; after line 8, insert:

"BY renumbering
Article – Transportation
Section 26–201(d) and (e), respectively
to be Section 26–201(e) and (f), respectively
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)";

after line 13, insert:

"BY adding to
Article – Transportation
Section 26–201(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)";

and in line 15, strike "the Laws of Maryland read as follows:" and substitute "Section(s) 26–201(d) and (e), respectively, of Article – Transportation of the Annotated Code of Maryland be renumbered to be Section(s) 26–201(e) and (f), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

AMENDMENT NO. 2

On page 2, in line 4, strike "**REQUEST**" and substitute "**SUBJECT TO SUBSECTION (D) OF THIS SECTION, REQUEST**"; strike beginning with "**WITHIN**" in line 4 down through "**CITATION**" in line 5 and substitute "**BY MAKING AN APPROPRIATE MARK IN A CHECK–OFF BOX CLEARLY AND CONSPICUOUSLY PROVIDED ON THE CITATION NEAR THE ACKNOWLEDGEMENT**"; after line 25, insert:

"**(D) (1) THE POLICE OFFICER WHO ISSUES A TRAFFIC CITATION UNDER THIS SECTION SHALL EXPLAIN TO THE PERSON TO WHOM THE CITATION IS ISSUED:**

(I) THE NEED TO INDICATE IN THE CHECK–OFF BOX DESCRIBED IN SUBSECTION (C)(1)(III) OF THIS SECTION THAT THE PERSON IS REQUESTING A TRIAL DATE; AND

(II) THE CONSEQUENCES OF FAILING TO INDICATE IN THE CHECK–OFF BOX THAT THE PERSON IS REQUESTING A TRIAL.

(2) IF A PERSON INDICATES IN THE CHECK–OFF BOX DESCRIBED IN SUBSECTION (C)(1)(III) OF THIS SECTION THAT THE PERSON IS REQUESTING A TRIAL DATE, THE DISTRICT COURT SHALL SCHEDULE A TRIAL DATE.

(3) IF A PERSON DOES NOT INDICATE IN THE CHECK–OFF BOX DESCRIBED IN SUBSECTION (C)(1)(III) OF THIS SECTION THAT THE PERSON IS REQUESTING A TRIAL DATE, THE DISTRICT COURT MAY NOT SCHEDULE A TRIAL DATE UNLESS, WITHIN 30 DAYS FROM THE DATE OF THE CITATION, THE PERSON FILES A MOTION WITH THE COURT REQUESTING A TRIAL DATE.";

and in line 26, strike "2." and substitute "3.".

The preceding 2 amendments were read only.

Senator Lenett moved, duly seconded, to make the Bill and Amendments a Special Order for March 22, 2010.

The motion was adopted.

Senate Bill 321 – Senator Stone

AN ACT concerning

The Delegate John Arnick Electronic Communications Traffic Safety Act of 2010

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for March 22, 2010.

The motion was adopted.

INTRODUCTION OF BILLS

Senator Middleton moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senator Middleton moved to suspend the rules to allow **Senate Bill 1125** to be referred immediately.

The motion was adopted.

Senate Bill 1125 – Chair, Finance Committee (By Request – Departmental – Health Insurance Plan)

EMERGENCY BILL

AN ACT concerning

Maryland Health Insurance Plan – Administration of National High Risk Pool Program

FOR the purpose of authorizing the Board of Directors for the Maryland Health Insurance Plan to elect for the Plan to administer a certain national high risk pool program for the State; authorizing the Board to enter into any agreements necessary for the Plan to administer a national temporary high risk pool program for the State; authorizing the Board to limit enrollment in the national temporary high risk pool program based on the availability of certain funding; altering the eligibility requirements for the Plan; authorizing the Board to establish a benefit package and premium rate for individuals enrolled in a national temporary high risk pool program in accordance with certain standards; requiring the State to meet a certain maintenance of effort requirement; requiring the Plan to monitor certain legislation and notify the Department of Legislative Services if certain legislation is enacted; providing for the termination of this Act; making this Act an emergency measure; and generally relating to the administration of a national high risk pool program by the Maryland Health Insurance Plan.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–501(h)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 14–505(d), (e), (h), and (i)

Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Insurance
Section 14–505(l) and 14–508(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Finance.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 322 – Senator Stone

AN ACT concerning

Motor Vehicles – Use of Video Display Equipment

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0322/168576/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 322
(First Reading File Bill)

On page 2, in line 2, after "exclusively" insert "**BY A PUBLIC SERVICE COMPANY OR**"; in line 6, strike "electronic" and substitute "**VIDEO**"; strike beginning with "used" in line 6 down through "with" in line 7 and substitute "**THAT IS USED AS**"; in line 8, strike "**THAT**" and substitute "**EXCLUSIVELY FOR SAFETY, WHEN THE EQUIPMENT**"; and in line 10, after "**THE**" insert "**EQUIPMENT OR**".

The preceding amendment was read only.

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for March 22, 2010.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 537)

ADJOURNMENT

At 12:59 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 22, 2010.