Journal *of* Proceedings

of the

Senate
of
Maryland

2010 Regular Session

Volume IV

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Annapolis, Maryland
Legislative Day: March 28, 2010
Calendar Day: Tuesday, March 30, 2010
10:00 A.M. Session

The Senate met at 10:14 A.M.

Prayer by Reverend Doris Buchanan Johnson, Rector, St. Martin's–in–the–Field Episcopal Church, guest of Senator Reilly.

(See Exhibit A of Appendix III)

The Journal of March 27, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 765)

LAID OVER BILLS

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

Senate Bill 782 – Senator Raskin

AN ACT concerning

Mortgage Foreclosure Bankruptcy Exemption

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

SB0782/168679/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 782
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Homestead Exemption – Bankruptcy"; strike line 7 in its entirety and substitute "authorizing"; in line 8, strike "from claiming" and substitute "to claim"; and in line 9, strike "making conforming changes;" and substitute "making a clarifying change; providing for the application of this Act;".

AMENDMENT NO. 2

On page 3, in line 6, after the semicolon insert "**AND**"; strike line 7 in its entirety; in line 8, strike beginning with "**(III)**" through "**OWNER–OCCUPIED**" and substitute "**(II) OWNER–OCCUPIED**"; in line 9, strike "**$80,000**" and substitute "**$20,200**"; in lines 12 and 18, in each instance, strike "**(1)(III)**" and substitute "**(1)(II)**"; in lines 13 and 17, in each instance, after "**CLAIMED**" insert "**SUCCESSFULLY**"; and strike beginning with "**A**" in line 15 down through "**ARTICLE,**" in line 16 and substitute "**THE INDIVIDUAL'S SPOUSE, CHILD, CHILD'S SPOUSE, PARENT, SIBLING, GRANDPARENT, OR GRANDCHILD**".

AMENDMENT NO. 3

On page 3, strike beginning with the colon in line 19 down through "**NOT**" in line 22 and substitute "**MAY**".

AMENDMENT NO. 4

On page 4, after line 20, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any case filed before the effective date of this Act.";

and in line 21, strike "2." and substitute "3.".

The preceding 4 amendments were read only.

Senator Kelley moved, duly seconded, to make the Bill and Amendments a Special Order for March 31, 2010.

The motion was adopted.

Senate Bill 538 – Senators Garagiola, Haines, Klausmeier, Peters, and Pugh

AN ACT concerning

Residential Multiple Occupancy Buildings and Shopping Centers – Master Meters

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

SB0538/277579/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 538
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "and Shopping Centers"; in line 3, after "Meters" insert "– Heating, Ventilation, and Air Conditioning Services"; in line 5, after "meter" insert "for heating, ventilation, and air conditioning services"; in lines 5 and 6, strike "and shopping centers"; in line 6, after "submetering" insert "for heating, ventilation, and air conditioning services"; in line 7, after "circumstances;" insert "authorizing the Commission to review certain information before authorizing use of a master meter;"; in line 9, strike "certain terms" and substitute "a certain term"; in the same line, after the second semicolon insert "providing for the termination of this Act;"; and in lines 10 and 11, strike "and shopping centers".

AMENDMENT NO. 2

On page 3, in line 6, strike "**(1)**"; strike beginning with the first "**THE**" in line 6 down through "**MASTER**" in line 8 and substitute "**, "MASTER**"; in line 10, after "**BUILDING**" insert "**BY A HEATING, VENTILATION, AND AIR CONDITIONING SYSTEM**"; strike lines 12 and 13 in their entirety; in line 15, strike "**OR SHOPPING CENTER**" and substitute "**FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES**"; in line 16, after "**SUBMETERING**" insert "**FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES**"; in line 18, after "**BILL**" insert "**FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES**"; in line 19, strike "**OR SHOPPING CENTER UNIT**"; in line 20, strike "**AND**"; in line 22, after "**METER**" insert "**FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES**"; in line 23, after "**SUBMETERING**" insert "**FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES; AND**

(3) EACH INDIVIDUALLY LEASED OR OWNED OCCUPANCY UNIT:

(I) HAS INDIVIDUAL METERED SERVICE FOR OTHER ENERGY SERVICES; AND

(II) DIRECTLY RECEIVES THE UTILITY BILL FOR THE OTHER ENERGY SERVICES";

in line 24, after "**(C)**" insert "**BEFORE AUTHORIZING THE USE OF A MASTER METER FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES, THE COMMISSION MAY REVIEW THE PROPOSED ALLOCATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEM EXPENSES AMONG INDIVIDUAL UNITS AND COMMON AREAS SERVED BY THE MASTER METER.**

(D)";

in line 28, strike "October" and substitute "July"; and in the same line, after "2010." insert "It shall remain effective for a period of 3 years and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 142 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2010, and the Maryland Consolidated Capital Bond Loans of 2003, 2004, 2005, 2006, 2007, 2008, and 2009

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (51) AND THE FAVORABLE REPORT.

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE MARYLAND SENATE – 2010 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO SENATE BILL 142 – THE CAPITAL BUDGET

(See Exhibit I of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 142 – THE CAPITAL BUDGET

(See Exhibit J of Appendix III)

Committee amendment 1 was read and adopted.

Committee amendments 2 through 6 were read and adopted.

Committee amendment 7 was read and adopted.

Committee amendments 10, 11 and 13 were read and adopted.

Committee amendment 8 was read and adopted.

Committee amendment 9 was read and adopted by roll call vote as follows:

Affirmative – 35 Negative – 12 (See Roll Call No. 766)

Committee amendment 19 was read and adopted by roll call vote as follows:

Affirmative – 38 Negative – 8 (See Roll Call No. 767)

Committee amendments 14 through 18 were read and adopted.

Committee amendment 12 was read and adopted by roll call vote as follows:

Affirmative – 42 Negative – 5 (See Roll Call No. 768)

Committee amendments 20 through 25 were read and adopted.

Committee amendments 26 through 31 and 33 were read and adopted.

Committee amendment 32 was read and adopted by roll call vote as follows:

Affirmative – 42 Negative – 5 (See Roll Call No. 769)

Committee amendments 34 through 51 were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0142/573527/1

BY: Senator Klausmeier

AMENDMENTS TO SENATE BILL 142
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 12, after "amount;" insert "declaring the intent of the General Assembly;".

AMENDMENT NO. 2

On page 61, after line 4, insert:

"SECTION 17. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor not include funds for legislative initiatives in the Capital Budget for fiscal year 2012 and fiscal year 2013 and that the funds instead be allocated to public school construction funding.";

and in line 5, strike "17." and substitute "18.".

AMENDMENT NO. 3

On page 62, in lines 10, 12, and 14, strike "18.", "19.", and "20.", respectively, and substitute "19.", "20.", and "21.", respectively; in line 15, strike "18" and substitute "19"; and in the same line, strike "19" and substitute "20".

The preceding 3 amendments were read and adopted.

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 202 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Aging School Program – Qualified Zone Academy Bonds

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0202/209634/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 202
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, strike "1397E(d)(1)" and substitute "54E"; in line 22, strike "§ 1397E" and substitute "§§ 54A and 54E"; and in line 26, strike "§ 8–123" and substitute "§§ 8–123 and 8–124".

On page 1, in line 9, after "fund;" insert "providing that, after a certain date, any bonds authorized under this Act shall be cancelled and be of no further effect; requiring that a certain monetary amount of indebtedness incurred on behalf of the State through this Act shall be allocated in accordance with a certain provision of law relating to the Aging School Program; providing that the proceeds of the loan under this Act shall be expanded not later than a certain number of years after the issuance of the bonds authorized under this Act;"; and in line 10, after "sales" insert "in proportion to the documented matching fund".

AMENDMENT NO. 2

On page 2, in line 2, after "Board." insert "The bonds authorized under this Act shall be issued and sold no later than December 31, 2010."; in line 11, strike "1397E(d)(4)(A)" and substitute "54E(d)(1)"; in line 24, strike "contributions, which may consist of funds or in kind contributions," and substitute "contributions"; in line 25, strike "1397E(d)(2)" and substitute "54E(b)"; in the same line, after "amended" insert ", and may consist of funds or in kind contributions"; in line 30, after the first "the" insert "sale of the bonds in proportion to the documented matching fund and the"; and strike beginning with the third "of" in line 30 down through "Act" in line 31.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 32 on page 2 through line 7 on page 3, inclusive, and substitute:

"(6) After December 31, 2010, any bonds authorized under this Act that have not been issued and sold by the Board of Public Works shall be cancelled and be of no further effect.

(7) $1,000,000 of any indebtedness incurred on behalf of the State of Maryland through the Aging School Program – Qualified Zone Academy Bonds Loan of 2010 shall be allocated as provided in § 5–206(f) of the Education Article.

(8) The proceeds of the loan shall be expended for the purposes provided in this Act not later than 3 years after the issuance of the bonds authorized under this Act.".

The preceding 3 amendments were read only.

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

AN ACT concerning

Academic Facilities Bonding Authority

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

SB0897/209035/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 897

(First Reading File Bill)

On page 2, in line 25, 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.

Senate Bill 1018 – Senator DeGrange

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (13) AND THE FAVORABLE REPORT.

SB1018/949338/2

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 1018
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in line 14, strike "repealing" and substitute "altering"; and in line 16, after "grants;" insert "providing that a certain facility may not be used for residential purposes; making this Act an emergency measure; providing for the effective date of certain provisions of this Act;".

AMENDMENT NO. 2

On page 2, after line 5, insert:

"BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 432 of the Acts of the General Assembly of 2004 and Chapter 707 of the Acts of the General Assembly of 2009
Section 13(3)(ii) Item (O)";

in line 24, after "(AM)" insert ", (BZ),"; after line 31, insert:

"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)";

in line 34, after "ZA01" insert "(H), (X), (AA), (AF),"; in the same line, strike "(BY), and"; in the same line, after "(CA)" insert ", (CH), and (CM)"; in the same line, after "ZA02(J)," insert "(X),"; in the same line, strike "(AA)" and substitute "(AC)"; in the same line, after "(AQ)," insert "(AV)"; in line 35, strike "(BI),"; and in the same line, strike "(BQ)" and substitute "(BR)".

AMENDMENT NO. 3

On page 3, in line 3, strike "Item ZA00(AB),"; in the same line, strike "(C),"; in the same line, strike the first "and"; in the same line, after "(AB)," insert "and (AH)"; in line 4, strike "(C),"; in the same line, strike "and"; in the same line, after "(AH)" insert ", (AM), and (BD)"; and after line 4, insert:

"BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 707 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA00(M)".

AMENDMENT NO. 4

On page 5, after line 37, insert:

"Chapter 204 of the Acts of 2003, as amended by Chapter 432 of the Acts of 2004 and Chapter 707 of the Acts of 2009

SECTION 13. AND BE IT FURTHER ENACTED, That:

(3) (ii) $2,500,000 for the following projects initially approved by the House:

(O) MacDonald Knolls Center. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Chi Centers, Inc. for the repair, renovation, reconstruction, construction, and capital equipping of the MacDonald Knolls Center, located in Silver Spring. **NOTWITHSTANDING SECTION 13(5) OF THIS ACT, THE GRANTEE MUST PRESENT EVIDENCE THAT A**

MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2012 (Montgomery County) 200,000".

AMENDMENT NO. 5

On page 9, after line 38, insert:

"(BZ) St. Mary's Agriculture Service Center. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Supervisors of the St. Mary's Soil Conservation District for the **ACQUISITION, PLANNING, DESIGN, AND** construction of the St. Mary's Agriculture Service Center, located in Leonardtown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (St. Mary's County) 100,000".

AMENDMENT NO. 6

On page 10, after line 20, insert:

"Chapter 488 of the Acts of 2007, as amended by Chapter 707 of the Acts of 2009

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

(3) ZA01 LOCAL HOUSE INITIATIVES

(AT) MacDonald Knolls Center. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Chi Centers, Inc. for the repair, renovation, reconstruction, construction, and capital equipping of the MacDonald Knolls Center, located in Silver Spring**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012** (Montgomery County) 100,000

ZA02 LOCAL SENATE INITIATIVES

(BH) MacDonald Knolls Center. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Chi Centers, Inc. for the repair, renovation, reconstruction, construction, and capital equipping of the MacDonald Knolls Center, located in Silver Spring. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012** (Montgomery County) 100,000";

after line 24, insert:

"(H) Allegany County Museum. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Western Maryland Station Center, Inc. for the planning **[**and**]**, design**, AND CONSTRUCTION** of the Allegany County Museum, located in Cumberland, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Allegany County) 50,000

(X) NACA Education and Community Center. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Freedom and Democracy Schools Foundation, Inc. for the construction of the NACA Education and Community Center, located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore City) 200,000

(AA) Roberta's House. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Roberta's House, Inc. for the acquisition, planning, design, renovation, construction, reconstruction, repair, and capital equipping of Roberta's House, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act **AND THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012** (Baltimore City) 50,000

(AF) Community Post. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Kingdom Economic System, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Community Post, located in Dundalk. **PROVIDED THAT THE COMMUNITY POST FACILITY MAY NOT BE USED FOR RESIDENTIAL PURPOSES.** Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act **AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore County) .. 125,000".

AMENDMENT NO. 7

On page 11, after line 16, insert:

"(CM) St. Mary's Agricultural Service Center. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching fund provided, to The Board of Supervisors of the St. Mary's Soil Conservation District for the **ACQUISITION, PLANNING,** design, and construction of an agricultural service center, located in Leonardtown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (St. Mary's County) 125,000";

after line 31, insert:

"(X) Roberta's House. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Roberta's House, Inc. for the acquisition, planning, design, renovation, construction, reconstruction, repair, and capital equipping of Roberta's House, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act **AND THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012** (Baltimore City) ..... 250,000";

strike beginning with "(AA)" in line 32 down through "100,000" in line 38 and substitute:

"(AC) Community Post. Provide a grant equal to the lesser of (i) $175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Kingdom Economic System, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Community Post, located in Dundalk. **PROVIDED THAT THE COMMUNITY POST FACILITY MAY NOT BE USED FOR RESIDENTIAL PURPOSES.** Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act **AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore County) . 175,000".

AMENDMENT NO. 8

On pages 10 and 11, strike in their entirety the lines beginning with line 36 on page 10 through line 3 on page 11, inclusive.

AMENDMENT NO. 9

On page 12, after line 8, insert:

"(AV) Imagination Stage. Provide a grant equal to the lesser of (i)

$200,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Imagination Stage, Inc. for the planning, design, construction, reconstruction, capital equipping, and repair of Imagination Stage, located in Bethesda. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended [prior to the effective date of this Act] **ON OR AFTER JANUARY 1, 2002, AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County) ..... 200,000";

and strike beginning with "(BI)" in line 21 down through "100,000" in line 29.

AMENDMENT NO. 10

On page 13, strike beginning with "(BQ)" in line 1 down through "100,000" in line 9.

AMENDMENT NO. 11

On page 14, after line 5, insert:

"Chapter 336 of the Acts of 2008, as amended by Chapter 707 of the Acts of 2009

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

(3) ZA00 MISCELLANEOUS GRANT PROGRAMS

(M) Maryland Independent College and University Association – Sojourner–Douglass College – Science and Allied Health Facility. Provide a grant equal to the lesser of (i) $3,250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Sojourner–Douglass College to assist in the design and construction of the expansion and renovation of a newly acquired building located at 249 N. Aisquith Street in Baltimore, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act **AND THE**

GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012 (Baltimore City) 3,250,000";

strike beginning with "ZA00" in line 9 down through "1,000,000" in line 15; and strike beginning with "(C)" in line 17 down through "35,000" in line 23.

AMENDMENT NO. 12

On page 15, after line 11, insert:

"(AH) Imagination Stage. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Imagination Stage, Inc. for the planning, design, construction, reconstruction, repair, and capital equipping of Imagination Stage, located in Bethesda. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended **[**prior to the effective date of this Act**]** **ON OR AFTER JANUARY 1, 2002, AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County) 150,000";

and strike beginning with "(C)" in line 13 down through "35,000" in line 19; after line 33, insert:

"(AM) Imagination Stage. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Imagination Stage, Inc. for the planning, design, construction, reconstruction, repair, and capital equipping of Imagination Stage, located in Bethesda. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended **[**prior to the effective date of this Act**]** **ON OR AFTER JANUARY 1, 2002, AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County) 125,000

(BD) Kappa Alpha Psi Playground Equipment. Provide a grant

equal to the lesser of (i) $10,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Kappa Alpha Psi Foundation of Maryland, Inc. for the acquisition, construction, and capital equipping of playgrounds**, INCLUDING THE RESURFACING OF BLACKTOP AND ACQUISITION OF BASKETBALL GOALS,** at Bowie High School and Pointer Ridge Elementary School, located in Bowie. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Prince George's County) ..... 10,000".

AMENDMENT NO. 13

On page 15, before line 34, insert:

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

Chapter 336 of the Acts of 2008

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

(3) ZA01 LOCAL SENATE INITIATIVES

(CH) Suitland Technology Center. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Suitland Family and Life Development Corporation for the construction of the Suitland Technology Center, located in **[**Lanham**] SUITLAND. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County) 50,000

ZA02 LOCAL HOUSE INITIATIVES

(BR) Suitland Technology Center. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Suitland Family and

Life Development Corporation for the construction of the Suitland Technology Center, located in [Lanham] **SUITLAND. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County) 100,000";

in line 34, strike "2." and substitute "3."; in the same line, after "That" insert "Section 1 of"; and after line 35, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly and, except as provided in Section 3 of this Act, shall take effect from the date it is enacted.".

The preceding 13 amendments were read only.

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

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 770)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #61

CONSENT CALENDAR #8

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 120	Sen. Gladden	Baltimore City – Alcoholic Beverages – Beer, Wine, and	EHE

		Liquor Tasting License	
SB 456	Sen. Pugh	Baltimore City – Park Heights Redevelopment Area Alcoholic Beverages – Store Opening Hours	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 8 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 771)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #62

Senate Bill 5 – Senator Muse

AN ACT concerning

Public Safety – ~~Police Training Commission –~~ Task Force on SWAT Team Activation and Deployment

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

Affirmative – 47 Negative – 0 (See Roll Call No. 772)

The Bill was then sent to the House of Delegates.

Senate Bill 274 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Criminal Law – ~~Violation of Restriction~~ Restrictions Against Possession of Firearms – Penalties

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

Affirmative – 40 Negative – 6 (See Roll Call No. 773)

The Bill was then sent to the House of Delegates.

Senate Bill 484 – Senators Dyson, Astle, Conway, Currie, Kelley, Middleton, and Pugh

AN ACT concerning

State Board of Nursing – Nurse Practitioners – Certification Requirements and Authority to Practice

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

Affirmative – 46 Negative – 1 (See Roll Call No. 774)

The Bill was then sent to the House of Delegates.

Senate Bill 499 – Senator Raskin

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

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

Affirmative – 47 Negative – 0 (See Roll Call No. 775)

The Bill was then sent to the House of Delegates.

Senate Bill 667 – Senators Forehand, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Criminal Law – Sexual Crimes – Definitions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 776)

The Bill was then sent to the House of Delegates.

Senate Bill 670 – Senators Simonaire, Haines, Jacobs, Mooney, and Stone

AN ACT concerning

Criminal Law – Trespass on Posted Property and Wanton Trespass on Private Property – Penalties

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

Affirmative – 47 Negative – 0 (See Roll Call No. 777)

The Bill was then sent to the House of Delegates.

Senate Bill 784 – Senator Raskin

AN ACT concerning

Maryland Statutory Trust Act

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

Affirmative – 47 Negative – 0 (See Roll Call No. 778)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #63

Senate Bill 465 – Senators Lenett, Kelley, Madaleno, Middleton, and Zirkin

AN ACT concerning

Developmental Disabilities Administration – Recipient ~~Reevaluations~~ Appeals

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

Affirmative – 47 Negative – 0 (See Roll Call No. 779)

The Bill was then sent to the House of Delegates.

Senate Bill 504 – Senator Gladden

AN ACT concerning

Environment – Reducing Lead Risk in Housing – Lead Paint Dust Testing

Read the third time and failed for want of a constitutional majority:

Affirmative – 22 Negative – 23 (See Roll Call No. 780)

Senate Bill 628 – Senator Stoltzfus

AN ACT concerning

Maryland Stem Cell Research Fund – Annual Report – Requirements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 781)

The Bill was then sent to the House of Delegates.

Senate Bill 797 – Senator Jones

AN ACT concerning

Blue Ribbon Commission on Alzheimer's Disease and Related Disorders

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

Affirmative – 47 Negative – 0 (See Roll Call No. 782)

The Bill was then sent to the House of Delegates.

Senate Bill 1006 – Senator Pugh

AN ACT concerning

Baltimore City – Sale of Motor Fuel for Dirt Bikes – Prohibition

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

Affirmative – 47 Negative – 0 (See Roll Call No. 783)

The Bill was then sent to the House of Delegates.

Senate Bill 1063 – Senator Madaleno

AN ACT concerning

Task Force to Study Unlicensed and Deceptive Real Estate Practices

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

Affirmative – 47 Negative – 0 (See Roll Call No. 784)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 785)

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 142 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2010, and the Maryland Consolidated Capital Bond Loans of 2003, 2004, 2005, 2006, 2007, 2008, and 2009

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

FLOOR AMENDMENT

SB0142/433927/1

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 142, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 10, in line 3, strike "(Howard County)" and substitute "(Kent County)"; and strike beginning with "(A)" in line 4 down through "1,150,000" in line 6 and substitute:

"(A) Upper Shore Community Mental Health Center. Provide funds for capital projects at the Upper Shore Community Mental Health Center 1,150,000".

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

Affirmative – 10 Negative – 36 (See Roll Call No. 786)

Read the second time and ordered prepared for Third Reading.

Senate Bill 202 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Aging School Program – Qualified Zone Academy Bonds

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0202/209634/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 202
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, strike "1397E(d)(1)" and substitute "54E"; in line 22, strike "§ 1397E" and substitute "§§ 54A and 54E"; and in line 26, strike "§ 8–123" and substitute "§§ 8–123 and 8–124".

On page 1, in line 9, after "fund;" insert "providing that, after a certain date, any bonds authorized under this Act shall be cancelled and be of no further effect; requiring that a certain monetary amount of indebtedness incurred on behalf of the State through this Act shall be allocated in accordance with a certain provision of law relating to the Aging School Program; providing that the proceeds of the loan under this Act shall be expanded not later than a certain number of years after the issuance of the bonds authorized under this Act;"; and in line 10, after "sales" insert "in proportion to the documented matching fund".

AMENDMENT NO. 2

On page 2, in line 2, after "Board." insert "The bonds authorized under this Act shall be issued and sold no later than December 31, 2010."; in line 11, strike "1397E(d)(4)(A)" and substitute "54E(d)(1)"; in line 24, strike "contributions, which may consist of funds or in kind contributions," and substitute "contributions"; in line

25, strike "1397E(d)(2)" and substitute "54E(b)"; in the same line, after "amended" insert ", and may consist of funds or in kind contributions"; in line 30, after the first "the" insert "sale of the bonds in proportion to the documented matching fund and the"; and strike beginning with the third "of" in line 30 down through "Act" in line 31.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 32 on page 2 through line 7 on page 3, inclusive, and substitute:

"(6) After December 31, 2010, any bonds authorized under this Act that have not been issued and sold by the Board of Public Works shall be cancelled and be of no further effect.

(7) $1,000,000 of any indebtedness incurred on behalf of the State of Maryland through the Aging School Program – Qualified Zone Academy Bonds Loan of 2010 shall be allocated as provided in § 5–206(f) of the Education Article.

(8) The proceeds of the loan shall be expended for the purposes provided in this Act not later than 3 years after the issuance of the bonds authorized under this Act.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 1018 – Senator DeGrange

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (13) AND THE FAVORABLE REPORT.

SB1018/949338/2

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 1018

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in line 14, strike "repealing" and substitute "altering"; and in line 16, after "grants;" insert "providing that a certain facility may not be used for residential purposes; making this Act an emergency measure; providing for the effective date of certain provisions of this Act;".

AMENDMENT NO. 2

On page 2, after line 5, insert:

"BY repealing and reenacting, with amendments,

Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 432 of the Acts of the General Assembly of 2004 and Chapter 707 of the Acts of the General Assembly of 2009

Section 13(3)(ii) Item (O)";

in line 24, after "(AM)" insert ", (BZ),"; after line 31, insert:

"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)";

in line 34, after "ZA01" insert "(H), (X), (AA), (AF),"; in the same line, strike "(BY), and"; in the same line, after "(CA)" insert ", (CH), and (CM)"; in the same line, after "ZA02(J)," insert "(X),"; in the same line, strike "(AA)" and substitute "(AC)"; in the same line, after "(AQ)," insert "(AV)"; in line 35, strike "(BI),"; and in the same line, strike "(BQ)" and substitute "(BR)".

AMENDMENT NO. 3

On page 3, in line 3, strike "Item ZA00(AB),"; in the same line, strike "(C),"; in the same line, strike the first "and"; in the same line, after "(AB)," insert "and (AH)"; in line 4, strike "(C),"; in the same line, strike "and"; in the same line, after "(AH)" insert ", (AM), and (BD)"; and after line 4, insert:

"BY repealing and reenacting, with amendments,

Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 707 of the Acts of the General Assembly of 2009

Section 1(3) Item ZA00(M)".

AMENDMENT NO. 4

On page 5, after line 37, insert:

"Chapter 204 of the Acts of 2003, as amended by Chapter 432 of the Acts of 2004 and Chapter 707 of the Acts of 2009

SECTION 13. AND BE IT FURTHER ENACTED, That:

(3) (ii) $2,500,000 for the following projects initially approved by the House:

(O) MacDonald Knolls Center. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Chi Centers, Inc. for the repair, renovation, reconstruction, construction, and capital equipping of the MacDonald Knolls Center, located in Silver Spring. **NOTWITHSTANDING SECTION 13(5) OF THIS ACT, THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2012** (Montgomery County) 200,000".

AMENDMENT NO. 5

On page 9, after line 38, insert:

"(BZ) St. Mary's Agriculture Service Center. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Supervisors of the St. Mary's Soil Conservation District for the **ACQUISITION, PLANNING, DESIGN, AND** construction of the St. Mary's Agriculture Service Center, located in Leonardtown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (St. Mary's County) 100,000".

AMENDMENT NO. 6

On page 10, after line 20, insert:

"Chapter 488 of the Acts of 2007, as amended by Chapter 707 of the Acts of 2009

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

(3) ZA01 LOCAL HOUSE INITIATIVES

(AT) MacDonald Knolls Center. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Chi Centers, Inc. for the repair, renovation, reconstruction, construction, and capital equipping of the MacDonald Knolls Center, located in Silver Spring. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012** (Montgomery County) 100,000

ZA02 LOCAL SENATE INITIATIVES

(BH) MacDonald Knolls Center. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Chi Centers, Inc. for the repair, renovation, reconstruction, construction, and capital equipping of the MacDonald Knolls Center, located in Silver Spring. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012** (Montgomery County) 100,000";

after line 24, insert:

"(H) Allegany County Museum. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Western Maryland

Station Center, Inc. for the planning [and], design**, AND CONSTRUCTION** of the Allegany County Museum, located in Cumberland, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Allegany County) 50,000

(X) NACA Education and Community Center. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Freedom and Democracy Schools Foundation, Inc. for the construction of the NACA Education and Community Center, located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore City) 200,000

(AA) Roberta's House. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Roberta's House, Inc. for the acquisition, planning**,** design, renovation, construction, reconstruction, repair, and capital equipping of Roberta's House, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act **AND THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012** (Baltimore City) 50,000

(AF) Community Post. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Kingdom Economic System, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Community Post,

located in Dundalk. **PROVIDED THAT THE COMMUNITY POST FACILITY MAY NOT BE USED FOR RESIDENTIAL PURPOSES.** Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act **AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore County) .. 125,000".

AMENDMENT NO. 7

On page 11, after line 16, insert:

"(CM) St. Mary's Agricultural Service Center. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching fund provided, to The Board of Supervisors of the St. Mary's Soil Conservation District for the **ACQUISITION, PLANNING,** design**,** and construction of an agricultural service center, located in Leonardtown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (St. Mary's County) 125,000";

after line 31, insert:

"(X) Roberta's House. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Roberta's House, Inc. for the acquisition, planning, design, renovation, construction, reconstruction, repair, and capital equipping of Roberta's House, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act **AND THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012** (Baltimore City) ..... 250,000";

strike beginning with "(AA)" in line 32 down through "100,000" in line 38 and substitute:

"(AC) Community Post. Provide a grant equal to the lesser of (i)

$175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Kingdom Economic System, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Community Post, located in Dundalk. **PROVIDED THAT THE COMMUNITY POST FACILITY MAY NOT BE USED FOR RESIDENTIAL PURPOSES.** Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act **AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore County) . 175,000".

AMENDMENT NO. 8

On pages 10 and 11, strike in their entirety the lines beginning with line 36 on page 10 through line 3 on page 11, inclusive.

AMENDMENT NO. 9

On page 12, after line 8, insert:

"(AV) Imagination Stage. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Imagination Stage, Inc. for the planning, design, construction, reconstruction, capital equipping, and repair of Imagination Stage, located in Bethesda. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended **[**prior to the effective date of this Act**]** **ON OR AFTER JANUARY 1, 2002, AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County) ..... 200,000";

and strike beginning with "(BI)" in line 21 down through "100,000" in line 29.

AMENDMENT NO. 10

On page 13, strike beginning with "(BQ)" in line 1 down through "100,000" in line 9.

AMENDMENT NO. 11

On page 14, after line 5, insert:

"Chapter 336 of the Acts of 2008, as amended by Chapter 707 of the Acts of 2009

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

(3) ZA00 MISCELLANEOUS GRANT PROGRAMS

(M) Maryland Independent College and University Association – Sojourner–Douglass College – Science and Allied Health Facility. Provide a grant equal to the lesser of (i) $3,250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Sojourner–Douglass College to assist in the design and construction of the expansion and renovation of a newly acquired building located at 249 N. Aisquith Street in Baltimore, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act **AND THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2012** (Baltimore City) 3,250,000";

strike beginning with "ZA00" in line 9 down through "1,000,000" in line 15; and strike beginning with "(C)" in line 17 down through "35,000" in line 23.

AMENDMENT NO. 12

On page 15, after line 11, insert:

"(AH) Imagination Stage. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Imagination Stage, Inc. for the planning, design, construction, reconstruction, repair, and capital equipping of Imagination Stage, located in Bethesda. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended **[**prior to the effective date of this Act**]** **ON OR AFTER JANUARY 1, 2002, AND THE**

GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED (Montgomery County) 150,000";

and strike beginning with "(C)" in line 13 down through "35,000" in line 19; after line 33, insert:

"(AM) Imagination Stage. Provide a grant equal to the lesser of (i) $125,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Imagination Stage, Inc. for the planning, design, construction, reconstruction, repair, and capital equipping of Imagination Stage, located in Bethesda. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended **[**prior to the effective date of this Act**]** **ON OR AFTER JANUARY 1, 2002, AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County) 125,000

(BD) Kappa Alpha Psi Playground Equipment. Provide a grant equal to the lesser of (i) $10,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Kappa Alpha Psi Foundation of Maryland, Inc. for the acquisition, construction, and capital equipping of playgrounds**, INCLUDING THE RESURFACING OF BLACKTOP AND ACQUISITION OF BASKETBALL GOALS,** at Bowie High School and Pointer Ridge Elementary School, located in Bowie. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Prince George's County) ..... 10,000".

AMENDMENT NO. 13

On page 15, before line 34, insert:

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

Chapter 336 of the Acts of 2008

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

(3) ZA01 LOCAL SENATE INITIATIVES

(CH) Suitland Technology Center. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Suitland Family and Life Development Corporation for the construction of the Suitland Technology Center, located in [Lanham] **SUITLAND. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County) 50,000

ZA02 LOCAL HOUSE INITIATIVES

(BR) Suitland Technology Center. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Suitland Family and Life Development Corporation for the construction of the Suitland Technology Center, located in [Lanham] **SUITLAND. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County) 100,000";

in line 34, strike "2." and substitute "3."; in the same line, after "That" insert "Section 1 of"; and after line 35, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly and, except as provided in Section 3 of this Act, shall take effect from the date it is enacted.".

The preceding 13 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB1018/333826/1

BY: Senator Stone

AMENDMENTS TO SENATE BILL 1018, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB1018/949338/2), in line 3 of Amendment No. 1, after "may" insert "only be used for certain recreational purposes and may"; and in the same line, strike "residential" and substitute "certain".

AMENDMENT NO. 2

On page 6 of the Budget and Taxation Committee Amendments, in line 2 of Amendment No. 6, after "**MAY**" insert "**ONLY BE USED FOR THE RECREATIONAL ENJOYMENT OF THE COMMUNITY AND MAY**"; and in line 3, after "**PURPOSES**" insert "**, A HALF WAY HOUSE, OR REENTRY FROM ANY PENAL INSTITUTION**".

AMENDMENT NO. 3

On page 7 of the Budget and Taxation Committee Amendments, in line 11 of Amendment No. 7, after "**MAY**" insert "**ONLY BE USED FOR THE RECREATIONAL ENJOYMENT OF THE COMMUNITY AND MAY**"; and in line 12, after "**PURPOSES**" insert "**, A HALF WAY HOUSE, OR REENTRY FROM ANY PENAL INSTITUTION**".

The preceding 3 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 1084 – Senator Conway

AN ACT concerning

Maryland Higher Education Commission – Review of Program Proposals

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

SB1084/514935/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1084
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Conway" and substitute "Senators Conway and Harrington"; in line 8, strike "and certain deadlines by which"; in line 18, strike "(e)(2) and (6)" and substitute "(e)(6)"; and in line 23, after "11–206(e)(1)" insert "and (2)".

AMENDMENT NO. 2

On page 2, strike beginning with "**THROUGH**" in line 8 down through "**EVIDENCE**" in line 10; in line 19, after "**FOR**" insert "**:**

(I)";

in the same line, strike "**THE**" and substitute "**THE**"; in line 20, after "**PROPOSAL**" insert "**; AND**

(II) THE REVIEW OF OBJECTIONS RECEIVED BY THE COMMISSION IN ACCORDANCE WITH A DELIBERATIVE FACT–FINDING PROCESS, INCLUDING RECEIVING WITNESS TESTIMONY AND THE WEIGHING OF EVIDENCE";

in line 22, strike the brackets; and in the same line, strike "**90**".

On page 3, in line 6, strike the brackets; and strike beginning with "**THAT**" in line 6 down through "**ESTABLISH**" in line 10.

On page 4, in line 18, strike the brackets; and in the same line, strike "**60**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB1084/263627/1

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 1084, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "repealing" in line 12 down through "review;" in line 13.

In the Education, Health, and Environmental Affairs Committee Amendments (SB1084/514935/1), in line 3 of Amendment No. 1, strike "(e)(6)"; and in line 4, strike "and (2)" and substitute ", (2), and (6)".

AMENDMENT NO. 2

On page 3 of the bill, in lines 20 and 21, in each instance, strike the bracket.

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

Affirmative – 22 Negative – 23 (See Roll Call No. 787)

FLOOR AMENDMENT

SB1084/723620/1

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 1084
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "review;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 4, after line 21, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to apply to or be interpreted to have any effect on or application to the Master of Business Administration program at Towson University.";

and in line 22, strike "2." and substitute "3.".

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

Affirmative – 27 Negative – 20 (See Roll Call No. 788)

FLOOR AMENDMENT

SB1084/783724/1
BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 1084
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "review;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 4, after line 21, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.";

and in line 22, strike "2." and substitute "3.".

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

Affirmative – 28 Negative – 19 (See Roll Call No. 789)

Senator Brinkley moved, duly seconded, to make the Bill a Special Order for March 31, 2010.

The motion was adopted.

Senate Bill 114 – Senator Gladden

AN ACT concerning

Voter's Rights Protection Act of 2010

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

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 511 – Senators Frosh and Forehand

AN ACT concerning

Vehicle Manufacturers – Advertising – Prohibiting Threats to Dealers

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

Favorable report adopted.

FLOOR AMENDMENT

SB0511/513321/1

BY: Senator Pugh

AMENDMENTS TO SENATE BILL 511
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "prohibiting" in line 7 down through "dealer;" in line 11.

AMENDMENT NO. 2

On page 2, in line 12, strike the comma and substitute "**OR**"; strike beginning with the first comma in line 13 down through the comma in line 14; strike beginning with the colon in line 14 down through "**LISTING**" in line 15 and substitute "**LISTING**"; in lines 18 and 22, strike "**(I)**" and "**(II)**", respectively, and substitute "**(1)**" and "**(2)**", respectively; and strike beginning with the semicolon in line 23 down through "**MANUFACTURER**" in line 27.

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

Affirmative – 43 Negative – 4 (See Roll Call No. 790)

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #20

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

Senate Bill 277 – The President (By Request – Administration) and Senators Garagiola, Forehand, Frosh, Harrington, King, Lenett, Madaleno, McFadden, and Pinsky

AN ACT concerning

Renewable Energy Portfolio Standard – Solar Energy

SB0277/877071/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 277
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "standard;" insert "requiring the Public Service Commission for certain years to grant a waiver of up to certain percentages of the total Tier 1 solar energy requirement of the renewable energy portfolio standard to a certain electric cooperative in a certain manner; providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 12, strike "The" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE**".

On page 3, after line 14, insert:

"**(C) (1) THIS SUBSECTION APPLIES TO RETAIL ELECTRICITY SALES BY ANY ELECTRICITY SUPPLIER TO A CUSTOMER SERVED BY AN ELECTRIC COOPERATIVE THAT IS SUBJECT TO THE RENEWABLE ENERGY PORTFOLIO STANDARD UNDER SUBSECTION (B) OF THIS SECTION.**

(2) IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION, THE COMMISSION SHALL GRANT A WAIVER TO AN ELECTRIC COOPERATIVE OF UP TO THE FOLLOWING PERCENTAGES OF THE TOTAL TIER 1 SOLAR ENERGY REQUIREMENT UNDER SUBSECTION (B)(6) THROUGH (15) OF THIS SECTION IN THE MANNER SPECIFIED UNDER PARAGRAPHS (3) AND (4) OF THIS SUBSECTION:

(I) IN 2011, 0.01%;

(II) IN 2012, 0.06%;

(III) IN 2013, 0.12%;

(IV) IN 2014, 0.21%;

(V) IN 2015, 0.25%;

(VI) IN 2016, 0.35%;

(VII) IN 2017, 0.45%;

(VIII) IN 2018, 0.20%;

(IX) IN 2019, 0.2%; AND

(X) IN 2020, 0.15%.

(3) THE COMMISSION SHALL GRANT AN ELECTRIC COOPERATIVE THE WAIVER SPECIFIED IN PARAGRAPH (2) OF THIS SECTION TO THE EXTENT THE ELECTRIC COOPERATIVE HAS DEMONSTRATED THAT THE ELECTRIC COOPERATIVE HAS:

(I) INVESTED IN ANY TIER 1 RENEWABLE SOURCE, AS SELECTED BY THE ELECTRIC COOPERATIVE; OR

(II) PURCHASED ENERGY FROM A TIER 1 RENEWABLE SOURCE, AS SELECTED BY THE ELECTRIC COOPERATIVE, UNDER A CONTRACT WITH A TERM OF AT LEAST 10 YEARS.

(4) THE RENEWABLE ENERGY PORTFOLIO STANDARD PERCENTAGE THAT THE COMMISSION WAIVES UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE EQUAL TO THE MEGAWATT–HOURS OF ENERGY THAT THE ELECTRIC COOPERATIVE PURCHASED DURING THE PARTICULAR YEAR FROM:

(I) A TIER 1 RENEWABLE GENERATION FACILITY IN WHICH IT HAS INVESTED; OR

(II) UNDER A CONTRACT WITH A TERM OF AT LEAST 10 YEARS.";

in lines 15 and 19, strike "(c)" and "(d)", respectively, and substitute "**(D)**" and "**(E)**", respectively; and in line 19, strike "(c)" and substitute "**(D)**".

AMENDMENT NO. 3

On page 4, after line 26, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any contract existing before the effective date of this Act.".

On page 5, in line 1, strike "2." and substitute "3.".

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 789 – Senators Garagiola, Brochin, Conway, Currie, Forehand, Frosh, Gladden, Harrington, Jones, Kelley, King, Klausmeier, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Pugh, Raskin, Rosapepe, and Stone

AN ACT concerning

Labor and Employment – The Healthy Retail Employee Act

SB0789/857079/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 789
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike "authorizing" and substitute "requiring"; in line 11, after "circumstances;" insert "subjecting certain provisions of this Act to certain notice and hearing requirements; requiring the Commissioner to consider certain factors when determining whether a violation of this Act has occurred or the amount of a certain civil penalty;"; and strike beginning with "authorizing" in line 12 down through "award" in line 13 and substitute "specifying that a certain employee may be entitled to a certain monetary amount and"; and in line 14, after "terms;" insert "providing for a delayed effective date;".

AMENDMENT NO. 2

On page 2, in line 18, strike "**AT LEAST**"; in the same line, after "**50**" insert "**OR MORE RETAIL**"; in the same line, after "**EMPLOYEES**" insert "**FOR EACH WORKING DAY IN EACH OF 20 OR MORE CALENDAR WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR**"; in line 20, strike "**AT LEAST**"; in the same line, after

"**50**" insert "**OR MORE RETAIL**"; in line 21, after "**STATE**" insert "**FOR EACH WORKING DAY IN EACH OF 20 OR MORE CALENDAR WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR**"; in line 24, after "**(4)**" insert "**(I)**"; strike beginning with "**HAS**" in line 24 down through "**ARTICLE**" in line 25 and substitute "**MEANS A PLACE OF BUSINESS WITH THE PRIMARY PURPOSE OF SELLING GOODS TO A CONSUMER WHO IS PRESENT AT THE PLACE OF BUSINESS AT THE TIME OF SALE**"; and after line 25, insert:

"**(II) "RETAIL ESTABLISHMENT" DOES NOT INCLUDE:**

1. A WHOLESALER, AS DEFINED IN § 11–401(I) OF THE COMMERCIAL LAW ARTICLE; OR

2. A RESTAURANT.".

On page 3, in line 2, strike "**OR**"; in line 4, after "**MUNICIPALITY**" insert "**;**

(4) WHO WORKS IN A CORPORATE OFFICE OR OTHER OFFICE LOCATION; OR

(5) WHO WORKS FOR AT LEAST 4 CONSECUTIVE HOURS FOR AN EMPLOYER AT A SINGLE LOCATION WITH 5 OR FEWER EMPLOYEES";

in line 5, after "**IN**" insert "**PARAGRAPH (4) OF THIS SUBSECTION OR**"; in line 6, after "**EMPLOYEE**" insert "**AT A RETAIL ESTABLISHMENT**"; strike beginning with the colon in line 6 down through "**1.**" in line 7; in line 8, strike "**; OR**" and substitute a period; after line 8, insert:

"**(II) AN EMPLOYEE IS NOT ENTITLED TO A 15 MINUTE SHIFT BREAK UNDER THIS PARAGRAPH IF THE EMPLOYEE IS ENTITLED TO A 30 MINUTE SHIFT BREAK UNDER PARAGRAPH (2) OF THIS SUBSECTION.**";

in line 9, strike "**2.**" and substitute "**(2) AN EMPLOYER MAY NOT EMPLOY AN EMPLOYEE AT A RETAIL ESTABLISHMENT FOR**"; after line 10, insert:

"**(3) IF AN EMPLOYEE WORKS 8 CONSECUTIVE HOURS IN A SINGLE SHIFT, THE EMPLOYER SHALL PROVIDE AN ADDITIONAL NONWORKING SHIFT**

BREAK OF AT LEAST 15 MINUTES FOR EVERY ADDITIONAL 4 CONSECUTIVE HOURS THE EMPLOYER EMPLOYS THE EMPLOYEE IN THE SHIFT.";

in line 11, strike "**(II)**" and substitute "**(4)**"; strike beginning with "**SUBPARAGRAPH**" in line 12 down through "**PARAGRAPH**" in line 13 and substitute "**PARAGRAPH (1) OF THIS SUBSECTION**"; in line 15, strike "**(2) THE**" and substitute "**(5) A**"; in the same line, strike "**PARAGRAPH (1) OF**"; in line 22, after "**AGREE**" insert "**IN WRITING**"; in line 23, strike "**AND DOCUMENT THE AGREEMENT**"; and strike beginning with "**DETERMINES**" in line 27 down through "**SECTION**" in line 28 and substitute "**RECEIVES A COMPLAINT UNDER PARAGRAPH (1) OF THIS SUBSECTION**".

On page 4, in line 1, after "**(II)**" insert "**DETERMINE WHETHER THE EMPLOYER HAS VIOLATED THIS SECTION.**

(3) IF THE COMMISSIONER DETERMINES THAT THE EMPLOYER HAS VIOLATED THIS SECTION, THE COMMISSIONER SHALL:

(I)";

and strike beginning with "**CONSISTENT**" in line 2 down through "**ARTICLE**" in line 3 and substitute "**; AND**

(II) IN THE COMMISSIONER'S DISCRETION, ASSESS A CIVIL PENALTY OF:

1. UP TO $300 FOR EACH EMPLOYEE FOR WHOM THE EMPLOYER IS NOT IN COMPLIANCE WITH THIS SECTION; OR

2. UP TO $600 FOR EACH EMPLOYEE FOR WHOM THE EMPLOYER IS NOT IN COMPLIANCE WITH THIS SECTION IF THE VIOLATION OCCURRED WITHIN 3 YEARS AFTER AN EMPLOYEE FILED A PREVIOUS COMPLAINT THAT LED TO A DETERMINATION THAT A VIOLATION HAD OCCURRED.

(4) THE PROVISIONS OF PARAGRAPHS (2)(II) AND (3) OF THIS SUBSECTION ARE SUBJECT TO THE NOTICE AND HEARING REQUIREMENTS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(5) (I) IN DETERMINING WHETHER THERE IS A VIOLATION OF THIS SECTION, THE COMMISSIONER SHALL CONSIDER IF THERE WAS A THREAT TO PUBLIC HEALTH OR SAFETY AT THE TIME THE VIOLATION IS ALLEGED TO HAVE OCCURRED.

(II) IN DETERMINING THE AMOUNT OF ANY CIVIL PENALTY TO BE IMPOSED, THE COMMISSIONER SHALL CONSIDER THE:

1. SERIOUSNESS OF THE VIOLATION;

2. SIZE OF THE EMPLOYER'S BUSINESS;

3. EMPLOYER'S GOOD FAITH IN COMPLYING WITH THIS SECTION; AND

4. EMPLOYER'S HISTORY OF VIOLATIONS UNDER THIS SECTION".

On page 4, in line 4, strike "**(3) (I)**" and substitute "**(6)**"; in line 5, strike "**FIRST**"; in the same line, strike "**(2)(II)**" and substitute "**(3)**"; strike beginning with the colon in line 6 down through "**1.**" in line 7; in line 7, after "**ORDER**" insert "**AND CIVIL PENALTY**"; strike beginning with the semicolon in line 8 down through "**2.**" in line 21 and substitute "**.**

(7) IF THE EMPLOYER FAILS TO COMPLY WITH AN ORDER ISSUED FOR A SUBSEQUENT VIOLATION AGAINST THE SAME EMPLOYEE UNDER PARAGRAPH (3) OF THIS SUBSECTION WITHIN 3 YEARS AFTER THE EMPLOYEE FILED A COMPLAINT THAT IS DETERMINED TO BE A VIOLATION UNDER SUBSECTION (D) OF THIS SECTION,";

strike in their entirety lines 24 through 29, inclusive; after line 29, insert:

"**(8) IF AN EMPLOYEE PREVAILS IN AN ACTION BROUGHT UNDER PARAGRAPH (7) OF THIS SUBSECTION, THE EMPLOYEE MAY BE ENTITLED TO:**

(I) THREE TIMES THE VALUE OF THE EMPLOYEE'S HOURLY WAGE FOR EACH SHIFT BREAK VIOLATION OF THIS SECTION OCCURRING AFTER THE MOST RECENT VIOLATION AGAINST THE SAME EMPLOYEE; AND

(II) REASONABLE ATTORNEY'S FEES AND OTHER COSTS OF THE EMPLOYEE.";

and in line 31, strike "October 1, 2010" and substitute "March 1, 2011".

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 911 – Senator Astle

AN ACT concerning

Underground Facilities – Damage Prevention

SB0911/257973/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 911
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Astle" and substitute "Senators Astle, Della, Exum, Garagiola, Glassman, Klausmeier, and Middleton"; in line 17, after "sources;" insert "prohibiting the Authority from imposing a certain charge or assessment against a person for certain purposes under certain circumstances;"; and in line 31, strike "owners" and substitute "owner–members".

On page 2, in line 3, after "system" insert "by registering with the one–call system"; in line 6, after "system;" insert "requiring the one–call system to promptly transmit a copy of a certain ticket to certain owner–members under certain circumstances;"; in lines 9, 11, 13, 15, 29, 31, and 32, in each instance, strike "owner" and substitute "owner–member"; and strike beginning with "repealing" in line 24 down through "laws;" in line 28.

On pages 2 and 3, strike beginning with "altering" in line 43 on page 2 down through "Act;" in line 1 on page 3.

On page 3, in line 40, strike "12–122, and 12–128" and substitute "and 12–122".

On page 4, after line 2, insert:

"BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 12–128 to be under the new part "Part IV. Excavation and Demolition"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)
(As enacted by Section 2 of this Act)";

and strike in their entirety lines 14 through 25, inclusive.

AMENDMENT NO. 2

On page 5, in line 14, strike "**OR ENGINEER**" and substitute "**, PROFESSIONAL ENGINEER, PROFESSIONAL LAND SURVEYOR, OR LICENSED LANDSCAPE ARCHITECT, AS THOSE TERMS ARE DEFINED IN THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE,**".

AMENDMENT NO. 3

On page 7, in line 2, in each instance, strike the bracket; in the same line, before "**THE**" insert "**;**

(II)";

in line 3, strike "**(II)**" and substitute "**(III)**"; in line 4, strike "**(III)**" and substitute "**(IV)**"; and in line 14, strike "to be".

On page 9, after line 15, insert:

"**(C)** **TO THE EXTENT PRACTICABLE, MEMBERS APPOINTED TO THE AUTHORITY SHALL REASONABLY REFLECT THE GEOGRAPHIC, RACIAL, AND GENDER DIVERSITY OF THE STATE.**";

and in lines 16 and 30, strike "**(C)**" and "**(D)**", respectively, and substitute "**(D)**" and "**(E)**", respectively.

AMENDMENT NO. 4

On page 11, in line 9, before "**THE**" insert "**(A)**"; in line 12, before "**AUTHORIZED**" insert "**FOR COMPLAINTS HEARD BY THE AUTHORITY AS**"; in line 13, strike "**§ 12–112**" and substitute "**§ 12–112(B)(1)**"; and after line 14, insert:

"**(B)** **EXCEPT AS PROVIDED IN SUBSECTION (A)(2) OF THIS SECTION, THE AUTHORITY MAY NOT IMPOSE A CHARGE OR ASSESSMENT AGAINST ANY PERSON, DIRECTLY OR INDIRECTLY, TO OBTAIN FUNDING FOR ITS OPERATIONAL EXPENSES.**";

in line 22, after "**(B)**" insert "**(1)**"; in lines 23 and 25, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 26, insert:

"**(2)** **IF THE AUTHORITY DETERMINES THAT AN INDIVIDUAL CANNOT AFFORD TO PAY A FEE ESTABLISHED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE AUTHORITY MAY EXEMPT THE INDIVIDUAL WHOLLY OR PARTLY FROM THE FEE.**".

AMENDMENT NO. 5

On page 12, in line 1, after "**RECEIVES**" insert "**REASONABLE**"; in line 16, strike "**THE PERSON AGAINST WHOM THE COMPLAINT WAS MADE**" and substitute "**ALL PARTIES TO THE COMPLAINT PROCEEDINGS**"; in line 20, after "**WITH**" insert "**THE JUDICIAL REVIEW AND APPEALS PROCESS UNDER**"; in line 24, after "**(3)**" insert "**(I)**"; in the same line, strike "**THE**" and substitute "**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**"; and after line 26, insert:

"**(II) IF THE PARTY FILING THE REQUEST FOR JUDICIAL REVIEW PREVAILS, THE CIRCUIT COURT MAY REQUIRE THAT THE COSTS OF THE JUDICIAL REVIEW, INCLUDING THE COSTS OF PREPARING A RECORD AND TRANSCRIPT, BE PAID BY THE AUTHORITY.**".

On page 14, in lines 26 and 29, in each instance, strike "**12–123(A)**" and substitute "**12–123**".

AMENDMENT NO. 6

On page 16, in line 9, after "**(A)**" insert "**(1)**"; after line 9, insert:

"**(2) AN OWNER BECOMES A MEMBER OF A ONE–CALL SYSTEM BY REGISTERING WITH THE ONE–CALL SYSTEM.**";

in line 28, after "**(C)**" insert:

"**(1) ON RECEIVING NOTICE, THE ONE–CALL SYSTEM SHALL PROMPTLY TRANSMIT A COPY OF THE TICKET TO ALL OWNER–MEMBERS IN THE GEOGRAPHIC AREA INDICATED FOR THAT TICKET.**

(2)";

and in line 29, strike "**OWNER**" and substitute "**OWNER–MEMBER**".

On page 17, in lines 10, 12, 15, 16, 22, 26, 30, and 31, in each instance, strike "**OWNER**" and substitute "**OWNER–MEMBER**"; and in line 29, strike "**OWNERS**" and substitute "**OWNER–MEMBERS**".

On page 18, in lines 3, 8, 10, 13, 20, 23, 24, 28, 30, and 35, in each instance, strike "**OWNER**" and substitute "**OWNER–MEMBER**"; and in lines 4, 11, 26, and 28, in each instance, strike "**OWNER'S**" and substitute "**OWNER–MEMBER'S**".

AMENDMENT NO. 7

On page 19, in line 7, strike "**OWNERS**" and substitute "**OWNER–MEMBERS**"; in lines 15 and 24, in each instance, strike "**OWNER**" and substitute "**OWNER–MEMBER**"; and strike in their entirety lines 26 through 29, inclusive, and substitute:

"**(2)** **BEFORE USING MECHANIZED EQUIPMENT FOR EXCAVATION OR DEMOLITION WITHIN 18 INCHES OF AN UNDERGROUND FACILITY MARKING, A PERSON SHALL EXPOSE THE UNDERGROUND FACILITY TO ITS OUTERMOST SURFACES BY HAND OR OTHER NONDESTRUCTIVE TECHNIQUES.**".

On page 20, strike in their entirety lines 1 through 8, inclusive; in line 10, strike "**OWNER**" and substitute "**OWNER–MEMBER**"; and in line 27, strike "**OWNERS**" and substitute "**OWNER–MEMBERS**".

On page 21, in lines 7, 8, 9, 10, 11, and 15, in each instance, strike the brackets; in line 7, strike "**, A**"; in the same line, strike "**, OR AN OWNER**"; in line 8, strike "**NOT**"; in line 9, strike "**A FEE**"; in line 10, before "municipal" strike the comma; in the same line, strike "**, OR OWNER**"; and in line 29, after "**ONLY**" insert "**AND MAY NOT BE USED FOR THE PURPOSE OF EXCAVATION OR DEMOLITION**".

On page 22, in line 1, strike "**OWNERS**" and substitute "**OWNER–MEMBERS**"; in lines 4, 8, 11, and 20, in each instance, strike "**OWNER**" and substitute "**OWNER–MEMBER**"; and in line 6, after "**15**" insert "**BUSINESS**".

On page 23, in lines 17 and 31, in each instance, strike "**$2,500**" and substitute "**$2,000**"; in line 19, strike "**$5,000**" and substitute "**$4,000**"; in line 29, strike "**OTHER**"; in line 30, strike "**OR PART V**".

On page 25, strike in their entirety lines 13 through 27, inclusive.

AMENDMENT NO. 8

On page 26, in line 1, strike "5." and substitute "4."; in lines 8 and 19, in each instance, after "Committee" insert "as identified by the Governor on the initial appointment of that member to the Authority"; strike in their entirety lines 24 through 31, inclusive; in line 32, strike "8." and substitute "5."; and in lines 32 and 33, strike ", except as provided in Section 7 of this Act,".

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0911/593220/1

BY: Senator Astle

AMENDMENTS TO SENATE BILL 911, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, in line 2, strike "an owner" and substitute "certain owners"; and in line 4, after "information;" insert "exempting a unit of the Department of Transportation and the Maryland Transportation Authority under certain circumstances from the requirement regarding membership in a one–call system;".

AMENDMENT NO. 2

On page 16 of the bill, in line 9, strike "**AN**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN**".

On page 4 of the Finance Committee Amendments (SB0911/257973/1), in line 3 of Amendment No. 6, after "**SYSTEM.**" insert:

"**(3) IF THE SECRETARY OF TRANSPORTATION DETERMINES A PROGRAM OF MARKING AND IDENTIFYING UTILITIES IN STATE RIGHTS–OF–WAY EXISTS IN A UNIT OF THE DEPARTMENT OF TRANSPORTATION OR THE MARYLAND TRANSPORTATION AUTHORITY, THE UNIT OR THE MARYLAND TRANSPORTATION AUTHORITY IS NOT REQUIRED TO BE A MEMBER OF A ONE–CALL SYSTEM.**".

The preceding 2 amendments were read only.

Senator Astle moved, duly seconded, to make the Bill and Amendments a Special Order for April 2, 2010.

The motion was adopted.

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

Senate Bill 1107 – Senator Garagiola

AN ACT concerning

Renewable Energy Portfolio Standard – Renewable Energy Credits – Solar Water Heating Systems

SB1107/747473/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1107
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "definition;" insert "requiring that certain solar water heating systems be installed in accordance with applicable State and local plumbing codes;".

AMENDMENT NO. 2

On page 3, after line 27, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That solar water heating systems, as defined in § 7–701 of the Public Utility Companies Article, as enacted by Section 1 of this Act, shall be installed in accordance with applicable State and local plumbing codes.";

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1123 – Senator Frosh

AN ACT concerning

Political Subdivisions – Collective Bargaining Agreements – Binding Arbitration

SB1123/627578/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1123
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in line 4, after "authorizing" insert "retroactively"; in line 6, after "Act;" insert "making this Act an emergency measure;"; and strike in their entirety lines 8 through 12, inclusive.

AMENDMENT NO. 2

On page 1, strike beginning with "the" in line 14 down through "**CORPORATION.**" in line 22 and substitute "a county or municipal corporation that has adopted a local law or ordinance that allows for binding arbitration to resolve collective bargaining disputes regarding negotiations for wages, benefits, or terms and conditions of employment for employees of the county or municipal corporation is retroactively authorized to adopt a local law or ordinance that allows for binding arbitration to resolve collective bargaining disputes regarding negotiations for wages, benefits, or terms and conditions of employment for employees of the county or municipal corporation.".

On page 2, strike beginning with "retroactively" in line 2 down through "to" in line 3 and substitute "only retroactively and may not be applied or interpreted to have any effect on or application to any local law or ordinance that allows for binding arbitration enacted after"; and strike beginning with "shall" in line 5 down through "2010" in line 6 and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

The preceding 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. 792)

ADJOURNMENT

At 11:56 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day March 29, 2010, Calendar Day, Wednesday, March 31, 2010.

Annapolis, Maryland
Legislative Day: March 29, 2010
Calendar Day: Wednesday, March 31, 2010
10:00 A.M. Session

The Senate met at 10:12 A.M.

Prayer by Bishop LaVaughn Hughes, Faith Temple #2 – Original Free Will Baptist Church, guest of Senator Exum.

(See Exhibit A of Appendix III)

The Journal of March 28, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 794)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 629 – Senator Jennie M. Forehand:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Newvision Photography Program
in recognition of
the school's artistic and practical contribution to
disabled adults and the community at large.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 31st day of March 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 795)

Greetings from our Japanese Sister Province

QUORUM CALL

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

(See Roll Call No. 796)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #64

Senate Bill 114 – Senator Gladden

AN ACT concerning

Voter's Rights Protection Act of 2010

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

Affirmative – 36 Negative – 11 (See Roll Call No. 797)

The Bill was then sent to the House of Delegates.

Senate Bill 142 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2010, and the Maryland Consolidated Capital Bond Loans of 2003, 2004, 2005, 2006, 2007, 2008, and 2009

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

Affirmative – 43 Negative – 4 (See Roll Call No. 798)

The Bill was then sent to the House of Delegates.

Senate Bill 202 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Aging School Program – Qualified Zone Academy Bonds

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

Affirmative – 47 Negative – 0 (See Roll Call No. 799)

The Bill was then sent to the House of Delegates.

Senate Bill 511 – Senators Frosh and Forehand

AN ACT concerning

Vehicle Manufacturers – Advertising – Prohibiting Threats to Dealers

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

Affirmative – 45 Negative – 2 (See Roll Call No. 800)

The Bill was then sent to the House of Delegates.

Senate Bill 538 – Senators Garagiola, Haines, Klausmeier, Peters, and Pugh

AN ACT concerning

Residential Multiple Occupancy Buildings ~~and Shopping Centers~~ – Master Meters – Heating, Ventilation, and Air Conditioning Services

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

Affirmative – 47 Negative – 0 (See Roll Call No. 801)

The Bill was then sent to the House of Delegates.

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

AN ACT concerning

Academic Facilities Bonding Authority

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

Affirmative – 47 Negative – 0 (See Roll Call No. 802)

The Bill was then sent to the House of Delegates.

Senate Bill 1018 – Senator DeGrange

EMERGENCY BILL

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

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

Affirmative – 47 Negative – 0 (See Roll Call No. 803)

The Bill was then sent to the House of Delegates.

Senate Bill 1107 – Senator Garagiola

AN ACT concerning

Renewable Energy Portfolio Standard – Renewable Energy Credits – Solar Water Heating Systems

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

Affirmative – 47 Negative – 0 (See Roll Call No. 804)

The Bill was then sent to the House of Delegates.

Senate Bill 1123 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

Political Subdivisions – Collective Bargaining Agreements – Binding Arbitration

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

Affirmative – 43 Negative – 4 (See Roll Call No. 805)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 409 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Home Improvement Commission – Guaranty Fund Jurisdiction

FOR the purpose of prohibiting the Maryland Home Improvement Commission from making an award from the Home Improvement Guaranty Fund in excess of a certain amount paid to the contractor against whom the claim is filed; ~~altering the conditions under which a claim against the Fund can be made so as to authorize an owner to make a claim only if the owner or an immediate relative of the owner resides, as a principal or vacation residence, in the home as to which the claim is made;~~ and generally relating to the Home Improvement Guaranty Fund.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 8–405(e) ~~and (f)(2)~~
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 8–405(f)(2)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 659 – Delegates Simmons~~,~~ and Dumais, and Delegates Dwyer, Kipke, Kramer, Schuh, ~~and Sophocleus~~ Sophocleus, Barkley, Barve, Beidle, Bobo, Bronrott, Carr, G. Clagett, Conway, DeBoy, Doory, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Healey, Hecht, Heller, Hixson, Howard, James, Jameson, Jones, Kaiser, Kullen, Lee, Love, Malone, Manno, Mathias, McHale, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Olszewski, Pendergrass, Reznik, Rice, Robinson, Rudolph, Shewell, Stocksdale, Taylor, F. Turner, and Waldstreicher

AN ACT concerning

Maryland General and Limited Power of Attorney Act (Loretta's Law)

FOR the purpose of repealing certain provisions of law relating to durable powers of attorney; establishing the Maryland General and Limited Power of Attorney Act; establishing that a certain agent is not required to disclose certain information, with certain exceptions; requiring a certain agent to comply with a certain request within a certain time period, under certain circumstances; authorizing a principal or an interested person to file a certain petition for injunctive relief in a certain court for certain purposes; authorizing certain persons to petition a court for certain purposes; requiring a court to dismiss a certain petition; prohibiting a person from requiring a certain additional or different power of attorney than a certain statutory form power of attorney under certain circumstances; providing that a person that refuses to accept a certain power of attorney in violation of this Act is subject to a certain court order and liability for certain fees and costs incurred in a certain action; establishing that a document substantially in a certain form may be used to create a certain statutory form power of attorney; providing that a certain power of attorney is durable, with a certain exception; providing for the effect of certain acts performed for a certain incapacitated principal; requiring a certain attorney in fact or agent to account to a certain guardian under certain circumstances; providing that a certain guardian has the same power as the principal under certain circumstances; providing that the death, disability, or incompetence of a certain principal does not revoke or terminate a certain agency under certain circumstances; establishing that a certain affidavit executed by a certain attorney in fact is conclusive proof of a certain event; establishing that a report that a certain member of the armed forces of the United States is missing in action does not operate to revoke a certain power of attorney, with a certain exception; providing that a power of attorney executed in the State is valid and enforceable as to persons dealing with the agent; providing that a power of attorney executed outside the State is valid and enforceable as to persons dealing with the agent under certain circumstances; providing that a certain photocopy or electronically transmitted copy of an original power of attorney is as valid and binding as the original power of attorney under certain circumstances; authorizing a clerk of court to refuse to record a certain copy of a power of attorney; providing exceptions to the applicability of this Act; requiring a power of attorney to have certain characteristics; providing for when a power of attorney becomes effective; providing for the termination of a power of attorney; requiring a certain agent to act in a certain manner; providing for reimbursement of expenses and compensation for a certain agent under certain circumstances; prohibiting a person from requiring an additional or different form of a power of attorney than a certain statutory form; subjecting a certain person to a certain liability for refusal to accept a certain power of attorney; providing that this Act does not supersede certain other laws; authorizing this Act to be cited in a certain manner; establishing that a certain optional form may be used ~~by an agent to certify certain facts concerning a~~ to create a certain statutory form power of attorney; defining certain terms; and generally relating to powers of attorney.

BY repealing

Article – Estates and Trusts
Section 13–601 through 13–603 and the subtitle "Subtitle 6. Powers of Attorney"
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

BY adding to
Article – Estates and Trusts
Section 17–101 through ~~17–202~~ 17–204 to be under the new title "Title 17. Maryland General and Limited Power of Attorney Act"
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

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

House Bill 665 – Delegate Barnes

AN ACT concerning

Prince George's County – Domestic Violence – ~~Conditions of Probation – Order to Carry or Wear a Global Positioning System Device~~ GPS Tracking System Pilot Program for Offenders

FOR the purpose of ~~authorizing a court, when placing on probation a defendant who has been convicted of a certain crime of domestic violence, to order the defendant to carry or wear a global positioning system device as a condition of probation and to provide the victim of the crime with an electronic receptor device capable of receiving certain information that notifies the victim if the defendant is located within the proximity to the victim proscribed by the court; requiring that a certain victim of a certain crime of domestic violence be furnished with certain information under certain circumstances; prohibiting a defendant from being released under this Act unless the defendant agrees to pay certain costs as a condition of release; and generally relating to conditions of probation and domestic violence~~ requiring the court in Prince George's County to implement a global positioning satellite tracking system pilot program that authorizes the court, as a condition of a defendant's pretrial release on a charge of violating a certain protective order, to order that the defendant be supervised by means of active electronic monitoring as a condition of bail under certain circumstances; requiring the court in Prince George's County to implement a global positioning satellite tracking system pilot program that authorizes the court, if the court suspends the sentence of a certain defendant convicted of failing to comply with certain relief granted in an interim protective order, temporary protective order, or final protective order, to order that the defendant be supervised by active electronic monitoring as a condition of probation under certain circumstances; authorizing the court to consider the preferences of the victim and the parties before issuing a certain order; requiring a certain defendant to pay certain fees established by the county under certain circumstances; authorizing the county to exempt the defendant from the fee

under certain circumstances; requiring the Sheriff of Prince George's County and the administrative judge for the District Court in Prince George's County to submit a certain report on the pilot program; providing for the termination of this Act; providing that the abrogation of this Act does not terminate the obligation of a defendant to comply with an order entered by a court under this Act on or before a certain date; and generally relating to a global positioning satellite tracking system pilot program in Prince George's County.

~~BY repealing and reenacting, without amendments,~~
~~Article – Criminal Procedure~~
~~Section 6–219(b)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2009 Supplement)~~

~~BY adding to~~
~~Article – Criminal Procedure~~
~~Section 6–219(g)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2009 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Criminal Procedure~~
~~Section 6–220(b)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2009 Supplement)~~

~~BY repealing and reenacting, without amendments,~~
~~Article – Family Law~~
~~Section 4–501(a), (b), (h), (l), (m), and (p), 4–504, and 4–513~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2009 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 5–202(e)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Criminal Procedure
Section 5–202(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–221

Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–509(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 704 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Authorization to Merge the Redevelopment Authority~~,~~ and Revenue Authority~~, and Economic Development Corporation~~
PG 416–10

FOR the purpose of authorizing the governing body of Prince George's County to merge certain government entities; ~~requiring a certain merged entity to be called by a certain name;~~ providing for the powers, duties, and limitations of a certain merged entity; ~~requiring a merger involving a specific entity to comply with applicable law;~~ defining certain terms; providing for a delayed effective date; and generally relating to the organization of Prince George's County government.

BY adding to
The Public Local Laws of Prince George's County
Section 32–101 and 32–102 to be under the new subtitle "Subtitle 32. Economic Development Authority"
Article 17 – Public Local Laws of Maryland
(2003 Edition and 2005 Supplement, as amended)

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

House Bill 751 – Delegates Miller, Haddaway, Jameson, King, Minnick, and Rudolph

AN ACT concerning

Workers' Compensation – Temporary Total Disability Benefits – Credit

FOR the purpose of providing ~~a credit for~~ that an employer or insurer may be entitled to a credit for certain payments to a covered employee for temporary total disability benefits under certain circumstances and during a certain period;

providing for the application of this Act; and generally relating to payment of temporary total disability benefits.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–618
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–621
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 789 – Delegates Howard, Walker, Carter, Hucker, Stein, Cane, G. Clagett, DeBoy, Glenn, Harrison, Haynes, Kirk, Proctor, Robinson, Sophocleus, Stukes, ~~and F. Turner~~ F. Turner, Krebs, Bartlett, Doory, Frick, Gutierrez, Hixson, Ivey, Kaiser, Montgomery, Murphy, Myers, Olszewski, Rice, Ross, V. Turner, Anderson, Carr, Dumais, Love, McComas, Oaks, Pena–Melnyk, Shank, Simmons, Taylor, and Cardin

AN ACT concerning

~~Elementary and Secondary Education – Health Curriculum – Diabetes Education~~
Education – Children and Youth – Implementation of Programs and Reporting of Information Concerning Student Health, Well–Being, and Growth

FOR the purpose of requiring each county ~~board of education, with the assistance of the county health department, to include instruction in diabetes education in the health education curriculum that county boards are to provide in the public schools; and generally relating to diabetes education in the health curriculum of public schools~~ superintendent of schools to report certain information concerning certain matters relating to student growth, health, and well–being to the State Superintendent of Schools on or before a certain date each year; requiring the State Department of Education to report certain information to the Governor and General Assembly concerning certain matters relating to student growth, health, and well–being on or before a certain date each year; requiring the Department to report certain information to the Governor and the General Assembly concerning a certain program for early child care and education, including information about participating agencies' and other entities' involvement in the implementation of the program; and generally

relating to the implementation of programs and the reporting of information relating to children and youth in educational programs and schools in the State.

BY adding to
Article – Education
Section 4–111.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 5–217(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section ~~7–401~~ 5–217(k), 7–401, and 7–411.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 799 – Delegates Kramer ~~and Manno~~, Manno, Barkley, Braveboy, Burns, Davis, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, Kirk, Krysiak, Love, Mathias, McHale, Minnick, Rudolph, Stifler, Taylor, and Vaughn

AN ACT concerning

Reverse Mortgage Homeowners Protection Act

FOR the purpose of ~~authorizing a borrower under a reverse mortgage loan to prepay the loan at any time without penalty; authorizing certain interest rates and interest that is contingent on certain factors in connection with a reverse mortgage loan; authorizing certain costs and fees in connection with a reverse mortgage loan; prohibiting a reduction in the amount or number of periodic advances paid to a borrower under a reverse mortgage loan under certain circumstances; establishing a certain penalty for failing to make certain advances and cure a default under certain circumstances; providing for the circumstances under which a reverse mortgage loan may become due and payable; specifying when the statute of limitations begins to run in certain actions; requiring that an instrument granting a security interest in certain real property securing a reverse mortgage loan contain a certain statement~~ providing that certain provisions of this Act do not require a lender that offers to make a reverse mortgage loan to offer a reverse mortgage loan with certain payment plans or to a certain borrower; requiring certain lenders and arrangers

of financing to conform to the requirements of certain federal laws and guidelines under certain circumstances; providing that certain reverse mortgage loans are not subject to certain federal laws or guidelines; providing that certain lenders or arrangers of loans are not subject to certain regulatory approval requirements under certain circumstances; prohibiting certain persons from requiring a borrower to purchase an annuity, a long–term care policy, or other financial or insurance product as a condition to obtaining a reverse mortgage loan; ~~prohibiting certain persons from engaging in, or being affiliated with or employing a person who engages in, the sale of certain financial or insurance products;~~ establishing a certain exception; prohibiting certain persons from referring a borrower to any person for the purchase of certain financial or insurance products until after the occurrence of certain events; providing that certain provisions of this Act do not prohibit certain persons from offering to a borrower, or referring a borrower to a person for the purchase of certain financial or insurance products; ~~providing that a person who complies with certain federal laws is deemed to be in compliance with certain provisions of this Act; requiring a lender to provide a borrower with a certain notice, checklist, and list of counseling agencies at the time the borrower completes a certain application~~ requiring a lender or an arranger of financing to provide a certain borrower with a certain checklist at a certain time; requiring a certain housing counseling agency to provide a borrower with a certain checklist under certain circumstances; ~~prohibiting a certain housing counseling agency from receiving compensation from certain persons; requiring a lender to provide a borrower with a certain summary of the principal terms and conditions of a reverse mortgage loan before closing the loan; prohibiting a lender from making a reverse mortgage loan or assessing any fees unless the lender receives certain documentation; requiring the lender to provide copies of certain documentation to the borrower and to retain the documentation for a certain period;~~ providing for certain penalties for certain violations of this Act by certain lenders or arrangers of financing; providing that certain lenders or arrangers of financing that violate certain provisions of this Act engage in an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and are subject to certain enforcement and penalty provisions; providing that a violation of certain provisions of this Act does not constitute a violation of certain other provisions of law; providing for the application of this Act; defining certain terms; and generally relating to reverse mortgage loans.

BY adding to
Article – Commercial Law
Section 12–1201 through ~~12–1225~~ 12–1208 to be under the new subtitle "Subtitle 12. Reverse Mortgage Loans Act"
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

House Bill 861 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Enterprise Zones – ~~County~~ Tax Credits
MC 2–10

FOR the purpose of ~~authorizing Montgomery County to allow, by law, a business entity that is not eligible for a certain tax credit to claim a credit against county taxes for certain improvements to properties located in an enterprise zone; requiring the governing body of Montgomery County to provide for calculation of the amount of the credit and to specify which county tax or taxes the credit applies to, the improvements eligible for the credit, the qualifications for eligibility, the conditions of certification, and the process for application for the credit; authorizing Montgomery County to impose limits on the amount of credits issued for any taxable year; authorizing Montgomery County to make the credit refundable; authorizing Montgomery County to provide for the recapture of the credit; and generally relating to the authority of Montgomery County to authorize a credit against county taxes for improvements to property located in an enterprise zone~~ requiring a lessor of real property in Montgomery County eligible for certain property tax credits to reduce by a certain amount the amount of tax for which the tenant is contractually liable under the lease under certain circumstances; authorizing the governing body of Montgomery County or of a municipal corporation in Montgomery County to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on certain property located in certain enterprise zones; authorizing the governing body of Montgomery County or of a municipal corporation in Montgomery County to provide, by law, for the amount and duration of the credit, additional eligibility criteria and restrictions for the credit, and any other provision necessary to carry out the credit; requiring the governing body of Montgomery County or of a municipal corporation in Montgomery County to define certain improvements eligible for a tax credit; providing for the application of this Act; and generally relating to enterprise zones.

~~BY adding to~~
~~Article – Economic Development~~
~~Section 5–710~~
~~Annotated Code of Maryland~~
~~(2008 Volume and 2009 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–103(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Tax – Property

Section 9–317(f)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

House Bill 1149 – Delegates Carter, Anderson, Bates, Simmons, and Walker

AN ACT concerning

Denial or Dismissal of ~~Domestic Violence~~ Peace Order or Protective Order Petition – ~~Expungement~~ Shielding of Records

FOR the purpose of authorizing a respondent in a certain ~~domestic violence~~ peace order or protective order proceeding to file a written request to ~~expunge~~ shield court records relating to the proceeding under certain circumstances; providing that a certain request for ~~expungement~~ shielding may not be filed within a certain time except under certain circumstances; requiring the court to schedule a hearing on a certain request; requiring the court to provide a certain notice of a certain hearing; requiring the court to order the ~~expungement~~ shielding of all court records relating to the proceeding under certain circumstances; providing a certain exception; requiring certain custodians to notify the court and the respondent of compliance with the order; authorizing access by certain persons to certain ~~expunged~~ shielded records under certain circumstances; requiring the court to review certain court records before granting, denying, or modifying a final protective order; establishing that the failure to review certain records does not affect the validity of a final protective order; defining certain terms; and generally relating to ~~domestic violence and the expungement~~ the shielding and review of certain court records.

BY adding to
Article – Courts and Judicial Proceedings
Section 3–1510
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY renumbering
Article – Family Law
Section 4–506(e) through (j), respectively
to be Section 4–506(f) through (k), respectively
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Family Law
Section 4–506(e) and 4–512
Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

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

House Bill 1155 – Delegates Lafferty, Ali, Anderson, Beidle, Bobo, Bronrott, Cardin, Carr, Frush, Gilchrist, Hecht, Hucker, Lee, Manno, Montgomery, Morhaim, Niemann, Reznik, Rosenberg, Schuh, Schuler, Stein, and Waldstreicher

AN ACT concerning

Transportation – Consolidated Transportation Program – Evaluation and Selection of Proposed Capital Projects

FOR the purpose of altering the process and the criteria used for selecting capital projects to be included in the Consolidated Transportation Program; requiring that the annual Consolidated Transportation Program report include certain goals, ~~a summary of how certain determinations were made, and certain information for each major capital project; requiring that each major capital project proposed by a certain entity include certain elements;~~ certain criteria, and a certain statement that describes the purpose and need for each major capital project; requiring an entity that proposes a major capital project to submit a request and a certain statement justifying the project to the Secretary of Transportation; requiring the Department of Transportation to evaluate requests for major capital projects based on ~~a certain record and certain other information; requiring the Department to evaluate and select the capital projects to be included in the Consolidated Transportation Program based on certain criteria~~ certain goals and criteria; requiring that certain indicators or benchmarks acknowledge the difference between urban and rural transportation needs; requiring the Smart Growth Subcabinet to conduct an annual review of certain goals, benchmarks, and indicators that are used to select certain capital projects; requiring the Department and a certain advisory committee to consider certain factors when establishing certain transportation goals, benchmarks, and indicators; requiring the Department to include certain information concerning the cost effectiveness of transportation investments in a certain report; defining certain terms; and generally relating to the evaluation and selection process for capital projects to be included in the Consolidated Transportation Program.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–103.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1174 – ~~Delegate Kullen~~ Delegates Kullen, Sophocleus, and Mathias

EMERGENCY BILL

SECOND PRINTING

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

FOR the purpose of altering the requirements for records that certain junk dealers and scrap metal processors must keep for each purchase of certain junk or scrap metal in the State; providing that certain provisions of law do not apply to certain transactions; providing for the designation of primary law enforcement units; ~~preempting~~ providing that certain rights of certain counties and municipalities are not preempted by certain provisions of this Act; ~~superseding~~ providing that certain laws of certain counties and municipalities are not superseded by certain provisions of this Act; providing for the applicability of the record keeping requirements; providing for the form and contents of the records; requiring that certain records be kept electronically; providing for the submission of certain records to certain law enforcement units under certain circumstances; providing that certain provisions may not be construed to require junk dealers and scrap metal processors to incur certain financial burdens for complying with certain record submission requirements; authorizing certain law enforcement units to issue certain waivers under certain circumstances; prohibiting junk dealers and scrap metal processors from purchasing a catalytic converter except under certain circumstances; prohibiting junk dealers and scrap metal processors from purchasing cemetery urns, grave markers, and certain other items except under certain circumstances; authorizing State or local law enforcement personnel to request information from certain records under certain circumstances; authorizing a State or local law enforcement agency to issue a certain hold notice under certain circumstances; exempting certain items acquired from certain entities from certain record and reporting requirements; authorizing certain law enforcement personnel to enforce this Act; establishing certain penalties; altering a certain definition; making this Act an emergency measure; and generally relating to junk dealers and scrap metal processors.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–102(a), 17–1001(e), 17–1010, and 17–1011
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Regulation
Section 17–1001(a) and (f)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY adding to
Article – Business Regulation
Section 17–1001(g) and 17–1003
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 1182 – Delegates Ivey, Benson, Frush, McIntosh, Niemann, Pena–Melnyk, Ramirez, and Valderrama

AN ACT concerning

Business Improvement Districts

FOR the purpose of authorizing a county or municipal corporation to create certain business improvement districts; providing for the legislative purposes of a district; requiring a county or municipal corporation to adopt certain ~~resolutions~~ local laws to provide for the creation~~, organization, and alteration~~ and organization of a district; providing for the governance of the business improvement district corporation; providing that the net earnings of a district corporation may benefit only the district corporation; authorizing a district corporation to receive certain money, charge certain fees, have certain employees, and use certain services; providing for the ~~application and~~ creation of a district; requiring that before a district may be created a certain public hearing must be held; ~~requiring the governing body of a county or municipal corporation to impose~~ providing for the imposition of a certain tax in a certain manner under certain circumstances; providing for the expansion of a district; ~~authorizing a district corporation, under certain circumstances, to issue certain bonds;~~ requiring the governing body of a county or municipal corporation in which a district is established to review and evaluate the desirability of continuing the existence of a district at certain times and to develop policies and procedures for evaluating the desirability or continuing the district under certain circumstances; providing for the termination of a district and a district corporation under certain circumstances; and generally relating to the authorization and creation of business improvement districts and district corporations.

BY adding to
Article – Economic Development
Section 12–401 through ~~12–412~~ 12–411 to be under the new subtitle "Subtitle 4. Business Improvement Districts"

Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

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

House Bill 1223 – Delegates Taylor, Ali, Barnes, Carter, Conaway, Frush, Gutierrez, Haynes, Hixson, Levi, Oaks, Ramirez, Rice, Robinson, Stukes, Tarrant, and Vaughn

AN ACT concerning

Financial Institutions – Credit Unions – Member Business Loans ~~– Limitation on Aggregate Amount~~

FOR the purpose of ~~establishing that the aggregate amount of member business loans made by a credit union may not exceed a certain percentage of the total assets of the credit union~~ authorizing a credit union to make member business loans in a total amount equal to an amount approved by a certain federal board in a certain manner; and generally relating to loans made by credit unions.

BY adding to
Article – Financial Institutions
Section 6–604.1
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 1280 – Delegates Feldman, Barkley, Braveboy, Harrison, Hecht, King, Kirk, Love, Manno, Mathias, McHale, Minnick, Taylor, and Vaughn

AN ACT concerning

Workers' Compensation – Medical Presumptions

FOR the purpose of altering the occupational disease presumption under the workers' compensation law as applied to certain firefighters, certain fire fighting instructors, certain rescue squad members, certain advanced life support unit members, and certain sworn members of the Office of the State Fire Marshal; providing that certain diseases and cancers are considered occupational diseases suffered in the line of duty and are compensable in a certain manner; providing that a certain presumption applies only if certain circumstances are met; providing for the construction and application for this Act; and generally relating to the occupational disease presumption for certain diseases and cancers under the workers' compensation law.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–503
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1299 – Delegates Manno, Davis, Barkley, Braveboy, Burns, Feldman, Hecht, Hubbard, Hucker, Kirk, Krysiak, Love~~, Manno~~, McHale, Taylor, and Vaughn

AN ACT concerning

Labor and Employment – Healthy Retail Employee Act

FOR the purpose of requiring certain retail employers to provide a certain nonworking or working shift break to certain employees under certain circumstances; authorizing certain employees to file a complaint with the Commissioner of Labor and Industry under certain circumstances; authorizing the Commissioner to investigate whether a certain provision of law has been violated under certain circumstances; requiring the Commissioner to attempt to resolve a certain issue informally or issue a certain order under certain circumstances; ~~authorizing~~ requiring the Commissioner to assess a certain civil penalty under certain circumstances; subjecting certain provisions of this Act to certain notice and hearing requirements; requiring the Commissioner to consider certain factors when determining whether a violation of this Act has occurred or the amount of a certain civil penalty; authorizing certain civil actions under certain circumstances; ~~authorizing certain remedies under certain circumstances; requiring a court to award~~ specifying that a certain employee may be entitled to a certain monetary amount and certain attorney's fees and costs under certain circumstances; providing for the application of this Act; defining certain terms; providing for a delayed effective date; and generally relating to shift breaks for employees.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–103(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Labor and Employment
Section 3–710
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1318 – Delegates Krysiak, Davis, and Kelly

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

FOR the purpose of altering the authority of the Workers' Compensation Commission to make certain determinations of dependency; altering a provision of law that specifies that certain surviving spouses and individuals are not entitled to certain death benefits; altering the provisions relating to the calculation of death benefits for individuals who are wholly or partly dependent; requiring an employer or its insurer to pay certain death benefits to certain dependents for a certain period of time; specifying the calculation of certain death benefits; specifying the minimum amount of certain death benefits; specifying the minimum amount of time for the payment of certain death benefits; providing an exception to the time limitation for certain dependents who are incapable of self–support under certain circumstances; providing for the termination of certain death benefits under certain circumstances; providing an exception to the termination of certain death benefits for certain children under certain circumstances; providing the amount of death benefits to certain dependents who are neither a dependent spouse nor a dependent child; providing for an annual adjustment in a certain manner of a certain death benefit; specifying that the Commission has continuing jurisdiction under certain circumstances; increasing the amount of certain funeral expenses that the employer or its insurer is required to pay; making stylistic changes; and generally relating to workers' compensation death benefits for dependents of covered employees.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–678
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–679, 9–680, 9–681, 9–683, and 9–689
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing
Article – Labor and Employment
Section 9–682
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Labor and Employment
Section 9–682
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1362 – Delegates Boteler, Aumann, Bartlett, Barve, Elmore, George, Kach, Murphy, Myers, Schuler, Shank, Shewell, Sossi, Stocksdale, and Stukes

AN ACT concerning

Education – Public Schools – Virtual Schools

FOR the purpose of authorizing a county board of education, subject to the approval of the State Department of Education, to establish a certain virtual school in the State; establishing that a virtual school is a public school subject to certain laws and regulations; authorizing a certain student to enroll in a virtual school; requiring a virtual school to provide certain curricular programs to the students of the virtual school; requiring a virtual school to provide certain materials ~~and access to technology~~ to the parent or guardian of a student enrolled in the virtual school; prohibiting a virtual school from providing certain funds to the parent or guardian of a student enrolled in the virtual school; ~~authorizing a virtual school to reimburse the student's parent or guardian for certain costs;~~ requiring each teacher employed by a virtual school to have a certain certification; requiring a virtual school to maintain a certain administrative office; requiring the sponsor of a virtual school to complete a certain annual evaluation of the virtual school; requiring the State Board of Education to adopt certain regulations; defining certain terms; and generally relating to the establishment of virtual schools.

BY repealing and reenacting, without amendments,
Article – Education
Section 4–109
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Education
Section 7–1401 through 7–1408 to be under the new subtitle "Subtitle 14. Virtual Schools"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1404 – Delegates Gaines, Aumann, Barkley, Barnes, Barve, Beitzel, Branch, Braveboy, Bronrott, Feldman, Frick, Frush, Gutierrez, Healey, Holmes, Hucker, Ivey, Kramer, Lee, Levy, Manno, Mizeur, Niemann, Pena–Melnyk, Ramirez, and Ross

AN ACT concerning

Maryland Department of Transportation – Transit Review and Evaluation

FOR the purpose of requiring the Maryland Department of Transportation to review and evaluate transit priority treatments, best practices, and certain transit thresholds, and to identify certain priority treatment corridors; requiring the Secretary of Transportation to submit a certain report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a transit study by the Maryland Department of Transportation.

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

House Bill 1467 – Delegate Stein

AN ACT concerning

Environment – Coal Combustion By–Products – Minimum Standards – Beneficial Uses

FOR the purpose of requiring a person using or disposing of coal combustion by–products to comply with certain standards and regulations if the by–products come into contact with the ground; requiring a person making certain use of coal combustion by–products to comply with certain regulations and permit provisions; requiring a person using coal combustion by–products for certain purposes to use engineering practices that meet a certain standard; defining certain terms; repealing certain provisions made obsolete by this Act; and generally relating to the use of coal combustion by–products.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–289
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing
Article – Environment
Section 15–407
Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

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

House Bill 1477 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Municipal Corporations – School Zones and Speed Monitoring Systems
PG 319–10

FOR the purpose of authorizing a municipal corporation in Prince George's county to establish school zones on certain highways; requiring a municipal corporation in the county to be responsible for certain costs related to certain traffic control devices for certain school zones; authorizing a municipal corporation in the county to implement and use a speed monitoring system on certain county highways under certain circumstances; prohibiting the county from unreasonably denying a request from a municipal corporation to implement and use a speed monitoring system on certain county highways; prohibiting the county from placing certain requirements on the implementation and use of a speed monitoring system; requiring the county to state in writing the reasons for any denial of a request made by a municipal corporation for permission to implement and use a speed monitoring system on certain county highways; authorizing a municipal corporation to contest in the circuit court a certain denial of permission by the county; prohibiting a municipal corporation in the county from implementing or using a speed monitoring system in certain school zones unless it has obtained certain approval; providing that, in Prince George's County, or a municipal corporation of the county, a violation of the law relating to the use of speed monitoring systems applies to a segment of a highway within the grounds of a certain institution of higher education or within a certain distance of the grounds of a building or property used by the institution under certain circumstances; requiring Prince George's County, or a municipal corporation in Prince George's County, as appropriate, to ensure that certain speed limit signs are in accordance with a certain manual and specifications and indicate that a speed monitoring system is in use; and generally relating to school zones and the use of speed monitoring systems in a municipal corporation in Prince George's County.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–803.1 and 21–809(b)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 1481 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Montgomery County – Maryland–National Capital Park and Planning Commission – Lease, Contract, or Agreement – Terms
PG/MC 118–10

FOR the purpose of prohibiting a certain lease, contract, or agreement entered into by the Maryland–National Capital Park and Planning Commission from including certain provisions under certain circumstances; providing that a certain prohibition applies only in Montgomery County; and generally relating to the terms of a lease, contract, or agreement entered into by the Maryland–National Capital Park and Planning Commission.

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 5–110
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

LAID OVER BILLS

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

Senate Bill 277 – The President (By Request – Administration) and Senators Garagiola, Forehand, Frosh, Harrington, King, Lenett, Madaleno, McFadden, and Pinsky

AN ACT concerning

Renewable Energy Portfolio Standard – Solar Energy

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0277/877071/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 277

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "standard;" insert "requiring the Public Service Commission for certain years to grant a waiver of up to certain percentages of the total Tier 1 solar energy requirement of the renewable energy portfolio standard to a certain electric cooperative in a certain manner; providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 12, strike "The" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE**".

On page 3, after line 14, insert:

"**(C) (1) THIS SUBSECTION APPLIES TO RETAIL ELECTRICITY SALES BY ANY ELECTRICITY SUPPLIER TO A CUSTOMER SERVED BY AN ELECTRIC COOPERATIVE THAT IS SUBJECT TO THE RENEWABLE ENERGY PORTFOLIO STANDARD UNDER SUBSECTION (B) OF THIS SECTION.**

(2) IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION, THE COMMISSION SHALL GRANT A WAIVER TO AN ELECTRIC COOPERATIVE OF UP TO THE FOLLOWING PERCENTAGES OF THE TOTAL TIER 1 SOLAR ENERGY REQUIREMENT UNDER SUBSECTION (B)(6) THROUGH (15) OF THIS SECTION IN THE MANNER SPECIFIED UNDER PARAGRAPHS (3) AND (4) OF THIS SUBSECTION:

(I) IN 2011, 0.01%;

(II) IN 2012, 0.06%;

(III) IN 2013, 0.12%;

(IV) IN 2014, 0.21%;

(V) IN 2015, 0.25%;

(VI) IN 2016, 0.35%;

(VII) IN 2017, 0.45%;

(VIII) IN 2018, 0.20%;

(IX) IN 2019, 0.2%; AND

(X) IN 2020, 0.15%.

(3) THE COMMISSION SHALL GRANT AN ELECTRIC COOPERATIVE THE WAIVER SPECIFIED IN PARAGRAPH (2) OF THIS SECTION TO THE EXTENT THE ELECTRIC COOPERATIVE HAS DEMONSTRATED THAT THE ELECTRIC COOPERATIVE HAS:

(I) INVESTED IN ANY TIER 1 RENEWABLE SOURCE, AS SELECTED BY THE ELECTRIC COOPERATIVE; OR

(II) PURCHASED ENERGY FROM A TIER 1 RENEWABLE SOURCE, AS SELECTED BY THE ELECTRIC COOPERATIVE, UNDER A CONTRACT WITH A TERM OF AT LEAST 10 YEARS.

(4) THE RENEWABLE ENERGY PORTFOLIO STANDARD PERCENTAGE THAT THE COMMISSION WAIVES UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE EQUAL TO THE MEGAWATT-HOURS OF ENERGY THAT THE ELECTRIC COOPERATIVE PURCHASED DURING THE PARTICULAR YEAR FROM:

(I) A TIER 1 RENEWABLE GENERATION FACILITY IN WHICH IT HAS INVESTED; OR

(II) UNDER A CONTRACT WITH A TERM OF AT LEAST 10 YEARS.";

in lines 15 and 19, strike "(c)" and "(d)", respectively, and substitute "**(D)**" and "**(E)**", respectively; and in line 19, strike "(c)" and substitute "**(D)**".

AMENDMENT NO. 3

On page 4, after line 26, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any contract existing before the effective date of this Act.".

On page 5, in line 1, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Senator Mooney 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 789 – Senators Garagiola, Brochin, Conway, Currie, Forehand, Frosh, Gladden, Harrington, Jones, Kelley, King, Klausmeier, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Pugh, Raskin, Rosapepe, and Stone

AN ACT concerning

Labor and Employment – The Healthy Retail Employee Act

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

SB0789/857079/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 789
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike "authorizing" and substitute "requiring"; in line 11, after "circumstances;" insert "subjecting certain provisions of this Act to certain notice and hearing requirements; requiring the Commissioner to consider certain factors when determining whether a violation of this Act has occurred or the amount of a certain civil penalty;"; and strike beginning with "authorizing" in line 12 down through "award" in line 13 and substitute "specifying that a certain employee may be entitled

to a certain monetary amount and"; and in line 14, after "terms;" insert "providing for a delayed effective date;".

AMENDMENT NO. 2

On page 2, in line 18, strike "**AT LEAST**"; in the same line, after "**50**" insert "**OR MORE RETAIL**"; in the same line, after "**EMPLOYEES**" insert "**FOR EACH WORKING DAY IN EACH OF 20 OR MORE CALENDAR WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR**"; in line 20, strike "**AT LEAST**"; in the same line, after "**50**" insert "**OR MORE RETAIL**"; in line 21, after "**STATE**" insert "**FOR EACH WORKING DAY IN EACH OF 20 OR MORE CALENDAR WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR**"; in line 24, after "**(4)**" insert "**(I)**"; strike beginning with "**HAS**" in line 24 down through "**ARTICLE**" in line 25 and substitute "**MEANS A PLACE OF BUSINESS WITH THE PRIMARY PURPOSE OF SELLING GOODS TO A CONSUMER WHO IS PRESENT AT THE PLACE OF BUSINESS AT THE TIME OF SALE**"; and after line 25, insert:

"**(II) "RETAIL ESTABLISHMENT" DOES NOT INCLUDE:**

1. A WHOLESALER, AS DEFINED IN § 11-401(I) OF THE COMMERCIAL LAW ARTICLE; OR

2. A RESTAURANT.".

On page 3, in line 2, strike "**OR**"; in line 4, after "**MUNICIPALITY**" insert "**;**

(4) WHO WORKS IN A CORPORATE OFFICE OR OTHER OFFICE LOCATION; OR

(5) WHO WORKS FOR AT LEAST 4 CONSECUTIVE HOURS FOR AN EMPLOYER AT A SINGLE LOCATION WITH 5 OR FEWER EMPLOYEES";

in line 5, after "**IN**" insert "**PARAGRAPH (4) OF THIS SUBSECTION OR**"; in line 6, after "**EMPLOYEE**" insert "**AT A RETAIL ESTABLISHMENT**"; strike beginning with the colon in line 6 down through "**1.**" in line 7; in line 8, strike "**; OR**" and substitute a period; after line 8, insert:

"**(II) AN EMPLOYEE IS NOT ENTITLED TO A 15 MINUTE SHIFT BREAK UNDER THIS PARAGRAPH IF THE EMPLOYEE IS ENTITLED TO A 30 MINUTE SHIFT BREAK UNDER PARAGRAPH (2) OF THIS SUBSECTION.**";

in line 9, strike "**2.**" and substitute "**(2) AN EMPLOYER MAY NOT EMPLOY AN EMPLOYEE AT A RETAIL ESTABLISHMENT FOR**"; after line 10, insert:

"**(3) IF AN EMPLOYEE WORKS 8 CONSECUTIVE HOURS IN A SINGLE SHIFT, THE EMPLOYER SHALL PROVIDE AN ADDITIONAL NONWORKING SHIFT BREAK OF AT LEAST 15 MINUTES FOR EVERY ADDITIONAL 4 CONSECUTIVE HOURS THE EMPLOYER EMPLOYS THE EMPLOYEE IN THE SHIFT.**";

in line 11, strike "**(II)**" and substitute "**(4)**"; strike beginning with "**SUBPARAGRAPH**" in line 12 down through "**PARAGRAPH**" in line 13 and substitute "**PARAGRAPH (1) OF THIS SUBSECTION**"; in line 15, strike "**(2) THE**" and substitute "**(5) A**"; in the same line, strike "**PARAGRAPH (1) OF**"; in line 22, after "**AGREE**" insert "**IN WRITING**"; in line 23, strike "**AND DOCUMENT THE AGREEMENT**"; and strike beginning with "**DETERMINES**" in line 27 down through "**SECTION**" in line 28 and substitute "**RECEIVES A COMPLAINT UNDER PARAGRAPH (1) OF THIS SUBSECTION**".

On page 4, in line 1, after "**(II)**" insert "**DETERMINE WHETHER THE EMPLOYER HAS VIOLATED THIS SECTION.**

(3) IF THE COMMISSIONER DETERMINES THAT THE EMPLOYER HAS VIOLATED THIS SECTION, THE COMMISSIONER SHALL:

(I)";

and strike beginning with "**CONSISTENT**" in line 2 down through "**ARTICLE**" in line 3 and substitute "**; AND**

(II) IN THE COMMISSIONER'S DISCRETION, ASSESS A CIVIL PENALTY OF:

1. UP TO $300 FOR EACH EMPLOYEE FOR WHOM THE EMPLOYER IS NOT IN COMPLIANCE WITH THIS SECTION; OR

2. UP TO $600 FOR EACH EMPLOYEE FOR WHOM THE EMPLOYER IS NOT IN COMPLIANCE WITH THIS SECTION IF THE VIOLATION OCCURRED WITHIN 3 YEARS AFTER AN EMPLOYEE FILED A PREVIOUS COMPLAINT THAT LED TO A DETERMINATION THAT A VIOLATION HAD OCCURRED.

(4) THE PROVISIONS OF PARAGRAPHS (2)(II) AND (3) OF THIS SUBSECTION ARE SUBJECT TO THE NOTICE AND HEARING REQUIREMENTS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(5) (I) IN DETERMINING WHETHER THERE IS A VIOLATION OF THIS SECTION, THE COMMISSIONER SHALL CONSIDER IF THERE WAS A THREAT TO PUBLIC HEALTH OR SAFETY AT THE TIME THE VIOLATION IS ALLEGED TO HAVE OCCURRED.

(II) IN DETERMINING THE AMOUNT OF ANY CIVIL PENALTY TO BE IMPOSED, THE COMMISSIONER SHALL CONSIDER THE:

1. SERIOUSNESS OF THE VIOLATION;

2. SIZE OF THE EMPLOYER'S BUSINESS;

3. EMPLOYER'S GOOD FAITH IN COMPLYING WITH THIS SECTION; AND

4. EMPLOYER'S HISTORY OF VIOLATIONS UNDER THIS SECTION".

On page 4, in line 4, strike "**(3) (I)**" and substitute "**(6)**"; in line 5, strike "**FIRST**"; in the same line, strike "**(2)(II)**" and substitute "**(3)**"; strike beginning with the colon in line 6 down through "**1.**" in line 7; in line 7, after "**ORDER**" insert "**AND CIVIL PENALTY**"; strike beginning with the semicolon in line 8 down through "**2.**" in line 21 and substitute "**.**

(7) IF THE EMPLOYER FAILS TO COMPLY WITH AN ORDER ISSUED FOR A SUBSEQUENT VIOLATION AGAINST THE SAME EMPLOYEE UNDER

PARAGRAPH (3) OF THIS SUBSECTION WITHIN 3 YEARS AFTER THE EMPLOYEE FILED A COMPLAINT THAT IS DETERMINED TO BE A VIOLATION UNDER SUBSECTION (D) OF THIS SECTION,";

strike in their entirety lines 24 through 29, inclusive; after line 29, insert:

"**(8) IF AN EMPLOYEE PREVAILS IN AN ACTION BROUGHT UNDER PARAGRAPH (7) OF THIS SUBSECTION, THE EMPLOYEE MAY BE ENTITLED TO:**

(I) THREE TIMES THE VALUE OF THE EMPLOYEE'S HOURLY WAGE FOR EACH SHIFT BREAK VIOLATION OF THIS SECTION OCCURRING AFTER THE MOST RECENT VIOLATION AGAINST THE SAME EMPLOYEE; AND

(II) REASONABLE ATTORNEY'S FEES AND OTHER COSTS OF THE EMPLOYEE.";

and in line 31, strike "October 1, 2010" and substitute "March 1, 2011".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0789/513826/1
BY: Senator Mooney

AMENDMENT TO SENATE BILL 789, AS AMENDED
(First Reading File Bill)

On page 3 of the bill, strike beginning with "**(3)**" in line 3 down through "**MUNICIPALITY**" in line 4.

On page 2 of the Finance Committee Amendments (SB0789/857079/1), in lines 5 and 7 of Amendment No. 2, strike "**(4)**" and "**(5)**", respectively, and substitute "**(3)**" and "**(4)**", respectively.

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

Affirmative – 17 Negative – 30 (See Roll Call No. 806)

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #18

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

Senate Bill 283 – The President (By Request – Administration) and Senators Currie, Kasemeyer, Dyson, Munson, King, and Rosapepe

AN ACT concerning

Higher Education Investment Fund – Tuition Stabilization and Funding

SB0283/949630/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 283
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Jones, Madaleno, McFadden, Munson, and Zirkin"; in line 8, after "regarding" insert "certain"; in line 10, after "Account;" insert "stating a certain goal of the State for certain education funding; authorizing certain higher education institutions to periodically review certain tuition and fees; providing for the application of this Act;".

AMENDMENT NO. 2

On page 4, in line 4, after "**AND**" insert "**ACADEMIC**"; in the same line, after "**PUBLIC**" insert "**SENIOR**"; and in line 13, after "**RESIDENT**" insert "**UNDERGRADUATE**".

AMENDMENT NO. 3

On page 5, after line 6, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the goal of the State that in conjunction with moderate and affordable tuition, public senior higher

education institution funding should reach 100% of the funding guidelines as developed and approved by the Maryland Higher Education Commission.

SECTION 3. AND BE IT FURTHER ENACTED, That, in order to provide access to higher education for Maryland students and to ensure a high return on State general fund allocations to higher education, the governing boards of public senior higher education institutions shall periodically conduct a review of tuition at individual institutions and make adjustments when necessary to promote access, to increase funding for financial aid, to align resident tuition rates with peer institutions in the State and nationwide, and to affect student demand as demonstrated by admissions data and productivity measures.";

and in line 7, strike "2." and substitute "4.".

The preceding 3 amendments were read only.

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

The motion was adopted.

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

Senate Bill 413 – Senators Pugh, Exum, Forehand, Lenett, Madaleno, Miller, and Muse

AN ACT concerning

Property Tax Credit – Replacement Home Purchased After Acquisition of Dwelling for Public Use

SB0413/559833/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 413
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Muse" and substitute "Muse, and Jones"; strike beginning with "requiring" in line 4 down through "terms;" in line 13

and substitute "altering certain limitations on a certain authorized property tax credit against the county or municipal corporation property tax for certain property purchased by certain owners of certain property that is acquired for public use;"; in line 15, strike "an increase in"; and strike in their entirety lines 17 through 21, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article - Tax - Property
Section 9-246
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 25 on page 1 through line 28 on page 3, inclusive, and substitute:

"9–246.

(a) (1) In this section the following words have the meanings indicated.

(2) "Acquired dwelling" means a dwelling:

(i) that was owned by a qualified displaced homeowner;

(ii) that by negotiation or condemnation was acquired from the qualified displaced homeowner for public use by the State or a political subdivision or instrumentality of the State, where the acquiring agency had the power to acquire the dwelling for public use by condemnation; and

(iii) for which the qualified displaced homeowner was eligible for a credit under § 9–105 of this title for the taxable year in which the dwelling was acquired for public use.

(3) "Acquisition year" means the taxable year in which an acquired dwelling was acquired for public use by the State or a political subdivision or instrumentality of the State.

(4) "Dwelling" has the meaning stated in § 9–105 of this title.

(5) "Qualified displaced homeowner" means a property owner who:

(i) qualified for a credit under § 9–105 of this title for an acquired dwelling for the acquisition year; and

(ii) did not receive compensation for increased property taxes resulting from the loss of the credit under § 9–105 of this title.

(6) "Replacement dwelling" means a dwelling that is purchased by a qualified displaced homeowner by the end of the taxable year following the acquisition year.

(7) "Taxable assessment" has the meaning stated in § 9–105 of this title.

(b) The Mayor and City Council of Baltimore City or the governing body of a county or of a municipal corporation may grant, by law, a tax credit as provided in this section against the county or municipal corporation property tax imposed on a replacement dwelling.

(c) (1) The property tax credit under this section**[**:

(i) may not be granted for more than 5 years, beginning with the first taxable year after the taxable year in which the replacement dwelling was purchased; and

(ii)**]** may not exceed **[**the following percentages**]** **100%** of the county or municipal corporation property tax attributable to the eligible homestead assessment of the acquired dwelling, as determined under paragraphs (2) and (3) of this subsection**[**:

1. 100% for the first taxable year;

2. 80% for the second taxable year;

3. 60% for the third taxable year;

4. 40% for the fourth taxable year; and

5. 20% for the fifth taxable year].

(2) The county or municipal corporation property tax attributable to the eligible homestead assessment of the acquired dwelling is the product of multiplying the applicable county or municipal corporation tax rate for the current year times the eligible homestead assessment of the acquired dwelling, as determined under paragraph (3) of this subsection.

(3) For purposes of paragraph (2) of this subsection, and subject to paragraph (4) of this subsection, the eligible homestead assessment of the acquired dwelling is the amount by which the acquisition year assessment of the acquired dwelling exceeds the product of multiplying the prior year's taxable assessment of the acquired dwelling times:

(i) for purposes of the county or municipal corporation property tax where the replacement dwelling and the acquired dwelling are located in the same county or the same municipal corporation, the homestead credit percentage applicable to the county property tax or municipal corporation property tax for the acquisition year; and

(ii) for purposes of the county or municipal corporation property tax where the replacement dwelling and the acquired dwelling are not located in the same county or the same municipal corporation, 110%.

(4) The eligible homestead assessment determined under paragraph (3) of this subsection shall be reduced, but not below zero, by the amount, if any, by which the acquisition year assessment of the acquired dwelling exceeds the assessment of the replacement dwelling for the first taxable year for which the credit under this section is allowed.

(d) The Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation may provide, by law, for:

(1) the amount and duration of the property tax credit under this section;

(2) additional eligibility criteria for the tax credit under this section;

(3) regulations and procedures for the application and uniform processing of requests for the tax credit; and

(4) any other provision necessary to carry out 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 Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 520 – Senator Robey

AN ACT concerning

Homestead Property Tax Credit – Eligibility of Employees of the Federal Government Stationed Outside the State

SB0520/699135/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 520
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the second "for" in line 8 down through "year" in line 9.

AMENDMENT NO. 2

On page 3, in line 2, strike "**TEMPORARILY**"; in the same line, after "**STATE**" insert "**FOR A PERIOD NOT EXCEEDING 6 CONSECUTIVE YEARS**"; strike in their entirety lines 13 through 23, inclusive; and in line 24, 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 Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 828 – Senator Madaleno

AN ACT concerning

Special Taxing Districts – Transportation Improvements – Exemption from County Tax Limitations

SB0828/169637/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 828
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "limitations;" insert "authorizing a county to issue, by law, certain bonds for certain infrastructure improvements; authorizing a county to sell certain bonds secured by certain revenues; providing that certain bonds may not be secured by the full faith and credit or taxing authority of a county; providing for the construction of certain provisions of this Act;"; and in line 10, after "9-1302" insert "and 9-1303".

AMENDMENT NO. 2

On page 1, in line 19, strike "**§ 3-101(D)**" and substitute "**§ 9-1301**"; and in lines 19 and 20, strike "**THE TRANSPORTATION ARTICLE**" and substitute "**THIS SUBTITLE**".

AMENDMENT NO. 3

On page 2, in line 13, strike "**TRANSPORTATION**" and substitute "**STATE TRANSPORTATION**"; and after line 14, insert:

"**(8) "COUNTY TRANSPORTATION IMPROVEMENTS" INCLUDES:**

(I) FOR COUNTY ROADS AND HIGHWAYS:

1. COUNTY RIGHTS-OF-WAY, ROADWAY SURFACES, ROADWAY SUBGRADES, SHOULDERS, MEDIAN DIVIDERS, DRAINAGE FACILITIES AND STRUCTURES, RELATED STORMWATER MANAGEMENT FACILTIES AND STRUCTURES, ROADWAY CUTS, ROADWAY FILLS, GUARDRAILS, BRIDGES, HIGHWAY GRADE SEPARATION STRUCTURES, TUNNELS, OVERPASSES, UNDERPASSES, INTERCHANGES, ENTRANCE PLAZAS, APPROACHES, AND OTHER STRUCTURES FORMING AN INTEGRAL PART OF A STREET, ROAD, OR HIGHWAY, INCLUDING BICYCLE AND WALKING PATHS, DESIGNATED BUS LANES, SIDEWALKS, PEDESTRIAN PLAZAS, STREETSCAPING, AND RELATED INFRASTRUCTURE; AND

2. ANY OTHER PROPERTY ACQUIRED FOR THE CONSTRUCTION, OPERATION, OR USE OF THE HIGHWAY; AND

(II) FOR COUNTY TRANSIT FACILITIES, ANY ONE OR MORE OR COMBINATION OF TRACKS, RIGHTS-OF-WAYS, BRIDGES, TUNNELS, SUBWAYS, ROLLING STOCK, STATIONS, TERMINALS, PORTS, PARKING AREAS, EQUIPMENT, FIXTURES, BUILDING STRUCTURES, OTHER REAL OR PERSONAL PROPERTY, AND SERVICES INCIDENTAL TO OR USEFUL OR DESIGNED FOR USE IN CONNECTION WITH THE RENDERING OF TRANSIT SERVICE BY ANY MEANS, INCLUDING RAIL, BUS, MOTOR VEHICLE, OR OTHER MODE OF TRANSPORTATION BUT DOES NOT INCLUDE ANY RAILROAD FACILITY.".

AMENDMENT NO. 4

On page 2, in line 15, strike "**DOES NOT**" and substitute "**THAT WOULD OTHERWISE**"; in line 16, after "**DISTRICT**" insert "**DOES NOT APPLY**"; in line 17, after the second "**OF**" insert "**STATE**"; and in the same line, after "**IMPROVEMENTS**" insert "**AND COUNTY TRANSPORTATION IMPROVEMENTS**".

AMENDMENT NO. 5

On page 2, after line 17, insert:

"**9-1303.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "BOND" MEANS A SPECIAL OBLIGATION BOND, NOTE, OR OTHER SIMILAR INSTRUMENT ISSUED BY A COUNTY UNDER THIS SECTION.

(3) "COSTS" MEANS ANY EXPENSE NECESSARY OR INCIDENT TO ACQUIRING, BUILDING, OR FINANCING ANY TRANSPORTATION IMPROVEMENT AS MAY BE PROVIDED BY THE LOCAL LAW AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION.

(4) (I) "SPECIAL TAX" MEANS AN AD VALOREM OR SPECIAL TAX, ASSESSMENT, FEE, OR CHARGE IMPOSED BY A COUNTY WITHIN A SPECIAL TAXING DISTRICT.

(II) "SPECIAL TAX" DOES NOT INCLUDE AN AD VALOREM OR SPECIAL TAX, ASSESSMENT, FEE, OR CHARGE LEVIED UNDER CHAPTER 20A OF THE MONTGOMERY COUNTY CODE.

(5) (I) "SPECIAL TAXING DISTRICT" MEANS A SPECIAL TAXING DISTRICT, SPECIAL ASSESSMENT DISTRICT, OR SIMILAR DEFINED GEOGRAPHICAL AREA WITHIN A COUNTY IN WHICH THE COUNTY IS AUTHORIZED TO IMPOSE A SPECIAL TAX.

(II) "SPECIAL TAXING DISTRICT" DOES NOT INCLUDE A DEVELOPMENT DISTRICT CREATED UNDER CHAPTER 20A OF THE MONTGOMERY COUNTY CODE.

(6) "TRANSPORTATION IMPROVEMENT" MEANS A STATE TRANSPORTATION IMPROVEMENT OR A COUNTY TRANSPORTATION IMPROVEMENT AS DEFINED § 9-1302 OF THIS SUBTITLE.

(B) IN ADDITION TO OTHER POWERS A COUNTY MAY HAVE, AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER PUBLIC LOCAL LAW, PUBLIC GENERAL LAW, OR THE COUNTY CHARTER OF A COUNTY THAT HAS ADOPTED HOME RULE POWERS UNDER ARTICLE XI-A OF THE MARYLAND

CONSTITUTION, A COUNTY MAY ENACT A LAW TO PROVIDE FOR THE ISSUANCE OF BONDS TO FINANCE THE COSTS OF TRANSPORTATION IMPROVEMENTS FOR WHICH THE PRINCIPAL, INTEREST, AND ANY PREMIUM SHALL BE PAID FROM AND SECURED BY SPECIAL TAXES COLLECTED BY THE COUNTY IN A SPECIAL TAXING DISTRICT.

(C) (1) BONDS ISSUED UNDER THIS SECTION ARE SPECIAL OBLIGATIONS OF THE COUNTY AND DO NOT CONSTITUTE A GENERAL OBLIGATION DEBT OF THE COUNTY OR A PLEDGE OF THE COUNTY'S FULL FAITH AND CREDIT OR GENERAL TAXING POWER.

(2) BONDS ISSUED UNDER THIS SECTION MAY BE SOLD IN ANY MANNER, EITHER AT PUBLIC OR PRIVATE SALE AND ON TERMS AS THE COUNTY DEEMS BEST.

(3) BONDS ISSUED UNDER THIS SECTION ARE NOT SUBJECT TO ARTICLE 31, §§ 10 AND 11 OF THE CODE.

(4) BONDS ISSUED UNDER THIS SECTION, THEIR TRANSFER, THE INTEREST PAYABLE ON THEM, AND ANY INCOME DERIVED FROM THEM, INCLUDING ANY PROFIT REALIZED ON THEIR SALE OR EXCHANGE, SHALL BE EXEMPT AT ALL TIMES FROM EVERY KIND AND NATURE OF TAXATION BY THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION.

(5) BONDS ISSUED UNDER THIS SECTION SHALL BE TREATED AS SECURITIES TO THE SAME EXTENT AS BONDS ISSUED UNDER § 9-1301 OF THIS SUBTITLE.

(D) IN ADDITION TO THE SPECIAL TAXES, BONDS ISSUED UNDER THIS SECTION MAY BE SECURED BY OTHER REVENUES GENERATED WITHIN THE SPECIAL TAXING DISTRICT.

(E) THE POWERS GRANTED UNDER THIS SECTION SHALL BE REGARDED AS SUPPLEMENTAL AND ADDITIONAL TO POWERS CONFERRED BY OTHER LAWS, AND MAY NOT BE REGARDED AS IN DEROGATION OF ANY POWERS NOW

EXISTING, INCLUDING POWERS TO ISSUE SPECIAL OBLIGATION DEBT UNDER THIS ARTICLE, ARTICLE 25, ARTICLE 25A, OR ARTICLE 25B OF THE CODE.

(F) THIS SECTION, BEING NECESSARY FOR THE WELFARE OF THE STATE AND ITS RESIDENTS, SHALL BE LIBERALLY CONSTRUED TO EFFECT ITS PURPOSES.".

The preceding 5 amendments were read only.

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

The motion was adopted.

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

Senate Bill 857 – Senator Pipkin

AN ACT concerning

Queen Anne's County – County Commissioners – Gaming Permits

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 922 – Senator Haines

AN ACT concerning

Homestead Property Tax Credit for Housing Units at Independent Living Retirement Communities

SB0922/819839/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 922
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Haines" and substitute "Senators Haines, Brinkley, and Kittleman"; in line 2, strike "Homestead" and substitute "Carroll County -"; in line 4, strike "making" and substitute "authorizing the governing body of Carroll County or of a municipal corporation in Carroll County to grant, by law, a tax credit against the county or municipal corporation property tax imposed on"; strike beginning with "eligible" in line 5 down through "circumstances" in line 6 and substitute "; authorizing the governing body of Carroll County or of a municipal corporation in Carroll County to provide, by law, for certain provisions necessary to carry out the tax credit"; in line 6, strike "defining certain terms;"; in line 7, strike "the application of a certain" and substitute "a"; in the same line, strike the second "to" and substitute "in Carroll County for"; strike in their entirety lines 9 through 18, inclusive; and in line 21, strike "9-105(a)(9)" and substitute "9-308(f)".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 1 on page 2 through line 33 on page 3, inclusive, and substitute:

"9-308.

(F) (1) THE GOVERNING BODY OF CARROLL COUNTY OR OF A MUNICIPAL CORPORATION IN CARROLL COUNTY MAY GRANT, BY LAW, A TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON THAT PORTION OF THE REAL PROPERTY OWNED BY AN INDEPENDENT LIVING RETIREMENT COMMUNITY THAT IS USED AS HOUSING UNITS.

(2) THE GOVERNING BODY OF CARROLL COUNTY OR OF A MUNICIPAL CORPORATION IN CARROLL COUNTY MAY PROVIDE, BY LAW, FOR:

(I) THE AMOUNT AND DURATION OF THE TAX CREDIT UNDER THIS SUBSECTION;

(II) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SUBSECTION;

(III) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

(IV) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE TAX CREDIT UNDER THIS SUBSECTION.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 929 – Senator Kasemeyer

AN ACT concerning

Estates and Trusts – Transfers – Recordation and Transfer Taxes

SB0929/189439/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 929
(First Reading File Bill)

On page 3, strike beginning with "**AFTER**" in line 13 down through "**OR**" in line 16; and in line 20, strike "**(III)**" and substitute "**(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:

Senate Bill 1013 – Senator Jacobs

AN ACT concerning

Harford County Property Tax Credit – Homes near a Refuse Disposal System – Extension to Additional Properties

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 1081 – Senators DeGrange and Garagiola

AN ACT concerning

Rebate Programs for Retail Sales – Collection of Sales and Use Tax

SB1081/699338/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 1081
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "to" in line 3 down through "vendor" in line 4 and substitute "or nongovernment entity to require a buyer of a household appliance to make a certain certification"; in line 4, strike "allowing" and substitute "authorizing"; and in line 5, after "sales" insert "of household appliances under certain programs"; and strike beginning with "requiring" in line 6 down through "tax;" in line 8.

AMENDMENT NO. 2

On page 1, in line 20, strike "**(A)**"; in line 21, strike "**ALLOWS**" and substitute "**AUTHORIZES**"; in line 23, after "**SALE**" insert "**OF HOUSEHOLD APPLIANCES UNDER A PROGRAM TO PROMOTE ENERGY EFFICIENCY**"; and strike beginning with "**SHALL**" in line 23 down through "**VENDOR**" in line 25 and substitute "**OR NONGOVERNMENT ENTITY SHALL REQUIRE THE BUYER OF A HOUSEHOLD APPLIANCE TO CERTIFY THAT:**

(1) THE HOUSEHOLD APPLIANCE WAS PURCHASED AT A RETAIL SALE IN THE STATE; OR

(2) THE BUYER PAID THE APPLICABLE STATE SALES AND USE TAX".

AMENDMENT NO. 3

On page 2, strike beginning with "**(B)**" in line 1 down through the period in line 5.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1124 – Senator Kasemeyer

AN ACT concerning

University System of Maryland – Audits – Communicating Preliminary Findings

SB1124/459538/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 1124
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "Maryland" insert "and the University System of Maryland Board of Regents Audit Committee"; strike beginning with "requiring" in line 7 down through "time;" in line 9; and strike in their entirety lines 11 through 15, inclusive.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 23 on page 1 through line 10 on page 3, inclusive.

AMENDMENT NO. 3

On page 3, in line 16, after "**MARYLAND**" insert "**AND THE UNIVERSITY SYSTEM OF MARYLAND BOARD OF REGENTS AUDIT COMMITTEE**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #21

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

Senate Bill 992 – Senator Pipkin

AN ACT concerning

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

SB0992/507579/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 992
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "need" insert "that relates to a hospital"; in line 7, strike "define a certain term in a certain manner" and substitute "adopt certain regulations to make participating entity status available to certain local health departments; providing for the application of this Act"; in line 8, after "need" insert "for hospitals"; in line 11, strike "and (d)(8)"; and strike in their entirety lines 14 through 18, inclusive.

AMENDMENT NO. 2

On page 2, in line 7, strike "**EACH**" and substitute "**IF THE APPLICATION RELATES TO A HOSPITAL, EACH**"; strike in their entirety lines 13 through 26, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any application for a certificate of need filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That, for certificate of need applications that relate to a hospital, the Maryland Health Care Commission shall adopt regulations to make participating entity status available to a local health department in a county that borders a county in which a proposed facility or service will be located.";

in line 27, strike "2." and substitute "4."; and in line 28, 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.

CONCURRENCE CALENDAR #2

AMENDED IN THE HOUSE

Senate Bill 99 – Senators DeGrange and Astle

EMERGENCY BILL

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

Senator Middleton moved that the Senate not concur in the House amendments.

SB0099/143491/2

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 99
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "preempting" and substitute "providing that"; in the same line, after "municipalities" insert "are not preempted by certain provisions of this Act"; in line 8, strike "superseding" and substitute "providing that"; and in the same line, after "municipalities" insert "are not superseded by certain provisions of this Act".

AMENDMENT NO. 2

On page 7, in line 16, strike the first "**THE**" and substitute "**THIS**"; in the same line, strike "**PREEMPTS**" and substitute "**DOES NOT PREEMPT**"; and in line 21, strike "**SUPERSEDES**" and substitute "**DOES NOT SUPERSEDE**".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0099**
SPONSOR: Sens DeGrange and Astle
SUBJECT: Junk Dealers and Scrap Metal Processors – Required Records

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

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

Senator Astle, Chairman
Senator Garagiola
Senator Glassman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

SPECIAL ORDERS

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

Senate Bill 782 – Senator Raskin

AN ACT concerning

Mortgage Foreclosure Bankruptcy Exemption

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

SB0782/168679/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 782
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Homestead Exemption – Bankruptcy"; strike line 7 in its entirety and substitute "authorizing"; in line 8, strike "from claiming" and substitute "to claim"; and in line 9, strike "making conforming changes;" and substitute "making a clarifying change; providing for the application of this Act;".

AMENDMENT NO. 2

On page 3, in line 6, after the semicolon insert "**AND**"; strike line 7 in its entirety; in line 8, strike beginning with "**(III)**" through "**OWNER-OCCUPIED**" and substitute "**(II) OWNER-OCCUPIED**"; in line 9, strike "**$80,000**" and substitute "**$20,200**"; in lines 12 and 18, in each instance, strike "**(1)(III)**" and substitute "**(1)(II)**"; in lines 13 and 17, in each instance, after "**CLAIMED**" insert "**SUCCESSFULLY**"; and strike beginning with "**A**" in line 15 down through "**ARTICLE,**" in line 16 and substitute "**THE INDIVIDUAL'S SPOUSE, CHILD, CHILD'S SPOUSE, PARENT, SIBLING, GRANDPARENT, OR GRANDCHILD**".

AMENDMENT NO. 3

On page 3, strike beginning with the colon in line 19 down through "**NOT**" in line 22 and substitute "**MAY**".

AMENDMENT NO. 4

On page 4, after line 20, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any case filed before the effective date of this Act.";

and in line 21, strike "2." and substitute "3.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 1084 – Senator Conway

AN ACT concerning

Maryland Higher Education Commission – Review of Program Proposals

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

Senator Della moved, duly seconded, to reconsider the vote by which floor amendments 723620/1 were adopted.

The motion was adopted.

SB1084/723620/1

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 1084
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "review;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 4, after line 21, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to apply to or be interpreted to have any effect on or application to the Master of Business Administration program at Towson University.";

and in line 22, strike "2." and substitute "3.".

Senator Brochin moved, duly seconded, that floor amendment 723620/1 be withdrawn.

The motion was adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 277 – The President (By Request – Administration) and Senators Garagiola, Forehand, Frosh, Harrington, King, Lenett, Madaleno, McFadden, and Pinsky

AN ACT concerning

Renewable Energy Portfolio Standard – Solar Energy

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

Favorable report, as amended, adopted.

Senator Mooney moved, duly seconded, to make the Bill a Special Order for April 1, 2010.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 807)

ADJOURNMENT

At 11:44 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day March 30, 2010, Calendar Day, Thursday, April 1, 2010.

Annapolis, Maryland
Legislative Day: March 30, 2010
Calendar Day: Thursday, April 1, 2010
10:00 A.M. Session

The Senate met at 10:17 A.M.

Prayer by Pastor Susan M. Hallager, Cape St. Claire United Methodist Church, guest of Senator Forehand.

(See Exhibit A of Appendix III)

The Journal of March 29, 2010 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 810)

QUORUM CALL

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

(See Roll Call No. 811)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #65

Senate Bill 413 – Senators Pugh, Exum, Forehand, Lenett, Madaleno, Miller, ~~and Muse~~ Muse, and Jones

AN ACT concerning

Property Tax Credit – Replacement Home Purchased After Acquisition of Dwelling for Public Use

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

Affirmative – 46 Negative – 0 (See Roll Call No. 812)

The Bill was then sent to the House of Delegates.

Senate Bill 520 – Senator Robey

AN ACT concerning

Homestead Property Tax Credit – Eligibility of Employees of the Federal Government Stationed Outside the State

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

Affirmative – 46 Negative – 0 (See Roll Call No. 813)

The Bill was then sent to the House of Delegates.

Senate Bill 782 – Senator Raskin

AN ACT concerning

~~Mortgage Foreclosure Bankruptcy Exemption~~
Homestead Exemption – Bankruptcy

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

Affirmative – 46 Negative – 0 (See Roll Call No. 814)

The Bill was then sent to the House of Delegates.

Senate Bill 789 – Senators Garagiola, Brochin, Conway, Currie, Forehand, Frosh, Gladden, Harrington, Jones, Kelley, King, Klausmeier, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Pugh, Raskin, Rosapepe, and Stone

AN ACT concerning

Labor and Employment – The Healthy Retail Employee Act

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

Affirmative – 28 Negative – 18 (See Roll Call No. 815)

The Bill was then sent to the House of Delegates.

Senate Bill 857 – Senator Pipkin

AN ACT concerning

Queen Anne's County – County Commissioners – Gaming Permits

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

Affirmative – 45 Negative – 0 (See Roll Call No. 816)

The Bill was then sent to the House of Delegates.

Senate Bill 922 – ~~Senator Haines~~ Senators Haines, Brinkley, and Kittleman

AN ACT concerning

~~Homestead~~ Carroll County – Property Tax Credit for Housing Units at Independent Living Retirement Communities

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

Affirmative – 46 Negative – 0 (See Roll Call No. 817)

The Bill was then sent to the House of Delegates.

Senate Bill 929 – Senator Kasemeyer

AN ACT concerning

Estates and Trusts – Transfers – Recordation and Transfer Taxes

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

Affirmative – 46 Negative – 0 (See Roll Call No. 818)

The Bill was then sent to the House of Delegates.

Senate Bill 992 – Senator Pipkin

AN ACT concerning

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 819)

The Bill was then sent to the House of Delegates.

Senate Bill 1013 – Senator Jacobs

AN ACT concerning

Harford County Property Tax Credit – Homes near a Refuse Disposal System – Extension to Additional Properties

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

Affirmative – 46 Negative – 0 (See Roll Call No. 820)

The Bill was then sent to the House of Delegates.

Senate Bill 1081 – Senators DeGrange and Garagiola

AN ACT concerning

Rebate Programs for Retail Sales – Collection of Sales and Use Tax

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

Affirmative – 46 Negative – 0 (See Roll Call No. 821)

The Bill was then sent to the House of Delegates.

Senate Bill 1084 – ~~Senator Conway~~ Senators Conway and Harrington

AN ACT concerning

Maryland Higher Education Commission – Review of Program Proposals

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

The motion was adopted.

Senate Bill 1124 – Senator Kasemeyer

AN ACT concerning

University System of Maryland – Audits – Communicating Preliminary Findings

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

Affirmative – 46 Negative – 0 (See Roll Call No. 822)

The Bill was then sent to the House of Delegates.

LAID OVER BILLS

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

Senate Bill 283 – The President (By Request – Administration) and Senators Currie, Kasemeyer, Dyson, Munson, King, and Rosapepe

AN ACT concerning

Higher Education Investment Fund – Tuition Stabilization and Funding

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0283/949630/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 283
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Jones, Madaleno, McFadden, Munson, and Zirkin"; in line 8, after "regarding" insert "certain"; in line 10, after "Account;" insert "stating a certain goal of the State for certain education funding; authorizing certain higher education institutions to periodically review certain tuition and fees; providing for the application of this Act;".

AMENDMENT NO. 2

On page 4, in line 4, after "**AND**" insert "**ACADEMIC**"; in the same line, after "**PUBLIC**" insert "**SENIOR**"; and in line 13, after "**RESIDENT**" insert "**UNDERGRADUATE**".

AMENDMENT NO. 3

On page 5, after line 6, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the goal of the State that in conjunction with moderate and affordable tuition, public senior higher education institution funding should reach 100% of the funding guidelines as developed and approved by the Maryland Higher Education Commission.

SECTION 3. AND BE IT FURTHER ENACTED, That, in order to provide access to higher education for Maryland students and to ensure a high return on State general fund allocations to higher education, the governing boards of public senior higher education institutions shall periodically conduct a review of tuition at individual institutions and make adjustments when necessary to promote access, to increase funding for financial aid, to align resident tuition rates with peer institutions in the State and nationwide, and to affect student demand as demonstrated by admissions data and productivity measures.";

and in line 7, strike "2." and substitute "4.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0283/219830/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 283, AS AMENDED

On page 1 of the Budget and Taxation Committee Amendments (SB0283/949630/1), in line 2 of Amendment No. 1, strike "Munson,".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 828 – Senator Madaleno

AN ACT concerning

Special Taxing Districts – Transportation Improvements – Exemption from County Tax Limitations

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

SB0828/169637/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 828
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "limitations;" insert "authorizing a county to issue, by law, certain bonds for certain infrastructure improvements; authorizing a county to sell certain bonds secured by certain revenues; providing that certain bonds may not be secured by the full faith and credit or taxing authority of a county; providing for the construction of certain provisions of this Act;"; and in line 10, after "9–1302" insert "and 9–1303".

AMENDMENT NO. 2

On page 1, in line 19, strike "**§ 3–101(D)**" and substitute "**§ 9–1301**"; and in lines 19 and 20, strike "**THE TRANSPORTATION ARTICLE**" and substitute "**THIS SUBTITLE**".

AMENDMENT NO. 3

On page 2, in line 13, strike "**TRANSPORTATION**" and substitute "**STATE TRANSPORTATION**"; and after line 14, insert:

"**(8) "COUNTY TRANSPORTATION IMPROVEMENTS" INCLUDES:**

(I) FOR COUNTY ROADS AND HIGHWAYS:

1. COUNTY RIGHTS–OF–WAY, ROADWAY SURFACES, ROADWAY SUBGRADES, SHOULDERS, MEDIAN DIVIDERS, DRAINAGE FACILITIES AND STRUCTURES, RELATED STORMWATER MANAGEMENT FACILTIES AND STRUCTURES, ROADWAY CUTS, ROADWAY FILLS, GUARDRAILS, BRIDGES,

HIGHWAY GRADE SEPARATION STRUCTURES, TUNNELS, OVERPASSES, UNDERPASSES, INTERCHANGES, ENTRANCE PLAZAS, APPROACHES, AND OTHER STRUCTURES FORMING AN INTEGRAL PART OF A STREET, ROAD, OR HIGHWAY, INCLUDING BICYCLE AND WALKING PATHS, DESIGNATED BUS LANES, SIDEWALKS, PEDESTRIAN PLAZAS, STREETSCAPING, AND RELATED INFRASTRUCTURE; AND

2. ANY OTHER PROPERTY ACQUIRED FOR THE CONSTRUCTION, OPERATION, OR USE OF THE HIGHWAY; AND

(II) FOR COUNTY TRANSIT FACILITIES, ANY ONE OR MORE OR COMBINATION OF TRACKS, RIGHTS–OF–WAYS, BRIDGES, TUNNELS, SUBWAYS, ROLLING STOCK, STATIONS, TERMINALS, PORTS, PARKING AREAS, EQUIPMENT, FIXTURES, BUILDING STRUCTURES, OTHER REAL OR PERSONAL PROPERTY, AND SERVICES INCIDENTAL TO OR USEFUL OR DESIGNED FOR USE IN CONNECTION WITH THE RENDERING OF TRANSIT SERVICE BY ANY MEANS, INCLUDING RAIL, BUS, MOTOR VEHICLE, OR OTHER MODE OF TRANSPORTATION BUT DOES NOT INCLUDE ANY RAILROAD FACILITY.".

AMENDMENT NO. 4

On page 2, in line 15, strike "**DOES NOT**" and substitute "**THAT WOULD OTHERWISE**"; in line 16, after "**DISTRICT**" insert "**DOES NOT APPLY**"; in line 17, after the second "**OF**" insert "**STATE**"; and in the same line, after "**IMPROVEMENTS**" insert "**AND COUNTY TRANSPORTATION IMPROVEMENTS**".

AMENDMENT NO. 5

On page 2, after line 17, insert:

"**9–1303.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "BOND" MEANS A SPECIAL OBLIGATION BOND, NOTE, OR OTHER SIMILAR INSTRUMENT ISSUED BY A COUNTY UNDER THIS SECTION.

(3) "COSTS" MEANS ANY EXPENSE NECESSARY OR INCIDENT TO ACQUIRING, BUILDING, OR FINANCING ANY TRANSPORTATION IMPROVEMENT AS MAY BE PROVIDED BY THE LOCAL LAW AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION.

(4) (I) "SPECIAL TAX" MEANS AN AD VALOREM OR SPECIAL TAX, ASSESSMENT, FEE, OR CHARGE IMPOSED BY A COUNTY WITHIN A SPECIAL TAXING DISTRICT.

(II) "SPECIAL TAX" DOES NOT INCLUDE AN AD VALOREM OR SPECIAL TAX, ASSESSMENT, FEE, OR CHARGE LEVIED UNDER CHAPTER 20A OF THE MONTGOMERY COUNTY CODE.

(5) (I) "SPECIAL TAXING DISTRICT" MEANS A SPECIAL TAXING DISTRICT, SPECIAL ASSESSMENT DISTRICT, OR SIMILAR DEFINED GEOGRAPHICAL AREA WITHIN A COUNTY IN WHICH THE COUNTY IS AUTHORIZED TO IMPOSE A SPECIAL TAX.

(II) "SPECIAL TAXING DISTRICT" DOES NOT INCLUDE A DEVELOPMENT DISTRICT CREATED UNDER CHAPTER 20A OF THE MONTGOMERY COUNTY CODE.

(6) "TRANSPORTATION IMPROVEMENT" MEANS A STATE TRANSPORTATION IMPROVEMENT OR A COUNTY TRANSPORTATION IMPROVEMENT AS DEFINED § 9–1302 OF THIS SUBTITLE.

(B) IN ADDITION TO OTHER POWERS A COUNTY MAY HAVE, AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER PUBLIC LOCAL LAW, PUBLIC GENERAL LAW, OR THE COUNTY CHARTER OF A COUNTY THAT HAS ADOPTED HOME RULE POWERS UNDER ARTICLE XI–A OF THE MARYLAND CONSTITUTION, A COUNTY MAY ENACT A LAW TO PROVIDE FOR THE ISSUANCE OF BONDS TO FINANCE THE COSTS OF TRANSPORTATION IMPROVEMENTS FOR WHICH THE PRINCIPAL, INTEREST, AND ANY PREMIUM SHALL BE PAID FROM AND SECURED BY SPECIAL TAXES COLLECTED BY THE COUNTY IN A SPECIAL TAXING DISTRICT.

(C) (1) BONDS ISSUED UNDER THIS SECTION ARE SPECIAL OBLIGATIONS OF THE COUNTY AND DO NOT CONSTITUTE A GENERAL OBLIGATION DEBT OF THE COUNTY OR A PLEDGE OF THE COUNTY'S FULL FAITH AND CREDIT OR GENERAL TAXING POWER.

(2) BONDS ISSUED UNDER THIS SECTION MAY BE SOLD IN ANY MANNER, EITHER AT PUBLIC OR PRIVATE SALE AND ON TERMS AS THE COUNTY DEEMS BEST.

(3) BONDS ISSUED UNDER THIS SECTION ARE NOT SUBJECT TO ARTICLE 31, §§ 10 AND 11 OF THE CODE.

(4) BONDS ISSUED UNDER THIS SECTION, THEIR TRANSFER, THE INTEREST PAYABLE ON THEM, AND ANY INCOME DERIVED FROM THEM, INCLUDING ANY PROFIT REALIZED ON THEIR SALE OR EXCHANGE, SHALL BE EXEMPT AT ALL TIMES FROM EVERY KIND AND NATURE OF TAXATION BY THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION.

(5) BONDS ISSUED UNDER THIS SECTION SHALL BE TREATED AS SECURITIES TO THE SAME EXTENT AS BONDS ISSUED UNDER § 9–1301 OF THIS SUBTITLE.

(D) IN ADDITION TO THE SPECIAL TAXES, BONDS ISSUED UNDER THIS SECTION MAY BE SECURED BY OTHER REVENUES GENERATED WITHIN THE SPECIAL TAXING DISTRICT.

(E) THE POWERS GRANTED UNDER THIS SECTION SHALL BE REGARDED AS SUPPLEMENTAL AND ADDITIONAL TO POWERS CONFERRED BY OTHER LAWS, AND MAY NOT BE REGARDED AS IN DEROGATION OF ANY POWERS NOW EXISTING, INCLUDING POWERS TO ISSUE SPECIAL OBLIGATION DEBT UNDER THIS ARTICLE, ARTICLE 25, ARTICLE 25A, OR ARTICLE 25B OF THE CODE.

(F) THIS SECTION, BEING NECESSARY FOR THE WELFARE OF THE STATE AND ITS RESIDENTS, SHALL BE LIBERALLY CONSTRUED TO EFFECT ITS PURPOSES.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #32

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

Senate Bill 308 – Senators Conway, Currie, Dyson, Exum, Frosh, Harrington, Kelley, King, Lenett, McFadden, Middleton, Pinsky, Pugh, and Rosapepe

AN ACT concerning

Health Occupations – Licensure of Physician Assistants

SB0308/864835/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 308
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 5 down through "occupations;" in line 6; in lines 8, 10, 14, and 16, in each instance, strike "State"; strike beginning with "repealing" in line 11 down through "Committee;" in line 13 and substitute "altering the appointments and qualifications for members of the Physician Assistant Advisory Committee within the Board; authorizing the Board, rather than the Secretary of Health, to recommend the removal of certain members of the Committee; authorizing the Executive Director of the Board and certain agents or investigators to enter certain premises under certain circumstances; prohibiting a person from denying or interfering with the entry on premises under certain circumstances; providing for a certain criminal penalty;"; strike beginning with "limiting" in line 13 down through "repealing" in line 14 and substitute "altering"; strike beginning with "authorizing" in line 17 down through "days;" in line 23 and substitute "altering requirements for the content, review, and approval of certain

delegation agreements; prohibiting under certain circumstances, the Board from requiring prior approval of delegation agreements that include certain advanced duties if the duties will be performed in certain hospitals or ambulatory surgical facilities; requiring certain prior approval of a delegation agreement if certain advanced duties are to be performed in certain settings or certain anesthesia is to be administered, monitored, or maintained; increasing the number of physician assistants a primary supervising physician may supervise at one time in certain settings; requiring a new delegation agreement to be submitted within a certain period of time under certain circumstances;"; strike beginning with "requiring" in line 25 down through "manner;" in line 26; in lines 27 and 28, strike "or alternate"; and in line 30, strike "or alternate".

On page 2, in line 3, strike "prepare and"; in the same line, after "dispense" insert "a sample or"; strike beginning with "authorizing" in line 6 down through "status;" in line 7; in line 7, after "licenses" insert "and delegation agreements"; in lines 8, 12, and 18, in each instance, strike "State"; strike beginning with "authorizing" in line 8 down through "circumstances;" in line 11 and substitute "establishing a certain administrative penalty for failure to report certain changes;"; strike beginning with "authorizing" in line 14 down through "circumstances;" in line 16 and substitute "authorizing certain physician assistants to perform under certain supervision during certain disasters without being required to maintain certain documentation;"; in line 25, strike "15–102,"; in the same line, after "15–103," insert "15–202, 15–203,"; in the same line, after "15–302," insert "15–302.1,"; in the same line, after "15–302.2," insert "15–302.3,"; in line 26, strike "15–305,"; in line 27, strike "15–314,"; strike in its entirety line 32 and substitute "Section 15–305 and 15–314"; after line 34, insert:

"BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 15–102, 15–201, and 15–204
Annotated Code of Maryland
(2009 Replacement Volume)";

and in line 37, strike "15–308.1 and 15–316" and substitute "15–305, 15–314, 15–316, 15–317, and 15–402.1".

AMENDMENT NO. 2

On page 3, after line 6, insert:

"**(C) "AMBULATORY SURGICAL FACILITY" MEANS A FACILITY:**

(1) ACCREDITED BY:

(I) THE AMERICAN ASSOCIATION FOR ACCREDITATION OF AMBULATORY SURGICAL FACILITIES;

(II) THE ACCREDITATION ASSOCIATION FOR AMBULATORY HEALTH CARE; OR

(III) THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTH CARE ORGANIZATIONS; OR

(2) CERTIFIED TO PARTICIPATE IN THE MEDICARE PROGRAM, AS ENACTED BY TITLE XVIII OF THE SOCIAL SECURITY ACT.";

in line 7, strike "(c)" and substitute "**(D)**"; in line 10, after "title." insert a closing bracket; in lines 11, 12, 14, 15, 17, and 19, in each instance, strike the brackets; in lines 12, 14, 15, and 17, strike "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively; in line 19, strike "**§§ 15–302 AND 15–302.1**"; after line 27, insert:

"**(J) "DISPENSE" MEANS TO DISPENSE DRUG SAMPLES OR STARTER DOSAGES.**

(K) "DRUG SAMPLE" MEANS A UNIT OF A PRESCRIPTION DRUG THAT IS INTENDED TO PROMOTE THE SALE OF THE DRUG AND IS NOT INTENDED FOR SALE.";

and in line 28, strike "**(H)**" and substitute "**(L)**".

On page 4, in line 9, strike "**3B**" and substitute "**3A**"; in lines 10, 12, 17, 20, and 28, strike "**(I)**", "**(J)**", "**(K)**", "**(L)**", and "**(M)**", respectively, and substitute "**(M)**", "**(N)**", "**(O)**", "**(P)**", and "**(Q)**", respectively; in line 16, after "**ASSISTANTS**" insert "**OR ITS SUCCESSOR**"; in lines 22 and 24, in each instance, strike "**PRIMARY OR ALTERNATE**"; and in line 27, strike "**AS DETERMINED BY THE PRIMARY SUPERVISING PHYSICIAN**".

On page 5, in lines 6, 26, and 31, strike "**(N)**", "**(O)**", and "**(P)**", respectively, and substitute "**(R)**", "**(S)**", and "**(U)**", respectively; in lines 13 and 16, in each instance, strike "**SEEKS TO ENSURE**" and substitute "**ENSURES**"; after line 30, insert:

"**(T) "STARTER DOSAGE" MEANS AN AMOUNT OF A DRUG SUFFICIENT TO BEGIN THERAPY:**

(1) OF SHORT DURATION OF 72 HOURS OR LESS; OR

(2) PRIOR TO OBTAINING A LARGER QUANTITY OF THE DRUG TO COMPLETE THERAPY.";

and in line 31, strike the third bracket.

On page 6, strike beginning with the bracket in line 1 down through "**ASSISTANT**" in line 3; in lines 4, 8, 13, and 19, in each instance, strike the bracket; strike beginning with "**DOES**" in line 8 down through "**TELECOMMUNICATION**" in line 11; and in line 30, strike "**, ON THE FORM PRESCRIBED BY THE BOARD,**".

AMENDMENT NO. 3

On page 8 in line 33 and on page 9 in lines 2 and 3, in each instance, strike the bracket.

On page 9, in line 7, strike "certified" and substitute "**LICENSED**"; in line 11, strike "and"; in line 13, after "specialty" insert "**; AND**

(III) 1 SHALL BE A BOARD MEMBER";

in lines 14 and 15, strike ": (i) Appoint" and substitute "**APPOINT**"; in lines 17 and 18, strike "1." and "2.", respectively, and substitute "**(I)**" and "**(II)**", respectively; and strike beginning with the semicolon in line 19 down through "Committee" in line 23.

On page 10, in line 9, after "(c)" insert "**(1)**"; in the same line, strike "certified" and substitute "**LICENSED**"; in line 11, strike "(d)" and substitute "**(2)**"; after line 13, insert:

"**(3) OF THE 3 PHYSICIAN ASSISTANT MEMBERS OF THE COMMITTEE:**

(I) AT LEAST 1 SHALL BE CURRENTLY PRACTICING IN A HOSPITAL; AND

(II) AT LEAST 1 SHALL BE CURRENTLY PRACTICING IN A NONHOSPITAL SETTING.";

in lines 14 and 16, strike "(e)" and "(f)", respectively, and substitute "**(D)**" and "**(E)**", respectively; in lines 17, 18, 27, 28, and 30, in each instance, strike the brackets; and in lines 25 and 26, in each instance, strike "Secretary" and substitute "**BOARD**".

On page 11, in line 1, strike "**15–201.**"; in lines 1 and 2, in each instance, strike the bracket; in line 7, strike "certification" and substitute "**LICENSURE**"; in lines 13, 15, 18, 19, 20, 22, 24, and 31, in each instance, strike the brackets; in line 19, strike "**(B)**"; in lines 20, 22, and 24, strike "**(1)**", "**(2)**", and "**(3)**", respectively; after line 30, insert:

"**(4) IF THE ENTRY IS NECESSARY TO CARRY OUT A DUTY UNDER THIS SUBTITLE, INCLUDING AN INVESTIGATION OR DETERMINATION OF COMPLIANCE AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION AND AN AUDIT TO DETERMINE COMPLIANCE WITH THE BOARD'S REQUIREMENTS WITH RESPECT TO PHYSICIAN ASSISTANT PRACTICE, THE EXECUTIVE DIRECTOR OF THE BOARD OR OTHER DULY AUTHORIZED AGENT OR INVESTIGATOR MAY ENTER AT ANY REASONABLE HOUR A PLACE OF BUSINESS OF A LICENSED PHYSICIAN OR A LICENSED PHYSICIAN ASSISTANT OR PUBLIC PREMISES.**

(5) (I) A PERSON MAY NOT DENY OR INTERFERE WITH AN ENTRY UNDER THIS SUBSECTION.

(II) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $100.";

and in line 31, strike "**15–202.**".

AMENDMENT NO. 4

On page 13, in line 9, strike "**AS DETERMINED BY THE PRIMARY SUPERVISING PHYSICIAN**"; in line 21, after "the" insert "**PRIMARY OR ALTERNATE**"; and in line 28, after the first "the" insert "**PRIMARY OR ALTERNATE**".

On page 14, in line 4, strike "an approved" and substitute "**A**"; in line 5, strike the bracket; in line 6, strike the brackets; and in the same line, strike "**(C)**".

On pages 14 and 15, strike in their entirety the lines beginning with line 18 on page 14 through line 32 on page 15, inclusive.

On page 16, in lines 1 and 5, in each instance, strike the brackets; and in the same lines, strike "**(H)**" and "**(I)**", respectively.

On page 16, in lines 10 and 17, in each instance, after "**ASSISTANT**" insert "**OR ITS SUCCESSOR**"; in lines 13 and 18, in each instance, strike the first set of brackets; in lines 13 and 18, strike "**(J)**" and "**(K)**", respectively; strike beginning with the comma in line 22 down through "**STATE**" in line 28; and in lines 31 and 35, in each instance, strike the bracket.

AMENDMENT NO. 5

On page 17, in line 9, after "**BOARD**" insert "**; AND**

(2) ANY ADVANCED DUTIES HAVE BEEN AUTHORIZED AS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION";

strike beginning with "**AS**" in line 23 down through "**PHYSICIAN**" in line 24; and in line 26, after the first "the" insert "**PRIMARY**".

On page 18, strike in their entirety lines 6 through 12, inclusive, and substitute:

"**(C) (1) THE BOARD MAY NOT REQUIRE PRIOR APPROVAL OF A DELEGATION AGREEMENT THAT INCLUDES ADVANCED DUTIES, IF AN ADVANCED DUTY WILL BE PERFORMED IN A HOSPITAL OR AMBULATORY SURGICAL FACILITY, PROVIDED THAT:**

(I) A PHYSICIAN, WITH CREDENTIALS THAT HAVE BEEN REVIEWED BY THE HOSPITAL OR AMBULATORY SURGICAL FACILITY AS A CONDITION OF EMPLOYMENT, AS AN INDEPENDENT CONTRACTOR, OR AS A MEMBER OF THE MEDICAL STAFF, SUPERVISES THE PHYSICIAN ASSISTANT;

(II) THE PHYSICIAN ASSISTANT HAS CREDENTIALS THAT HAVE BEEN REVIEWED BY THE HOSPITAL OR AMBULATORY SURGICAL FACILITY AS A CONDITION OF EMPLOYMENT, AS AN INDEPENDENT CONTRACTOR, OR AS A MEMBER OF THE MEDICAL STAFF; AND

(III) EACH ADVANCED DUTY TO BE DELEGATED TO THE PHYSICIAN ASSISTANT IS REVIEWED AND APPROVED WITHIN A PROCESS APPROVED BY THE GOVERNING BODY OF THE HEALTH CARE FACILITY BEFORE THE PHYSICIAN ASSISTANT PERFORMS THE ADVANCED DUTIES.

(2) IN ANY SETTING THAT DOES NOT MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, A PRIMARY SUPERVISING PHYSICIAN SHALL OBTAIN THE BOARD'S APPROVAL OF A DELEGATION AGREEMENT THAT INCLUDES ADVANCED DUTIES, BEFORE THE PHYSICIAN ASSISTANT PERFORMS THE ADVANCED DUTIES.

(3) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A PRIMARY SUPERVISING PHYSICIAN SHALL OBTAIN THE BOARD'S APPROVAL OF A DELEGATION AGREEMENT BEFORE THE PHYSICIAN ASSISTANT MAY ADMINISTER, MONITOR, OR MAINTAIN GENERAL ANESTHESIA OR NEUROAXIAL ANESTHESIA, INCLUDING SPINAL AND EPIDURAL TECHNIQUES, UNDER THE AGREEMENT.".

On page 18, in lines 13, 30, 31, 33, and 34 and on page 19, in line 1, in each instance, strike the brackets.

On page 18, in line 13, strike "The" and substitute "**FOR A DELEGATION AGREEMENT CONTAINING ADVANCED DUTIES THAT REQUIRE BOARD APPROVAL, THE**"; in line 16, after "the" insert "**PRIMARY**"; in line 18, after "(f)" insert "**(1)**"; in the same line, after "a" insert "**PRIMARY**"; in line 19, strike "medical acts" and substitute "**ADVANCED DUTIES**"; in lines 21 and 22, strike "(1)" and "(2)",

respectively, and substitute "**(I)**" and "**(II)**", respectively; in lines 22, 25, 26, and 29, strike "(i)", "(ii)", "1.", and "2.", respectively, and substitute "**1.**", "**2.**", "**A.**", and "**B.**", respectively; in line 26, after the first "the" insert "**PRIMARY**"; after line 30, insert:

"**(2) TO THE EXTENT PRACTICABLE, THE BOARD SHALL APPROVE A DELEGATION AGREEMENT OR TAKE OTHER ACTION AUTHORIZED UNDER THIS SUBSECTION WITHIN 90 DAYS AFTER RECEIVING A COMPLETED DELEGATION AGREEMENT INCLUDING ANY INFORMATION FROM THE PHYSICIAN ASSISTANT AND PRIMARY SUPERVISING PHYSICIAN NECESSARY TO APPROVE OR TAKE ACTION.**";

in line 31, strike "**(D)**"; and in the same line, after "**PRIMARY**" insert "**OR ALTERNATE**".

On page 19, after line 13, insert:

"**(H) A PRIMARY SUPERVISING PHYSICIAN MAY NOT DELEGATE MEDICAL ACTS UNDER A DELEGATION AGREEMENT TO MORE THAN FOUR PHYSICIAN ASSISTANTS AT ANY ONE TIME, EXCEPT IN A HOSPITAL OR IN THE FOLLOWING NONHOSPITAL SETTINGS:**

(1) A CORRECTIONAL FACILITY;

(2) A DETENTION CENTER; OR

(3) A PUBLIC HEALTH FACILITY.";

in line 14, strike "**(E)**" and substitute "**(I)**"; in line 16, strike the bracket; in the same line, strike "(k)" and substitute "**(J)**"; and in line 17, strike "In" and substitute "**AS A PRIMARY SUPERVISING PHYSICIAN IN**".

On page 20, in line 3, after the second "the" insert "**PRIMARY SUPERVISING PHYSICIAN AND**"; and after line 4, insert:

"**(K) IN THE EVENT OF A SUDDEN DEPARTURE, INCAPACITY, OR DEATH OF A PRIMARY SUPERVISING PHYSICIAN, A DESIGNATED ALTERNATE SUPERVISING PHYSICIAN MAY ASSUME THE ROLE OF THE PRIMARY**

SUPERVISING PHYSICIAN BY SUBMITTING A NEW DELEGATION AGREEMENT TO THE BOARD WITHIN 15 DAYS.".

AMENDMENT NO. 6

On page 20, in lines 7, 10, 28, and 29, in each instance, strike the brackets; in line 8, strike "**(F)**" and substitute "**(M)**"; after line 10, insert:

"**(A) IF A DELEGATION AGREEMENT DOES NOT INCLUDE ADVANCED DUTIES OR THE ADVANCED DUTIES HAVE BEEN APPROVED UNDER § 15–302(C)(1) OF THIS SUBTITLE, A PHYSICIAN ASSISTANT MAY ASSUME THE DUTIES UNDER A DELEGATION AGREEMENT ON THE DATE OF RECEIPT BY THE BOARD OF THE DELEGATION AGREEMENT.**";

in lines 11, 16, and 25, strike "(a)", "(b)", and "(c)", respectively, and substitute "**(B)**", "**(C)**", and "**(D)**", respectively; in line 11, after "agreement" insert "**THAT INCLUDES DELEGATION OF ADVANCED DUTIES IN A SETTING THAT DOES NOT MEET THE REQUIREMENTS UNDER § 15–302(C)(1) OF THIS SUBTITLE**"; in line 12, strike "Committee for review" and substitute "**BOARD FOR ITS APPROVAL**"; in line 16, strike "(c)" and substitute "**(D)**"; in line 18, strike "practice in accordance with the pending delegation agreement" and substitute "**PERFORM THE ADVANCED DUTY**"; in line 20, after "The" insert "**PRIMARY**"; strike beginning with "proposed" in line 21 down through "practice" in line 22 and substitute "**PERFORMANCE OF THE ADVANCED DUTY**"; strike beginning with "for" in line 23 down through "setting" in line 24 and substitute "**BY THE BOARD TO PERFORM THE ADVANCED DUTY**"; in line 26, after the third "the" insert "**PRIMARY SUPERVISING**"; strike beginning with "practice" in line 27 down through "agreement" in line 28 and substitute "**PERFORM THE ADVANCED DUTY THAT HAS NOT RECEIVED THE APPROVAL OF THE BOARD**"; and after line 28, insert:

"**(E) THE BOARD MAY DISAPPROVE ANY DELEGATION AGREEMENT IF IT BELIEVES THAT:**

(1) THE AGREEMENT DOES NOT MEET THE REQUIREMENTS OF THIS SUBTITLE; OR

(2) THE PHYSICIAN ASSISTANT IS UNABLE TO PERFORM SAFELY THE DELEGATED DUTIES.

(F) IF THE BOARD DISAPPROVES A DELEGATION AGREEMENT OR THE DELEGATION OF ANY FUNCTION UNDER AN AGREEMENT, THE BOARD SHALL PROVIDE THE PRIMARY SUPERVISING PHYSICIAN AND THE PHYSICIAN ASSISTANT WITH WRITTEN NOTICE OF THE DISAPPROVAL.

(G) A PHYSICIAN ASSISTANT WHO RECEIVES NOTICE THAT THE BOARD HAS DISAPPROVED A DELEGATION AGREEMENT OR AN ADVANCED FUNCTION UNDER THE DELEGATION AGREEMENT SHALL IMMEDIATELY CEASE TO PRACTICE UNDER THE AGREEMENT OR TO PERFORM THE DISAPPROVED FUNCTION.".

On pages 20 and 21, strike beginning with "**15–302.1.**" in line 29 on page 20 down through "**THERAPY.**" in line 11 on page 21.

On page 21, in line 12, strike the brackets; in the same line, strike "**(B)**"; in the same line, after "A" insert "**PRIMARY**"; in line 22, strike "**AND**"; and in line 25, strike the bracket.

On page 21 in line 26 and on page 22 in line 1, in each instance, strike "Evidence demonstrating" and substitute "**AN ATTESTATION THAT THE PHYSICIAN ASSISTANT HAS**".

On page 21, in line 25, strike the bracket; in line 27, strike "Passage of" and substitute "**PASSED**"; and in line 30, strike "Successful completion of" and substitute "**SUCCESSFULLY COMPLETED**".

On page 22, in line 2, after "equivalent;" insert "**OR**"; in line 3, before "2" insert "**SUCCESSFULLY COMPLETED**"; strike beginning with "; or" in line 3 down through the bracket in line 5; in line 6, strike the brackets; in the same line, strike "**(C)**"; in lines 6, 9, and 14, in each instance, strike "**OR ALTERNATE**"; in line 19, strike "**PREPARE AND**"; in line 20, after "**DOSAGE**" insert "**OR DISPENSE DRUG SAMPLES**"; strike beginning with "**(I)**" in line 22 down through "**(2)**" in line 26; in line 26, after "**DOSAGE**" insert "**OR DRUG SAMPLE**"; in line 27, strike "**§ 12–509**" and substitute "**§ 12–505**"; and in lines 28 and 29, strike "**(3)**" and "**(4)**", respectively, and substitute "**(2)**" and "**(3)**", respectively.

On page 22, in line 19 and on page 23, in lines 1 and 6, strike "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively.

On page 23, in line 1, strike "**PREPARES AND**"; in line 2, after "**DRUG**" insert "**SAMPLE OR STARTER DOSAGE**"; and in line 3, strike "**(B)**" and substitute "**(C)**"; after line 10, insert:

"15–302.3.

(a) On a quarterly basis, the Board shall provide to the Board of Pharmacy a list of physician assistants whose delegation agreements include the delegation of **[**authority to exercise**]** prescriptive authority.

(b) The list required under subsection (a) of this section shall specify whether each physician assistant has been delegated the authority to prescribe controlled dangerous substances, prescription drugs, or medical devices.

(c) If a **PRIMARY** supervising physician who has delegated authority to exercise prescriptive authority to a physician assistant subsequently restricts or removes the delegation, the **PRIMARY** supervising physician shall notify the Board of the restriction or removal within 5 business days.";

in line 12, strike "be"; in line 13, strike "Of" and substitute "**BE OF**"; in line 14, strike "Fluent in the English language" and substitute "**DEMONSTRATE ORAL AND WRITTEN COMPETENCY IN THE ENGLISH LANGUAGE AS REQUIRED BY THE BOARD**"; in line 15, strike "At" and substitute "**BE AT**"; in line 16, strike "A" and substitute "**(I) BE A**"; in lines 16 and 17, in each instance, strike the brackets; in line 16, strike "**EDUCATIONAL**"; strike beginning with "**ACCREDITED**" in line 17 down through "**PROGRAMS**" in line 21 and substitute "**; OR**

(II) HAVE PASSED THE PHYSICIAN ASSISTANT NATIONAL CERTIFYING EXAMINATION ADMINISTERED BY THE NATIONAL COMMISSION ON CERTIFICATION OF PHYSICIAN ASSISTANTS PRIOR TO 1986, MAINTAINED ALL CONTINUING EDUCATION AND RECERTIFICATION REQUIREMENTS, AND BEEN IN CONTINUOUS PRACTICE SINCE PASSAGE OF THE EXAMINATION";

in lines 22 and 23, in each instance, strike the brackets; in line 22, strike "**THE**"; and strike beginning with "**THE**" in line 23 down through "**ASSISTANTS**" in line 25.

On page 24, strike in their entirety lines 1 through 7, inclusive; strike in their entirety lines 13 through 26, inclusive, and substitute:

"**15–305.**

THE BOARD SHALL ISSUE A LICENSE TO AN APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE.";

and in line 29, after "assistant" insert "**UNDER A DELEGATION AGREEMENT**".

AMENDMENT NO. 7

On page 25, in line 18, strike "and"; in line 24, after "section" insert "**; AND**

(4) MEETS ANY ADDITIONAL REQUIREMENTS SET BY THE BOARD FOR RENEWAL OF A LICENSE".

On page 26, after line 6, insert:

"**(F) FOR THE FAILURE OF A LICENSEE TO OBTAIN CONTINUING MEDICAL EDUCATION CREDITS AS REQUIRED BY THE BOARD, THE BOARD MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED $100 FOR EACH MEDICAL EDUCATION CREDIT NOT OBTAINED BY THE LICENSEE.**";

in line 12, strike "and"; and in line 15, after "reinstatements" insert "**; AND**

(4) MEETS ANY ADDITIONAL REQUIREMENTS SET BY THE BOARD FOR REINSTATEMENT".

On pages 26 and 27, strike in their entirety the lines beginning with line 16 on page 26 through line 1 on page 27.

On page 27, in line 5, after "**LICENSE**" insert "**AND DELEGATION AGREEMENT**"; in line 7, after "(b)" insert "**(1)**"; after line 8, insert:

"**(2) A LICENSEE WHO FAILS TO COMPLY WITH THIS SUBSECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF $100.**";

in line 11, strike the brackets; in line 12, strike "**PHYSICIAN ASSISTANT REHABILITATION PROGRAM**"; in line 21, after "assistant" insert "**OR APPLICANT**"; and strike beginning with the comma in line 25 down through "**ASSISTANT**" in line 26.

On page 28, in line 15, strike "its members then serving" and substitute "**A QUORUM**"; strike beginning with the colon in line 16 down through "Any" in line 19 and substitute "**ANY**"; in line 31, after "**LICENSE**" insert "**OR TO REJECT OR MODIFY A DELEGATION AGREEMENT OR ADVANCED DUTY**".

On page 29, in line 7, after "**LICENSE**" insert "**OR REJECTING OR MODIFYING A DELEGATION AGREEMENT OR ADVANCED DUTY**".

AMENDMENT NO. 8

On pages 29 through 31, strike in their entirety the lines beginning with line 11 on page 29 through line 6 on page 31, inclusive, and substitute:

"**15–314.**

(A) SUBJECT TO THE HEARING PROVISIONS OF § 15–315 OF THIS SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM, MAY REPRIMAND ANY PHYSICIAN ASSISTANT, PLACE ANY PHYSICIAN ASSISTANT ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF THE PHYSICIAN ASSISTANT:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(3) IS GUILTY OF:

(I) IMMORAL CONDUCT IN THE PRACTICE OF MEDICINE; OR

(II) UNPROFESSIONAL CONDUCT IN THE PRACTICE OF MEDICINE;

(4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

(5) SOLICITS OR ADVERTISES IN VIOLATION OF § 14–503 OF THIS TITLE;

(6) ABANDONS A PATIENT;

(7) HABITUALLY IS INTOXICATED;

(8) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE;

(9) PROVIDES PROFESSIONAL SERVICES:

(I) WHILE UNDER THE INFLUENCE OF ALCOHOL; OR

(II) WHILE USING ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE, OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;

(10) PROMOTES THE SALE OF DRUGS, DEVICES, APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

(11) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE PRACTICE OF MEDICINE;

(12) WILLFULLY FAILS TO FILE OR RECORD ANY MEDICAL REPORT AS REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;

(13) ON PROPER REQUEST, AND IN ACCORDANCE WITH THE PROVISIONS OF TITLE 4, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE, FAILS TO PROVIDE DETAILS OF A PATIENT'S MEDICAL RECORD TO THE PATIENT, ANOTHER PHYSICIAN, OR HOSPITAL;

(14) SOLICITS PROFESSIONAL PATRONAGE THROUGH AN AGENT OR OTHER PERSON OR PROFITS FROM THE ACTS OF A PERSON WHO IS REPRESENTED AS AN AGENT OF THE PHYSICIAN;

(15) PAYS OR AGREES TO PAY ANY SUM TO ANY PERSON FOR BRINGING OR REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM FROM ANY PERSON FOR BRINGING OR REFERRING A PATIENT;

(16) AGREES WITH A CLINICAL OR BIOANALYTICAL LABORATORY TO MAKE PAYMENTS TO THE LABORATORY FOR A TEST OR TEST SERIES FOR A PATIENT, UNLESS THE LICENSED PHYSICIAN ASSISTANT DISCLOSES ON THE BILL TO THE PATIENT OR THIRD–PARTY PAYOR:

(I) THE NAME OF THE LABORATORY;

(II) THE AMOUNT PAID TO THE LABORATORY FOR THE TEST OR TEST SERIES; AND

(III) THE AMOUNT OF PROCUREMENT OR PROCESSING CHARGE OF THE LICENSED PHYSICIAN, IF ANY, FOR EACH SPECIMEN TAKEN;

(17) MAKES A WILLFUL MISREPRESENTATION IN TREATMENT;

(18) PRACTICES MEDICINE WITH AN UNAUTHORIZED PERSON OR AIDS AN UNAUTHORIZED PERSON IN THE PRACTICE OF MEDICINE;

(19) GROSSLY OVERUTILIZES HEALTH CARE SERVICES;

(20) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT DISEASE BY A SECRET METHOD, TREATMENT, OR MEDICINE;

(21) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OR CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR THE VETERANS' ADMINISTRATION FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION;

(22) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF QUALITY MEDICAL AND SURGICAL CARE PERFORMED IN AN OUTPATIENT SURGICAL FACILITY, OFFICE, HOSPITAL, OR ANY OTHER LOCATION IN THIS STATE;

(23) WILLFULLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR WHICH SERVICES ARE NOT PROVIDED;

(24) WAS SUBJECT TO INVESTIGATION OR DISCIPLINARY ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION AND THE LICENSEE:

(I) SURRENDERED THE LICENSE ISSUED BY THE STATE OR COUNTRY TO THE STATE OR COUNTRY; OR

(II) ALLOWED THE LICENSE ISSUED BY THE STATE OR COUNTRY TO EXPIRE OR LAPSE;

(25) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN VIOLATION OF § 5–704 OF THE FAMILY LAW ARTICLE;

(26) FAILS TO EDUCATE A PATIENT BEING TREATED FOR BREAST CANCER OF ALTERNATIVE METHODS OF TREATMENT AS REQUIRED BY § 20–113 OF THE HEALTH – GENERAL ARTICLE;

(27) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;

(28) FAILS TO COMPLY WITH THE PROVISIONS OF § 12–102 OF THIS ARTICLE;

(29) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR WHICH THE PHYSICIAN ASSISTANT IS LICENSED AND QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

(30) EXCEPT AS TO AN ASSOCIATION THAT HAS REMAINED IN CONTINUOUS EXISTENCE SINCE JULY 1, 1963:

(I) ASSOCIATES WITH A PHARMACIST AS A PARTNER OR CO–OWNER OF A PHARMACY FOR THE PURPOSE OF OPERATING A PHARMACY;

(II) EMPLOYS A PHARMACIST FOR THE PURPOSE OF OPERATING A PHARMACY; OR

(III) CONTRACTS WITH A PHARMACIST FOR THE PURPOSE OF OPERATING A PHARMACY;

(31) EXCEPT IN AN EMERGENCY LIFE–THREATENING SITUATION WHERE IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S GUIDELINES ON UNIVERSAL PRECAUTIONS;

(32) FAILS TO DISPLAY THE NOTICE REQUIRED UNDER § 14–415 OF THIS SUBTITLE;

(33) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD;

(34) IS CONVICTED OF INSURANCE FRAUD AS DEFINED IN § 27–801 OF THE INSURANCE ARTICLE;

(35) IS IN BREACH OF A SERVICE OBLIGATION RESULTING FROM THE APPLICANT'S OR LICENSEE'S RECEIPT OF STATE OR FEDERAL FUNDING FOR THE PHYSICIAN ASSISTANT'S MEDICAL EDUCATION;

(36) WILLFULLY MAKES A FALSE REPRESENTATION WHEN SEEKING OR MAKING APPLICATION FOR LICENSURE OR ANY OTHER APPLICATION RELATED TO THE PRACTICE OF MEDICINE;

(37) BY CORRUPT MEANS, THREATS, OR FORCE, INTIMIDATES OR INFLUENCES, OR ATTEMPTS TO INTIMIDATE OR INFLUENCE, FOR THE PURPOSE OF CAUSING ANY PERSON TO WITHHOLD OR CHANGE TESTIMONY IN HEARINGS OR PROCEEDINGS BEFORE THE BOARD OR THOSE OTHERWISE DELEGATED TO THE OFFICE OF ADMINISTRATIVE HEARINGS;

(38) BY CORRUPT MEANS, THREATS, OR FORCE, HINDERS, PREVENTS, OR OTHERWISE DELAYS ANY PERSON FROM MAKING INFORMATION AVAILABLE TO THE BOARD IN FURTHERANCE OF ANY INVESTIGATION OF THE BOARD;

(39) INTENTIONALLY MISREPRESENTS CREDENTIALS FOR THE PURPOSE OF TESTIFYING OR RENDERING AN EXPERT OPINION IN HEARINGS OR PROCEEDINGS BEFORE THE BOARD OR THOSE OTHERWISE DELEGATED TO THE OFFICE OF ADMINISTRATIVE HEARINGS;

(40) FAILS TO KEEP ADEQUATE MEDICAL RECORDS;

(41) PERFORMS DELEGATED MEDICAL ACTS BEYOND THE SCOPE OF THE DELEGATION AGREEMENT FILED WITH THE BOARD OR AFTER NOTIFICATION FROM THE BOARD THAT AN ADVANCED DUTY HAS BEEN DISAPPROVED; OR

(42) PERFORMS DELEGATED MEDICAL ACTS WITHOUT THE SUPERVISION OF A PHYSICIAN.

(B) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE BOARD BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL

ORDER THE SUSPENSION OF A LICENSE IF THE PHYSICIAN ASSISTANT IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.

(2) AFTER COMPLETION OF THE APPELLATE PROCESS IF THE CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, THE BOARD SHALL ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE OF THE ATTORNEY GENERAL.".

On page 31, in line 9, strike "§ 15–314" and substitute "**§ 15–314(A)**".

On pages 31 and 32, strike in their entirety the lines beginning with line 29 on page 31 through line 4 on page 32 and substitute:

"**(A) IF AFTER A HEARING UNDER § 15–315 OF THIS SUBTITLE, THE BOARD FINDS THAT THERE ARE GROUNDS FOR DISCIPLINE UNDER § 15–314(A) OF THIS SUBTITLE TO SUSPEND OR REVOKE A LICENSE OF A PHYSICIAN ASSISTANT OR TO DENY A LICENSE TO AN APPLICANT OR TO REPRIMAND A LICENSED PHYSICIAN ASSISTANT, THE BOARD MAY IMPOSE A FINE SUBJECT TO THE BOARD'S REGULATIONS INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE OR REPRIMANDING THE LICENSEE.**

(B) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

15–317.

(A) A PHYSICIAN ASSISTANT IN THIS STATE OR IN ANY OTHER STATE IS AUTHORIZED TO PERFORM ACTS, TASKS, OR FUNCTIONS AS A PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE DURING A DISASTER AS DEFINED BY THE GOVERNOR, WITHIN A COUNTY IN WHICH A STATE OF DISASTER HAS BEEN DECLARED, OR COUNTIES CONTIGUOUS TO A COUNTY IN WHICH A STATE OF DISASTER HAS BEEN DECLARED.

(B) THE PHYSICIAN ASSISTANT SHALL NOTIFY THE BOARD IN WRITING OF THE NAMES, PRACTICE LOCATIONS, AND TELEPHONE NUMBERS FOR THE PHYSICIAN ASSISTANT AND EACH PRIMARY SUPERVISING PHYSICIAN WITHIN 30 DAYS OF THE FIRST PERFORMANCE OF MEDICAL ACTS, TASKS, OR FUNCTIONS AS A PHYSICIAN ASSISTANT DURING THE DISASTER.

(C) A TEAM OF PHYSICIAN AND PHYSICIAN ASSISTANTS OR PHYSICIAN ASSISTANTS PRACTICING UNDER THIS SECTION MAY NOT BE REQUIRED TO MAINTAIN ON–SITE DOCUMENTATION DESCRIBING SUPERVISORY ARRANGEMENTS AS OTHERWISE REQUIRED UNDER THIS TITLE.".

AMENDMENT NO. 9

On page 32, after line 20, insert:

"**15–402.1.**

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING AS A PHYSICIAN ASSISTANT WHO DOES NOT HAVE A LICENSE.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH CARE SYSTEM, OR EMPLOYER MAY NOT EMPLOY AN INDIVIDUAL PRACTICING AS A PHYSICIAN ASSISTANT WHO DOES NOT HAVE A LICENSE.

(C) THE BOARD MAY IMPOSE A CIVIL PENALTY IN AN AMOUNT NOT EXCEEDING $1,000 FOR A VIOLATION OF THIS SECTION.

(D) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE BOARD OF PHYSICIANS FUND.".

The preceding 9 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 Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 836 – Senators Lenett, Frosh, Garagiola, King, Madaleno, Pugh, and Raskin

AN ACT concerning

Education – Students Arrested for Reportable Offenses – Prohibition Against Attending School with Victim

SB0836/284138/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 836
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, and Forehand"; in line 2, strike "Prohibition Against"; in line 3, after "School" insert "or Riding the Bus"; in line 4, strike "authorizing" and substitute "requiring"; in line 5, strike "prohibit" and substitute "consider prohibiting"; in the same line, after "offense" insert "involving rape or a sexual offense"; in line 9, strike "alleged"; and in line 11, after "offenses" insert "involving rape or sexual offense".

AMENDMENT NO. 2

On page 2, in line 1, after "**(1)**", insert "**IN THIS SUBSECTION, "SCHOOL PRINCIPAL" MEANS THE PRINCIPAL OF THE PUBLIC OR NONPUBLIC SCHOOL IN WHICH A STUDENT IS ENROLLED, OR A DESIGNEE OF THE PRINCIPAL, WHO IS AN ADMINISTRATOR.**

(2)";

in lines 1 and 8, in each instance, strike "**(2)**" and substitute "**(3)**"; in lines 2 and 3, strike "**MAY PROHIBIT**" and substitute "**SHALL CONSIDER PROHIBITING**"; in line 3, after "**OFFENSE**" insert "**INVOLVING RAPE OR A SEXUAL OFFENSE**"; and in line 12, strike "**ALLEGED**".

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

Senate Bill 1041 – Senator Lenett

AN ACT concerning

State Board of Examiners of Psychologists – Criminal History Records Check

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 6 – Senator Gladden

A Senate Joint Resolution concerning

Earth Hour

SJ0006/274939/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE JOINT RESOLUTION 6
(First Reading File Joint Resolution)

On page 1, in line 25, strike "and" and substitute "now, therefore, be it".

On page 2, strike in their entirety lines 1 and 2; and in line 4, strike "March 27, 2010," and substitute "annually the last Saturday in March".

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.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #23

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

Senate Bill 622 – Senator Jacobs

AN ACT concerning

Crimes – Sexual Offenses Against Children – Penalties

SB0622/438679/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 622
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Jacobs" and substitute "Senators Jacobs, Brochin, Haines, Mooney, Muse, and Stone".

The preceding amendment was read only.

Senator Madaleno 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:

Senate Bill 815 – Senators Forehand, Colburn, Klausmeier, Lenett, and Stone

AN ACT concerning

Identity Fraud – Uniform Reporting Form

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

AN ACT concerning

Criminal Law – Manslaughter by Vehicle or Vessel – Criminal Negligence

SB0870/868670/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 870
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Vehicle Laws – Reckless Driving – Penalty for Causing Death"; strike beginning with "making" in line 3 down through "manner;" in line 9; in line 10, strike "certain"; in the same line, after "penalties" insert "for reckless driving that results in death"; strike beginning with "stating" in line 10 down through the second "term;" in line 11; in line 12, strike "criminally negligent manslaughter by vehicle or vessel" and substitute "reckless driving and penalties for causing death"; and strike in their entirety lines 13 through 17, inclusive, and substitute:

"BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–901.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 27–101(g)(3)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 27–101(dd)
Annotated Code of Maryland
(2009 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 24 on page 2, inclusive, and substitute:

"Article – Transportation

21–901.1.

(a) A person is guilty of reckless driving if he drives a motor vehicle:

(1) In wanton or willful disregard for the safety of persons or property; or

(2) In a manner that indicates a wanton or willful disregard for the safety of persons or property.

(b) A person is guilty of negligent driving if he drives a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual.

27–101.

(g) Any person who is convicted of a violation of any of the following sections of this article is subject to a fine of not more than $1,000:

(3) **EXCEPT AS PROVIDED IN SUBSECTION (DD) OF THIS SECTION,** § 21–901.1(a) ("Reckless driving").

(DD) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 21–901.1(A) OF THIS ARTICLE ("RECKLESS DRIVING") THAT RESULTS IN DEATH IS SUBJECT TO A FINE OF NOT MORE THAN $2,500 OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR BOTH.".

The preceding 2 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #19

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

Senate Bill 450 – Senators Brinkley and Mooney

EMERGENCY BILL

AN ACT concerning

Frederick County – Property Tax Setoff

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 685 – Senators DeGrange, Brinkley, Currie, Edwards, Kasemeyer, King, Kramer, McFadden, Miller, Munson, Peters, and Stoltzfus

AN ACT concerning

Personal Property Tax – Heavy Equipment

SB0685/989532/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 685
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Personal Property Tax – Heavy Equipment" and substitute "Heavy Equipment Tax Reform Act of 2010"; strike beginning with

"authorizing" in line 3 down through "amount," in line 4 and substitute "imposing a tax at a certain rate"; in line 7, after "tax" insert "in a certain manner"; and in line 7, after "quarter;" insert "requiring a person who owns a business with gross receipts subject to a certain tax to submit a certain report to the Department of Assessments and Taxation and a certain list to the county or municipal corporation where the business is located; requiring a county or municipal corporation to calculate the difference between certain amounts and to submit a certain statement and bill to a business with certain gross receipts;"; in line 9, after "date;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 3, after "**(2)**" insert "**"GROSS RECEIPTS SHORTAGE" MEANS THE AMOUNT BY WHICH THE PROPERTY TAX CALCULATED UNDER SUBSECTION (D)(2) OF THIS SECTION THAT WOULD HAVE BEEN DUE EXCEEDS THE TOTAL GROSS RECEIPTS TAX REMITTED UNDER SUBSECTION (C) OF THIS SECTION.**

(3) "GROSS RECEIPTS SURPLUS" MEANS THE AMOUNT BY WHICH THE TOTAL GROSS RECEIPTS TAX REMITTED UNDER SUBSECTION (C) OF THIS SECTION EXCEEDS THE AMOUNT OF PROPERTY TAX CALCULATED UNDER SUBSECTION (D)(2) OF THIS SECTION THAT WOULD HAVE BEEN DUE.

(4)";

in line 12, strike "**(3)**" and substitute "**(5)**"; strike beginning with "**THE**" in line 14 down through the period in line 19 and substitute "**THERE IS A TAX AT A RATE OF 2% ON THE GROSS RECEIPTS FROM THE SHORT–TERM LEASE OR RENTAL OF HEAVY EQUIPMENT PROPERTY BY A PERSON WHOSE PRINCIPAL BUSINESS IS THE SHORT–TERM LEASE OR RENTAL OF HEAVY EQUIPMENT PROPERTY AT RETAIL.**"; and strike beginning with "**THE**" in line 20 down through "**CORPORATION**" in line 23 and substitute "**THE TAX IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A BUSINESS LOCATED IN A COUNTY OR MUNICIPAL CORPORATION THAT DOES NOT IMPOSE A PERSONAL PROPERTY TAX**".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 32 on page 2 through line 2 on page 3, inclusive.

AMENDMENT NO. 4

On page 3, in line 4, after "**COLLECT**" insert "**THE TAX FROM THE RENTAL CUSTOMER**"; in line 5, strike "**TO THE COUNTY OR MUNICIPAL CORPORATION**" and substitute "**AS PROVIDED IN THIS SUBSECTION**"; after line 7, insert:

"**(3) A PERSON WHO OWNS A BUSINESS WITH GROSS RECEIPTS SUBJECT TO THE TAX UNDER SUBSECTION (B) OF THIS SECTION SHALL REMIT THE TAX COLLECTED TO:**

(I) THE COUNTY IN WHICH THE BUSINESS IS LOCATED, IF THAT LOCATION IS NOT WITHIN A MUNICIPAL CORPORATION; OR

(II) THE COUNTY AND MUNICIPAL CORPORATION IN WHICH THE BUSINESS IS LOCATED IN PROPORTION TO THE PERSONAL PROPERTY TAX RATE OF THE COUNTY AND MUNICIPAL CORPORATION, IF THAT LOCATION IS WITHIN A MUNICIPAL CORPORATION.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE GROSS RECEIPTS TAX IMPOSED UNDER THIS SECTION SHALL BE ADMINISTERED AND COLLECTIBLE ACCORDING TO THE LAWS OTHERWISE APPLICABLE TO THE PERSONAL PROPERTY TAX UNDER THE TAX – PROPERTY ARTICLE.

(D) (1) A PERSON WHO OWNS A BUSINESS WITH GROSS RECEIPTS SUBJECT TO THE TAX UNDER SUBSECTION (B) OF THIS SECTION SHALL SUBMIT:

(I) TO THE DEPARTMENT OF ASSESSMENTS AND TAXATION A REPORT ON PERSONAL PROPERTY AS REQUIRED UNDER § 11–101 OF THE TAX – PROPERTY ARTICLE; AND

(II) TO THE COUNTY OR MUNICIPAL CORPORATION WHERE THE HEAVY EQUIPMENT RENTAL BUSINESS IS LOCATED A LIST OF ALL PERSONAL PROPERTY, INCLUDING THE ORIGINAL COST AND DATE OF ACQUISITION OF THE PROPERTY, THAT:

1. IS SUBJECT TO THE GROSS RECEIPTS TAX UNDER THIS SECTION; AND

2. IS EXEMPT FROM THE PROPERTY TAX UNDER § 7–243 OF THE TAX – PROPERTY ARTICLE.

(2) FOR EACH PERSON THAT SUBMITS A LIST UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, A COUNTY OR MUNICIPAL CORPORATION SHALL CALCULATE THE AMOUNT OF PROPERTY TAX THAT WOULD HAVE BEEN DUE FOR ALL PROPERTY THAT IS EXEMPT UNDER § 7–243(B) OF THE TAX – PROPERTY ARTICLE.

(3) A COUNTY OR MUNICIPAL CORPORATION SHALL CALCULATE THE DIFFERENCE BETWEEN:

(I) THE TOTAL GROSS RECEIPTS TAX REMITTED UNDER SUBSECTION (C) OF THIS SECTION BY THE PERSON DURING THE PREVIOUS CALENDAR YEAR; AND

(II) THE AMOUNT OF PROPERTY TAX CALCULATED UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT WOULD HAVE BEEN DUE.

(4) (I) ON OR BEFORE FEBRUARY 28TH OF EACH YEAR, A COUNTY OR MUNICIPAL CORPORATION SHALL PROVIDE A STATEMENT TO EACH PERSON WHO OWNS A BUSINESS WITH GROSS RECEIPTS SUBJECT TO THE TAX UNDER SUBSECTION (B) OF THIS SECTION, THAT INCLUDES:

1. THE TOTAL GROSS RECEIPTS TAX REMITTED UNDER SUBSECTION (C) OF THIS SECTION DURING THE PREVIOUS CALENDAR YEAR;

2. THE TOTAL PROPERTY TAX CALCULATED UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT WOULD HAVE BEEN DUE; AND

3. THE GROSS RECEIPTS SHORTAGE OR GROSS RECEIPTS SURPLUS.

(II) IF THE STATEMENT INCLUDES A GROSS RECEIPTS SHORTAGE, THE COUNTY OR MUNICIPAL CORPORATION SHALL INCLUDE WITH THE STATEMENT A BILL FOR THE AMOUNT OF THE GROSS RECEIPTS SHORTAGE PAYABLE ON OR BEFORE MARCH 31 OF EACH YEAR.

(5) THE LIST REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE SUBMITTED WITH THE SECOND QUARTERLY PAYMENT REQUIRED UNDER SUBSECTION (C)(2) OF THIS SECTION.

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

and strike beginning with the first "**THE**" in line 13 down through the period in line 20 and substitute "**THE PROPERTY IS SUBJECT TO THE GROSS RECEIPTS TAX IMPOSED UNDER ARTICLE 24, § 9–609 OF THE CODE.**

SECTION 3. AND BE IT FURTHER ENACTED, That to create a transition period that precludes both a duplication and an avoidance of tax:

(a) The initial period of application of Section 1 of this Act shall be the 6–month period from July 1, 2011, through December 31, 2011; and

(b) During the initial period of application, the following words have the meanings indicated:

(1) "Gross receipts shortage" means the amount by which one–half of the property tax, calculated under Article 24, § 9–609(d)(2) of the Code as enacted by Section 1 of this Act, that would be due exceeds the total gross receipts tax remitted under Article 24, § 9–609(c) of the Code as enacted by Section 1 of this Act.

(2) "Gross receipts surplus" means the amount by which the total gross receipts tax remitted under Article 24, § 9–609(c) of the Code as enacted by Section 1 of this Act exceeds one–half of the amount of property tax, calculated under Article 24, § 9–609(d)(2) of Section 1 of the Code as enacted by this Act, that would be due.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect December 31, 2010. Sections 1 and 3 shall be applicable to the initial period of application beginning on July 1, 2011, and to all calendar years beginning after December 31, 2011. Section 2 of this Act shall be applicable to all taxable years beginning after June 30, 2011.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 149 – Chair, Calvert County Delegation

AN ACT concerning

Calvert County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 334 – Delegates Walker ~~and Ivey~~, Ivey, Hixson, Bartlett, Cardin, Elmore, Frick, Gilchrist, Kaiser, Murphy, Myers, Olszewski, Rice, Ross, Stukes, and F. Turner

AN ACT concerning

Public Schools – Physical Education Facilities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #20

CONSENT CALENDAR #62

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 189	FAV	Del DeBoy (Chr Jt Audit Com), et al	Office of Legislative Audits – Auditing Local School Systems
HB 203	FAV	Del Cardin, et al	Sales and Use Tax – Exemptions – Veterans' Organizations
HB 395	FAV	Del Barve	Maryland Business Tax Reform Commission – Reporting Requirements
HB 592	FAV	Queen Anne's County Delegation	Queen Anne's County – Property Tax Credit – Foster Parent
HB 595	FAV	Del Olszewski, et al	Baltimore County – Property Tax Credit – Rosewald Beach Civic League
HB 623	FAV	Allegany County Delegation	Allegany County – Property Tax Credit – Memorial Hilltop Centre
HB 834	FAV	Del Heller (Chr JtCMPF), et al	State Treasurer – Permissible Investments – Linked Deposit Program
HB 844	FAV	Del Conway, et al	Local Government Funds – Redeposit into Insured Accounts

HB 850	FAV	Del Barve, et al	Property Tax Credit – Habitat for Humanity
HB 1094	FAV	Carroll County Delegation	Carroll County – Public Facilities Bonds
HB 1112	FAV	Carroll County Delegation	Carroll County – Green Building Tax Credit

Favorable report 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 #8

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

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #8
April 1, 2010

Arts Council, Maryland State

1. Margaret M. Footner District 5
18329 Peters Avenue
White Hall, MD 21161

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2010

Blind Industries and Services of Maryland, Board of Trustees of

2. James R. Berens District 13
12920 Wexford Park
Clarksville, MD 21029

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

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

3. David A.C. Carroll District 41
4507 Prospect Circle
Baltimore, MD 21216

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve a term of four years from July 1, 2010

Economic Development Commission, Maryland

4. Sagar Patel District 35
1219 Sparrow Mill Way
Bel Air, MD 21015

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

Education, State Board of

5. Luisa Montero–Diaz District 20
432 Lincoln Avenue
Takoma Park, MD 20912

Member of the State Board of Education; appointed to serve remainder of a term of four years from July 1, 2007

6. Sayed M. Naved District 15
14617 Snapdragon Circle
N. Potomac, MD 20878

Member of the State Board of Education; appointed to serve remainder of a term of four years from July 1, 2007

Elevator Safety Review Board

7. Debra D. Wylie District 18
2445 Lyttonsville Road, Apt. 105
Silver Spring, MD 20910

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

Environmental Sanitarian Registration, State Board of

8. Veronica S. Moore District 44
774 Yale Avenue
Baltimore, MD 21229

Member of the State Board of Environmental Sanitarian Registration; appointed to serve a term of five years from July 1, 2010

Higher Education Commission, Maryland

9. Sandra L. Jimenez District 23
8807 Orwood Lane
Laurel, MD 20708

Member of the Maryland Higher Education Commission; appointed to serve remainder of a term of five years from July 1, 2007

Historic St. Mary's City Commission

10. Laura J. Cripps, Ph.D. District 9
3742 College Avenue
Ellicott City, MD 21043

Member of the Historic St. Mary's City Commission; appointed to serve a term of four years from July 1, 2009

11. Martin E. Sullivan, Ph.D. District 29
44572 Bellview Court
Tall Timbers, MD 20690

Member of the Historic St. Mary's City Commission; appointed to serve a term of four years from July 1, 2009

Human Relations Commission

12. Kanan Hamed Hudhud, M.D. District 3
6816 Running Springs Court
Frederick, MD 21703

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

Indian Affairs, Commission on

13. Sherry L. Majors District 38
27499 Mt. Vernon Road
Princess Anne, MD 21853

Member of the Commission on Indian Affairs; appointed to serve remainder of a term of three years from July 1, 2007

Morgan State University Board of Regents

14. Larry R. Ellis, (Ret.) District 99
520 Corondelette Cove, SW
Atlanta, GA 30331

Member of the Morgan State University Board of Regents; appointed to serve remainder of a six year term from July 1, 2007

Patuxent River Commission

15. Kelton L. Clark District 30
103 First Street
Annapolis, MD 21401

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 2009

16. Luis F. Dieguez District 29
30120 Dudley Road
Mechanicsville, MD 20659

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 2009

17. John W. Fringer, Jr. District 29
13386 Rousby Hall Road
Lusby, MD 20657

Member of the Patuxent River Commission; appointed to serve a term of four years from October 1, 2009

18. Pamela B. King District 29
26648 Tin Top School Road
Mechanicsville, MD 20659

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 2009

Professional Engineers, State Board for

19. Sandra J. Murphy District 25
9602 Merikern Lane
Largo, MD 20774

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2010

University System of Maryland Board of Regents

20. Louise M. Gonzales, Esq. District 41
2221 Foxbane Square
Baltimore, MD 21209

Member of the University System of Maryland Board of Regents; appointed to serve a term of five years from July 1, 2009

21. Leslie Donald Hall District 24
6136 Central Avenue
Capitol Heights, MD 20743

Member of the University System of Maryland Board of Regents; appointed to serve a term of one year from July 1, 2010

22. Paul L. Vance, Ed.D. District 15
20625 Hazelnut Court
Germantown, MD 20874

Member of the University System of Maryland Board of Regents; appointed to serve a term of five years from July 1, 2010

Workforce Corporation Board of Directors, Maryland

23. Stuart M. Bounds District 37
28694 Emanuel Street
Easton, MD 21601

Member of the Maryland Workforce Corporation Board of Directors; reappointed to serve a term to expire June 30, 2010 and a term of four years from July 1, 2010

24. Irene M. Zoppi Rodriguez, Ph.D. District 33
2309 Westport Lane
Crofton, MD 21114

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2010

25. Francis Jack Russell District 29
16127 Piney Point Road, P.O. Box 134
Piney Point, MD 20674

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2012

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.

Atlantic States Marine Fisheries Commission

S–1. William J. Goldsborough District 30
1355 Moyer Road
Annapolis, MD 21403

Member of the Atlantic States Marine Fisheries Commission; reappointed to serve a term of three years from June 1, 2010

Blind Industries and Services of Maryland, Board of Trustees of

S–2. James R. Berens District 13
12920 Wexford Park
Clarksville, MD 21029

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–3. George H. Littrell, Jr. District 3
5209 Reel's Mill Road
Frederick, MD 21704

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

S–4. George H. Littrell, Jr. District 3
5209 Reel's Mill Road
Frederick, MD 21704

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

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

S–5. Sadara B. Barrow District 47
4313 Newton Street
Colmar Manor, MD 20722

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2010

S–6. Worall Reed Carter, III District 36
14272 Drapers Mill Road
Greensboro, MD 21639

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2010

S–7. Judith M. Cox District 34
P.O.Box 460
Rising Sun, MD 21911

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2010

S–8. C. Peter Gutwald District 35
2113 Arden Drive
Fallston, MD 21047

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2010

Hart–Miller–Pleasure Island Citizens Oversight Committee

S–9. Fred Thiess District 6
4102 Beachwood Road
Baltimore, MD 21222

Alternate Member of the Hart–Miller–Pleasure Island Citizens Oversight Committee; appointed to serve a term of two years from July 1, 2009

Patuxent River Commission

S–10. C. Bernard Fowler District 27
P.O. Box 459
Prince Frederick, MD 20678

Member of the Patuxent River Commission; appointed to serve remainder of a term of four years from October 1, 2005, and a term of four years from October 1, 2009

Technology Development Corporation Board of Directors, Maryland

S–11. Dorothy E. Brunson District 41
3419 Bancroft Road
Baltimore, MD 21215

Member of the Maryland Technology Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

Workforce Corporation Board of Directors, Maryland

S–12. Irene M. Zoppi Rodriguez, Ph.D. District 33
2309 Westport Lane
Crofton, MD 21114

Member of the Maryland Workforce Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

Local Nominees

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

Allegany College Board of Trustees

L–1. Victor Raul Felipa, M.D. District 1
925 Bishop Walsh Road
Cumberland, MD 21502

Member of the Allegany College Board of Trustees; reappointed to serve a term of six years from July 1, 2009

L–2. Kim B. Leonard District 1
801 Nemacolin Road
Cumberland, MD 21502

Member of the Allegany College Board of Trustees; reappointed to serve a term of six years from July 1, 2010

Anne Arundel Community College Board of Trustees

L–3. Arthur D. Ebersberger District 33
51 Boone Trail
Severna Park, MD 21146

Member of the Anne Arundel Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2010

L–4. Morgan O'Brien District 30
1100 Broadview Drive
Annapolis, MD 21409

Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of one year from July 1, 2010

Baltimore County Community College, Board of Trustees

L–5. James G. Gresham District 10
4 Plum Tree Court
Randallstown, MD 21133

Member of the Board of Trustees of Baltimore County Community College; appointed to serve a term of five years from July 1, 2010

L–6. Warren C. Hayman, Ed.D. District 10
3603 1/2 Patterson Avenue
Baltimore, MD 21207

Member of the Board of Trustees of Baltimore County Community College; appointed to serve a term of five years from July 1, 2010

L–7. Barbara Kerr Howe District 10
8 Hampshire Woods Court
Towson, MD 21204

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve a term of five years from July 1, 2010

L–8. Patricia Reed Norman District 6
8809 Cedar Grove Road
Baltimore, MD 21221

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2006

College of Southern Maryland, Board of Trustees of the

L–9. Theodore L. Harwood District 29
26415 Jones Wharf Road
Hollywood, MD 20636

Member of the Board of Trustees of the College of Southern Maryland; reappointed to serve a term of five years from July 1, 2010

L–10. MacArthur Jones District 27
155 MacArthur Drive
Huntington, MD 20639

Member of the Board of Trustees of the College of Southern Maryland; reappointed to serve a term of five years from July 1, 2010

L–11. Janice T. Walthour District 29
20493 Partin's Lane
Lexington Park, MD 20653

Member of the Board of Trustees of the College of Southern Maryland; reappointed to serve a term of five years from July 1, 2010

Frederick Community College Board of Trustees

L–12. Doris J. White District 3
6004 Lundgren Drive
Frederick, MD 21701

Member of the Frederick Community College Board of Trustees; reappointed to serve a term of five years from July 1, 2010

Hagerstown Community College Board of Trustees

L–13. Merle S. Elliott District 2
13237 Fountain Head Road
Hagerstown, MD 21742

Member of the Hagerstown Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2010

Howard Community College Board of Trustees

L–14. Edmund Starr Coale, III District 13
6636 Prestwick Dr.
Highland, MD 20777

Member of the Howard Community College Board of Trustees; appointed to serve a term of six years from July 1, 2010

Montgomery Community College Board of Trustees

L–15. Kenneth J. Hoffman, M.D. District 17
1511 Auburn Avenue
Rockville, MD 20850

Member of the Montgomery Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2005

L–16. Marsha S. Smith District 14
2204 Eaglesham Court
Olney, MD 20832

Member of the Montgomery Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2010

Prince George's Community College Board of Trustees

L–17. Lynn Loughlin Skerpon District 23
2101 Bermondsey Drive
Mitchellville, MD 20721

Member of the Prince George's Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2009

Senator Kelley moved, duly seconded, to make the Report a Special Order for April 6, 2010.

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 277 – The President (By Request – Administration) and Senators Garagiola, Forehand, Frosh, Harrington, King, Lenett, Madaleno, McFadden, and Pinsky

AN ACT concerning

Renewable Energy Portfolio Standard – Solar Energy

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

FLOOR AMENDMENT

SB0277/943625/1

BY: Senator Mooney

AMENDMENTS TO SENATE BILL 277, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "altering" in line 3 down through "standard;" in line 6 and substitute "requiring the Public Service Commission to encourage certain electricity suppliers to meet certain goals in connection with Tier 1 renewable sources derived from solar energy;"; and in line 10, strike "and 7–705(b)".

On page 1 of the Finance Committee Amendments (SB0277/877071/1), in Amendment No. 1, strike beginning with "requiring" in line 1 down through "manner;" in line 4.

AMENDMENT NO. 2

On page 2 of the bill, in lines 24, 26, 28, 30, and 32, in each instance, strike the brackets; and in the same lines, strike "**0.05%**", "**0.12%**", "**0.22%**", "**0.36%**", and "**0.5%**", respectively.

On page 3 of the bill, in lines 2, 4, 6, 8, and 10, in each instance, strike the brackets; and in the same lines, strike "**0.7%**", "**0.9%**", "**1.15%**", "**1.4%**", and "**1.65%**", respectively.

On pages 1 through 3 of the Finance Committee Amendments, in Amendment No. 2, strike beginning with "**THIS**" in line 4 on page 1 down through "**YEARS.**" in line 8 on page 3 and substitute "**THE COMMISSION SHALL ENCOURAGE ELECTRICITY SUPPLIERS TO MEET THE FOLLOWING GOALS IN CONNECTION WITH TIER 1 RENEWABLE SOURCES DERIVED FROM SOLAR ENERGY:**

(I) IN 2011, AT LEAST 0.05% BE DERIVED FROM SOLAR ENERGY;

(II) IN 2012, AT LEAST 0.12% BE DERIVED FROM SOLAR ENERGY;

(III) IN 2013, AT LEAST 0.22% BE DERIVED FROM SOLAR ENERGY;

(IV) IN 2014, AT LEAST 0.36% BE DERIVED FROM SOLAR ENERGY;

(V) IN 2015, AT LEAST 0.5% BE DERIVED FROM SOLAR ENERGY;

(VI) IN 2016, AT LEAST 0.7% BE DERIVED FROM SOLAR ENERGY;

(VII) IN 2017, AT LEAST 0.9% BE DERIVED FROM SOLAR ENERGY;

(VIII) IN 2018, AT LEAST 1.15% BE DERIVED FROM SOLAR ENERGY;

(IX) IN 2019, AT LEAST 1.4% BE DERIVED FROM SOLAR ENERGY; AND

(X) IN 2020, AT LEAST 1.65% BE DERIVED FROM SOLAR ENERGY.

(2) THE GOALS STATED IN THIS SUBSECTION ARE NOT PART OF THE RENEWABLE ENERGY PORTFOLIO STANDARD AND AN ELECTRICITY SUPPLIER IS NOT REQUIRED TO PAY ANY COMPLIANCE FEES UNDER THIS SUBTITLE FOR FAILURE TO COMPLY WITH THE GOALS STATED IN THIS SUBSECTION.".

AMENDMENT NO. 3

On pages 3 and 4 of the bill, strike in their entirety the lines beginning with line 23 on page 3 through line 26 on page 4, inclusive.

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

Affirmative – 13 Negative – 33 (See Roll Call No. 823)

FLOOR AMENDMENT

SB0277/593720/1

BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 277
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, before "providing" insert "providing that certain funds paid into the Maryland Strategic Energy Investment Fund from certain compliance fees

shall be distributed to certain electric customers as a credit on each customer's bill, in a certain manner;"; and after line 12, insert:

"BY repealing and reenacting, without amendments,
Article – State Government
Section 9–20B–05(a) and (e)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–20B–05(i)
Annotated Code of Maryland
(2009 Replacement Volume)".

AMENDMENT NO. 2

On page 4, in line 26, after "sources." insert:

"Article – State Government

9–20B–05.

(a) There is a Maryland Strategic Energy Investment Fund.

(e) The Fund consists of:

(1) all of the proceeds from the sale of allowances under § 2–1002(g) of the Environment Article;

(2) money appropriated in the State budget to the Program;

(3) repayments and prepayments of principal and interest on loans made from the Fund;

(4) interest and investment earnings on the Fund;

(5) compliance fees paid under § 7–705 of the Public Utility Companies Article; and

(6) money received from any public or private source for the benefit of the Fund.

(i) **[**(1) Except as provided in paragraph (2) of this subsection, compliance fees paid under § 7–705(b) of the Public Utility Companies Article may be used only to make loans and grants to support the creation of new Tier 1 renewable energy sources in the State.

(2) Compliance fees paid under § 7–705(b)(1)(ii) of the Public Utility Companies Article shall be accounted for separately within the Fund and may be used only to make loans and grants to support the creation of new solar energy sources in the State.**] COMPLIANCE FEES PAID UNDER § 7–705(B) OF THE PUBLIC UTILITY COMPANIES ARTICLE SHALL BE DISTRIBUTED TO ELECTRIC CUSTOMERS AS A CREDIT ON EACH CUSTOMER'S BILL, IN A MANNER PRESCRIBED BY THE PUBLIC SERVICE COMMISSION.**".

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

Affirmative – 15 Negative – 30 (See Roll Call No. 824)

FLOOR AMENDMENT

SB0277/123122/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 277
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, before "providing" insert "providing that certain funds paid into the Maryland Strategic Energy Investment Fund from certain compliance fees shall be transferred into the General Fund;"; and after line 12, insert:

"BY repealing and reenacting, without amendments,
Article – State Government
Section 9–20B–05(a) and (e)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Government
Section 9–20B–05(i)
Annotated Code of Maryland
(2009 Replacement Volume)".

AMENDMENT NO. 2

On page 4, after line 26, insert:

"Article – State Government

9–20B–05.

(a) There is a Maryland Strategic Energy Investment Fund.

(e) The Fund consists of:

(1) all of the proceeds from the sale of allowances under § 2–1002(g) of the Environment Article;

(2) money appropriated in the State budget to the Program;

(3) repayments and prepayments of principal and interest on loans made from the Fund;

(4) interest and investment earnings on the Fund;

(5) compliance fees paid under § 7–705 of the Public Utility Companies Article; and

(6) money received from any public or private source for the benefit of the Fund.

(i) (1) Except as provided in **[**paragraph (2)**]** **PARAGRAPHS (2) AND (3)** of this subsection, compliance fees paid under § 7–705(b) of the Public Utility Companies Article may be used only to make loans and grants to support the creation of new Tier 1 renewable energy sources in the State.

(2) Compliance fees paid under § 7–705(b)(1)(ii) of the Public Utility Companies Article shall be accounted for separately within the Fund and may be used

only to make loans and grants to support the creation of new solar energy sources in the State.

(3) FUNDS OVER $1,000,000 PAID INTO THE FUND EACH YEAR FROM COMPLIANCE FEES PAID UNDER § 7–705(B) OF THE PUBLIC UTILITY COMPANIES ARTICLE SHALL BE TRANSFERRED TO THE GENERAL FUND OF THE STATE.".

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

Affirmative – 13 Negative – 31 (See Roll Call No. 825)

FLOOR AMENDMENT

SB0277/983123/1

BY: Senator Harris

AMENDMENTS TO SENATE BILL 277, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 6, before "providing" insert "requiring the Commission to make a certain determination and report to certain persons on or before a certain date; providing that certain provisions of this Act may not take effect if a certain determination is made;"; and in the same line, strike "date" and substitute "dates".

AMENDMENT NO.2

On page 5 of the bill, before line 1, insert:

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

(a) On or before October 1, 2010, the Public Service Commission shall:

(1) determine whether Section 1 of this Act will result in an increase of rates or costs to electricity customers in the State; and

(2) report to the General Assembly, in accordance with § 2–1246 of the State Government Article, and the Department of Legislative Services on the determination made under item (1) of this subsection.

(b) Section 1 of this Act may not take effect if the Public Service Commission determines that Section 1 of this Act will result in an increase of rates or costs to electricity customers in the State.".

AMENDMENT NO. 3

On page 3 of the Finance Committee Amendments (SB0277/877071/1), in line 6 of Amendment No. 3, strike "3." and substitute "4.".

AMENDMENT NO. 4

On page 5 of the bill, in line 1, after "That" insert "Section 1 of"; and after line 2, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect June 1, 2010.".

The preceding 4 amendments were read only.

Senator Harris moved, duly seconded, to make the Bill and Amendments a Special Order for April 2, 2010.

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

Affirmative – 16 Negative – 30 (See Roll Call No. 826)

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

Affirmative – 14 Negative – 32 (See Roll Call No. 827)

FLOOR AMENDMENT

SB0277/593722/1

BY: Senator Mooney

AMENDMENTS TO SENATE BILL 277, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 6, after "standard" insert "; providing that certain provisions of this Act may not be given any force and effect in certain years unless the Public Service Commission makes certain determinations".

AMENDMENT NO. 2

On page 5 of the bill, before line 1, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, for the calendar year beginning on January 1, 2011, and each calendar year thereafter through the year 2021, Section 1 of this Act may not be given any force and effect during the year unless the Public Service Commission determines that each electricity supplier has determined that its capacity for producing electricity derived from solar energy during the year will increase at least 50% over the previous calendar year.".

AMENDMENT NO. 3

On page 3 of the Finance Committee Amendments (SB0277/877071), in line 6 of Amendment No. 3, strike "3." and substitute "4.".

AMENDMENT NO. 4

On page 5 of the bill, after "That" insert ", subject to Section 3 of this Act,".

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

Affirmative – 13 Negative – 33 (See Roll Call No. 828)

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 1084 – ~~Senator Conway~~ Senators Conway and Harrington

AN ACT concerning

Maryland Higher Education Commission – Review of Program Proposals

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

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

Affirmative – 31 Negative – 15 (See Roll Call No. 829)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Klausmeier 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 Klausmeier moved to suspend the rules to allow **Senate Bill 1129** to be referred immediately.

The motion was adopted.

Senate Bill 1129 – Senator Klausmeier

EMERGENCY BILL

AN ACT concerning

Baltimore County Revenue Authority – Conveyance, Sale, or Transfer of a Parking Facility

FOR the purpose of requiring the Baltimore County Revenue Authority, after offering the conveyance, sale, or transfer of a parking facility to the county, to next offer the conveyance, sale, or transfer of the facility to a certain bona fide local association of businesses, if any, for its acceptance or rejection; requiring the authority to hold the offer open for a certain period of time; making this Act an emergency measure; and generally relating to the conveyance, sale, or transfer of a parking facility in Baltimore County.

BY repealing and reenacting, without amendments,
The Public Local Laws of Baltimore County
Section 9–1–101(a), (b), and (j)
Article 3 – Public Local Laws of Maryland
(2003 Edition and December 2009 Supplement, as amended)

BY repealing and reenacting, with amendments,
The Public Local Laws of Baltimore County
Section 9–1–104(b)(4)(iii)
Article 3 – Public Local Laws of Maryland
(2003 Edition and December 2009 Supplement, as amended)

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

QUORUM CALL

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

(See Roll Call No. 830)

ADJOURNMENT

At 12:29 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day March 31, 2010, Calendar Day, Friday, April 2, 2010.

Annapolis, Maryland
Legislative Day: March 31, 2010
Calendar Day: Friday, April 2, 2010
10:00 A.M. Session

The Senate met at 10:18 A.M.

Prayer by Senator C. Anthony Muse.

(See Exhibit A of Appendix III)

The Journal of March 30, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 832)

Senate Resolution No. 640 – Senator James Brochin:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Doctors Carol and Tom Ritter
in recognition of
their humanitarian effort in response to the crisis in Haiti and their enduring commitment to offering healthcare
and compassion around the globe.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 2nd day of April 2010.

Affirmative – 47 Negative – 0 (See Roll Call No. 833)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #4
CONSENT CALENDAR #9

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 189	Del. DeBoy	Office of Legislative Audits – Auditing Local School Systems	B&T
HB 203	Del. Cardin	Sales and Use Tax – Exemptions – Veterans' Organizations	B&T
HB 395	Del. Barve	Maryland Business Tax Reform Commission – Reporting Requirements	B&T
HB 592	Queen Anne's Co. Del.	Queen Anne's County – Property Tax Credit – Foster Parent	B&T
HB 595	Del. Olszewski	Baltimore County – Property Tax Credit – Rosewald Beach Civic League	B&T
HB 623	Allegany County Del.	Allegany County – Property Tax Credit – Memorial Hilltop Centre	B&T
HB 834	Del. Heller	State Treasurer – Permissible Investments – Linked Deposit Program	B&T
HB 844	Del. Conway	Local Government Funds – Redeposit into Insured Accounts	B&T
HB 850	Del. Barve	Property Tax Credit – Habitat for Humanity	B&T
HB 1094	Carroll County Del.	Carroll County – Public Facilities Bonds	B&T
HB 1112	Carroll County Del.	Carroll County – Green Building Tax Credit	B&T

All of the above listed bills on the Third Reading Consent Calendar No. 9 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 834)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #5

House Bill 149 – Chair, Calvert County Delegation

AN ACT concerning

Calvert County – Public Facilities Bonds

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

Affirmative – 47 Negative – 0 (See Roll Call No. 835)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 836)

The Bill was then sent to the House of Delegates.

House Bill 334 – Delegates Walker ~~and Ivey~~, Ivey, Hixson, Bartlett, Cardin, Elmore, Frick, Gilchrist, Kaiser, Murphy, Myers, Olszewski, Rice, Ross, Stukes, and F. Turner

AN ACT concerning

Public Schools – Physical Education Facilities

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

Affirmative – 38 Negative – 9 (See Roll Call No. 837)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #66

Senate Bill 283 – The President (By Request – Administration) and Senators Currie, Kasemeyer, Dyson, Munson, King, ~~and Rosapepe~~ Rosapepe, Jones, Madaleno, McFadden, ~~Munson,~~ and Zirkin

AN ACT concerning

Higher Education Investment Fund – Tuition Stabilization and Funding

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

Affirmative – 39 Negative – 8 (See Roll Call No. 839)

The Bill was then sent to the House of Delegates.

Senate Bill 277 – The President (By Request – Administration) and Senators Garagiola, Forehand, Frosh, Harrington, King, Lenett, Madaleno, McFadden, and Pinsky

AN ACT concerning

Renewable Energy Portfolio Standard – Solar Energy

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

Affirmative – 31 Negative – 15 (See Roll Call No. 840)

The Bill was then sent to the House of Delegates.

Senate Bill 450 – Senators Brinkley and Mooney

EMERGENCY BILL

AN ACT concerning

Frederick County – Property Tax Setoff

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

Affirmative – 47 Negative – 0 (See Roll Call No. 841)

The Bill was then sent to the House of Delegates.

Senate Bill 685 – Senators DeGrange, Brinkley, Currie, Edwards, Kasemeyer, King, Kramer, McFadden, Miller, Munson, Peters, and Stoltzfus

AN ACT concerning

~~Personal Property Tax – Heavy Equipment~~
Heavy Equipment Tax Reform Act of 2010

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

Affirmative – 47 Negative – 0 (See Roll Call No. 842)

The Bill was then sent to the House of Delegates.

Senate Bill 815 – Senators Forehand, Colburn, Klausmeier, Lenett, and Stone

AN ACT concerning

Identity Fraud – Uniform Reporting Form

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

Affirmative – 47 Negative – 0 (See Roll Call No. 843)

The Bill was then sent to the House of Delegates.

Senate Bill 828 – Senator Madaleno

AN ACT concerning

Special Taxing Districts – Transportation Improvements – Exemption from County Tax Limitations

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

Affirmative – 43 Negative – 3 (See Roll Call No. 844)

The Bill was then sent to the House of Delegates.

Senate Bill 1041 – Senator Lenett

AN ACT concerning

State Board of Examiners of Psychologists – Criminal History Records Check

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

Affirmative – 47 Negative – 0 (See Roll Call No. 845)

The Bill was then sent to the House of Delegates.

LAID OVER BILLS

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

Senate Bill 308 – Senators Conway, Currie, Dyson, Exum, Frosh, Harrington, Kelley, King, Lenett, McFadden, Middleton, Pinsky, Pugh, and Rosapepe

AN ACT concerning

Health Occupations – Licensure of Physician Assistants

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (9) AND THE FAVORABLE REPORT.

SB0308/864835/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 308
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 5 down through "occupations;" in line 6; in lines 8, 10, 14, and 16, in each instance, strike "State"; strike beginning with "repealing" in line 11 down through "Committee;" in line 13 and substitute "altering the appointments and qualifications for members of the Physician Assistant Advisory Committee within the Board; authorizing the Board, rather than the Secretary of Health, to recommend the removal of certain members of the Committee; authorizing the Executive Director of the Board and certain agents or investigators to enter certain premises under certain circumstances; prohibiting a person from denying or interfering with the entry on premises under certain circumstances; providing for a certain criminal penalty;"; strike beginning with "limiting" in line 13 down through "repealing" in line 14 and substitute "altering"; strike beginning with "authorizing" in line 17 down through "days;" in line 23 and

substitute "altering requirements for the content, review, and approval of certain delegation agreements; prohibiting under certain circumstances, the Board from requiring prior approval of delegation agreements that include certain advanced duties if the duties will be performed in certain hospitals or ambulatory surgical facilities; requiring certain prior approval of a delegation agreement if certain advanced duties are to be performed in certain settings or certain anesthesia is to be administered, monitored, or maintained; increasing the number of physician assistants a primary supervising physician may supervise at one time in certain settings; requiring a new delegation agreement to be submitted within a certain period of time under certain circumstances;"; strike beginning with "requiring" in line 25 down through "manner;" in line 26; in lines 27 and 28, strike "or alternate"; and in line 30, strike "or alternate".

On page 2, in line 3, strike "prepare and"; in the same line, after "dispense" insert "a sample or"; strike beginning with "authorizing" in line 6 down through "status;" in line 7; in line 7, after "licenses" insert "and delegation agreements"; in lines 8, 12, and 18, in each instance, strike "State"; strike beginning with "authorizing" in line 8 down through "circumstances;" in line 11 and substitute "establishing a certain administrative penalty for failure to report certain changes;"; strike beginning with "authorizing" in line 14 down through "circumstances;" in line 16 and substitute "authorizing certain physician assistants to perform under certain supervision during certain disasters without being required to maintain certain documentation;"; in line 25, strike "15–102,"; in the same line, after "15–103," insert "15–202, 15–203,"; in the same line, after "15–302," insert "15–302.1,"; in the same line, after "15–302.2," insert "15–302.3,"; in line 26, strike "15–305,"; in line 27, strike "15–314,"; strike in its entirety line 32 and substitute "Section 15–305 and 15–314"; after line 34, insert:

"BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 15–102, 15–201, and 15–204
Annotated Code of Maryland
(2009 Replacement Volume)";

and in line 37, strike "15–308.1 and 15–316" and substitute "15–305, 15–314, 15–316, 15–317, and 15–402.1".

AMENDMENT NO. 2

On page 3, after line 6, insert:

"**(C)** **"AMBULATORY SURGICAL FACILITY" MEANS A FACILITY:**

(1) **ACCREDITED BY:**

(I) **THE AMERICAN ASSOCIATION FOR ACCREDITATION OF AMBULATORY SURGICAL FACILITIES;**

(II) **THE ACCREDITATION ASSOCIATION FOR AMBULATORY HEALTH CARE; OR**

(III) **THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTH CARE ORGANIZATIONS; OR**

(2) **CERTIFIED TO PARTICIPATE IN THE MEDICARE PROGRAM, AS ENACTED BY TITLE XVIII OF THE SOCIAL SECURITY ACT.**";

in line 7, strike "(c)" and substitute "**(D)**"; in line 10, after "title." insert a closing bracket; in lines 11, 12, 14, 15, 17, and 19, in each instance, strike the brackets; in lines 12, 14, 15, and 17, strike "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively; in line 19, strike "**§§ 15–302 AND 15–302.1**"; after line 27, insert:

"**(J)** **"DISPENSE" MEANS TO DISPENSE DRUG SAMPLES OR STARTER DOSAGES.**

(K) **"DRUG SAMPLE" MEANS A UNIT OF A PRESCRIPTION DRUG THAT IS INTENDED TO PROMOTE THE SALE OF THE DRUG AND IS NOT INTENDED FOR SALE.**";

and in line 28, strike "**(H)**" and substitute "**(L)**".

On page 4, in line 9, strike "**3B**" and substitute "**3A**"; in lines 10, 12, 17, 20, and 28, strike "**(I)**", "**(J)**", "**(K)**", "**(L)**", and "**(M)**", respectively, and substitute "**(M)**", "**(N)**", "**(O)**", "**(P)**", and "**(Q)**", respectively; in line 16, after "**ASSISTANTS**" insert "**OR ITS SUCCESSOR**"; in lines 22 and 24, in each instance, strike "**PRIMARY OR ALTERNATE**"; and in line 27, strike "**AS DETERMINED BY THE PRIMARY SUPERVISING PHYSICIAN**".

On page 5, in lines 6, 26, and 31, strike "**(N)**", "**(O)**", and "**(P)**", respectively, and substitute "**(R)**", "**(S)**", and "**(U)**", respectively; in lines 13 and 16, in each instance, strike "**SEEKS TO ENSURE**" and substitute "**ENSURES**"; after line 30, insert:

"**(T) "STARTER DOSAGE" MEANS AN AMOUNT OF A DRUG SUFFICIENT TO BEGIN THERAPY:**

(1) OF SHORT DURATION OF 72 HOURS OR LESS; OR

(2) PRIOR TO OBTAINING A LARGER QUANTITY OF THE DRUG TO COMPLETE THERAPY.";

and in line 31, strike the third bracket.

On page 6, strike beginning with the bracket in line 1 down through "**ASSISTANT**" in line 3; in lines 4, 8, 13, and 19, in each instance, strike the bracket; strike beginning with "**DOES**" in line 8 down through "**TELECOMMUNICATION**" in line 11; and in line 30, strike "**, ON THE FORM PRESCRIBED BY THE BOARD,**".

AMENDMENT NO. 3

On page 8 in line 33 and on page 9 in lines 2 and 3, in each instance, strike the bracket.

On page 9, in line 7, strike "certified" and substitute "**LICENSED**"; in line 11, strike "and"; in line 13, after "specialty" insert "**; AND**

(III) 1 SHALL BE A BOARD MEMBER";

in lines 14 and 15, strike ": (i) Appoint" and substitute "**APPOINT**"; in lines 17 and 18, strike "1." and "2.", respectively, and substitute "**(I)**" and "**(II)**", respectively; and strike beginning with the semicolon in line 19 down through "Committee" in line 23.

On page 10, in line 9, after "(c)" insert "**(1)**"; in the same line, strike "certified" and substitute "**LICENSED**"; in line 11, strike "(d)" and substitute "**(2)**"; after line 13, insert:

"**(3) OF THE 3 PHYSICIAN ASSISTANT MEMBERS OF THE COMMITTEE:**

(I) AT LEAST 1 SHALL BE CURRENTLY PRACTICING IN A HOSPITAL; AND

(II) AT LEAST 1 SHALL BE CURRENTLY PRACTICING IN A NONHOSPITAL SETTING.";

in lines 14 and 16, strike "(e)" and "(f)", respectively, and substitute "**(D)**" and "**(E)**", respectively; in lines 17, 18, 27, 28, and 30, in each instance, strike the brackets; and in lines 25 and 26, in each instance, strike "Secretary" and substitute "**BOARD**".

On page 11, in line 1, strike "**15–201.**"; in lines 1 and 2, in each instance, strike the bracket; in line 7, strike "certification" and substitute "**LICENSURE**"; in lines 13, 15, 18, 19, 20, 22, 24, and 31, in each instance, strike the brackets; in line 19, strike "**(B)**"; in lines 20, 22, and 24, strike "**(1)**", "**(2)**", and "**(3)**", respectively; after line 30, insert:

"**(4) IF THE ENTRY IS NECESSARY TO CARRY OUT A DUTY UNDER THIS SUBTITLE, INCLUDING AN INVESTIGATION OR DETERMINATION OF COMPLIANCE AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION AND AN AUDIT TO DETERMINE COMPLIANCE WITH THE BOARD'S REQUIREMENTS WITH RESPECT TO PHYSICIAN ASSISTANT PRACTICE, THE EXECUTIVE DIRECTOR OF THE BOARD OR OTHER DULY AUTHORIZED AGENT OR INVESTIGATOR MAY ENTER AT ANY REASONABLE HOUR A PLACE OF BUSINESS OF A LICENSED PHYSICIAN OR A LICENSED PHYSICIAN ASSISTANT OR PUBLIC PREMISES.**

(5) (I) A PERSON MAY NOT DENY OR INTERFERE WITH AN ENTRY UNDER THIS SUBSECTION.

(II) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $100.";

and in line 31, strike "**15–202.**".

AMENDMENT NO. 4

On page 13, in line 9, strike "**AS DETERMINED BY THE PRIMARY SUPERVISING PHYSICIAN**"; in line 21, after "the" insert "**PRIMARY OR ALTERNATE**"; and in line 28, after the first "the" insert "**PRIMARY OR ALTERNATE**".

On page 14, in line 4, strike "an approved" and substitute "**A**"; in line 5, strike the bracket; in line 6, strike the brackets; and in the same line, strike "**(C)**".

On pages 14 and 15, strike in their entirety the lines beginning with line 18 on page 14 through line 32 on page 15, inclusive.

On page 16, in lines 1 and 5, in each instance, strike the brackets; and in the same lines, strike "**(H)**" and "**(I)**", respectively.

On page 16, in lines 10 and 17, in each instance, after "**ASSISTANT**" insert "**OR ITS SUCCESSOR**"; in lines 13 and 18, in each instance, strike the first set of brackets; in lines 13 and 18, strike "**(J)**" and "**(K)**", respectively; strike beginning with the comma in line 22 down through "**STATE**" in line 28; and in lines 31 and 35, in each instance, strike the bracket.

AMENDMENT NO. 5

On page 17, in line 9, after "**BOARD**" insert "**; AND**

(2) ANY ADVANCED DUTIES HAVE BEEN AUTHORIZED AS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION";

strike beginning with "**AS**" in line 23 down through "**PHYSICIAN**" in line 24; and in line 26, after the first "the" insert "**PRIMARY**".

On page 18, strike in their entirety lines 6 through 12, inclusive, and substitute:

"**(C) (1) THE BOARD MAY NOT REQUIRE PRIOR APPROVAL OF A DELEGATION AGREEMENT THAT INCLUDES ADVANCED DUTIES, IF AN ADVANCED DUTY WILL BE PERFORMED IN A HOSPITAL OR AMBULATORY SURGICAL FACILITY, PROVIDED THAT:**

(I) A PHYSICIAN, WITH CREDENTIALS THAT HAVE BEEN REVIEWED BY THE HOSPITAL OR AMBULATORY SURGICAL FACILITY AS A CONDITION OF EMPLOYMENT, AS AN INDEPENDENT CONTRACTOR, OR AS A MEMBER OF THE MEDICAL STAFF, SUPERVISES THE PHYSICIAN ASSISTANT;

(II) THE PHYSICIAN ASSISTANT HAS CREDENTIALS THAT HAVE BEEN REVIEWED BY THE HOSPITAL OR AMBULATORY SURGICAL FACILITY AS A CONDITION OF EMPLOYMENT, AS AN INDEPENDENT CONTRACTOR, OR AS A MEMBER OF THE MEDICAL STAFF; AND

(III) EACH ADVANCED DUTY TO BE DELEGATED TO THE PHYSICIAN ASSISTANT IS REVIEWED AND APPROVED WITHIN A PROCESS APPROVED BY THE GOVERNING BODY OF THE HEALTH CARE FACILITY BEFORE THE PHYSICIAN ASSISTANT PERFORMS THE ADVANCED DUTIES.

(2) IN ANY SETTING THAT DOES NOT MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, A PRIMARY SUPERVISING PHYSICIAN SHALL OBTAIN THE BOARD'S APPROVAL OF A DELEGATION AGREEMENT THAT INCLUDES ADVANCED DUTIES, BEFORE THE PHYSICIAN ASSISTANT PERFORMS THE ADVANCED DUTIES.

(3) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A PRIMARY SUPERVISING PHYSICIAN SHALL OBTAIN THE BOARD'S APPROVAL OF A DELEGATION AGREEMENT BEFORE THE PHYSICIAN ASSISTANT MAY ADMINISTER, MONITOR, OR MAINTAIN GENERAL ANESTHESIA OR NEUROAXIAL ANESTHESIA, INCLUDING SPINAL AND EPIDURAL TECHNIQUES, UNDER THE AGREEMENT.".

On page 18, in lines 13, 30, 31, 33, and 34 and on page 19, in line 1, in each instance, strike the brackets.

On page 18, in line 13, strike "The" and substitute "**FOR A DELEGATION AGREEMENT CONTAINING ADVANCED DUTIES THAT REQUIRE BOARD APPROVAL, THE**"; in line 16, after "the" insert "**PRIMARY**"; in line 18, after "(f)" insert "**(1)**"; in the same line, after "a" insert "**PRIMARY**"; in line 19, strike "medical acts" and substitute "**ADVANCED DUTIES**"; in lines 21 and 22, strike "(1)" and "(2)",

respectively, and substitute "**(I)**" and "**(II)**", respectively; in lines 22, 25, 26, and 29, strike "(i)", "(ii)", "1.", and "2.", respectively, and substitute "**1.**", "**2.**", "**A.**", and "**B.**", respectively; in line 26, after the first "the" insert "**PRIMARY**"; after line 30, insert:

"**(2) TO THE EXTENT PRACTICABLE, THE BOARD SHALL APPROVE A DELEGATION AGREEMENT OR TAKE OTHER ACTION AUTHORIZED UNDER THIS SUBSECTION WITHIN 90 DAYS AFTER RECEIVING A COMPLETED DELEGATION AGREEMENT INCLUDING ANY INFORMATION FROM THE PHYSICIAN ASSISTANT AND PRIMARY SUPERVISING PHYSICIAN NECESSARY TO APPROVE OR TAKE ACTION.**";

in line 31, strike "**(D)**"; and in the same line, after "**PRIMARY**" insert "**OR ALTERNATE**".

On page 19, after line 13, insert:

"**(H) A PRIMARY SUPERVISING PHYSICIAN MAY NOT DELEGATE MEDICAL ACTS UNDER A DELEGATION AGREEMENT TO MORE THAN FOUR PHYSICIAN ASSISTANTS AT ANY ONE TIME, EXCEPT IN A HOSPITAL OR IN THE FOLLOWING NONHOSPITAL SETTINGS:**

(1) A CORRECTIONAL FACILITY;

(2) A DETENTION CENTER; OR

(3) A PUBLIC HEALTH FACILITY.";

in line 14, strike "**(E)**" and substitute "**(I)**"; in line 16, strike the bracket; in the same line, strike "(k)" and substitute "**(J)**"; and in line 17, strike "In" and substitute "**AS A PRIMARY SUPERVISING PHYSICIAN IN**".

On page 20, in line 3, after the second "the" insert "**PRIMARY SUPERVISING PHYSICIAN AND**"; and after line 4, insert:

"**(K) IN THE EVENT OF A SUDDEN DEPARTURE, INCAPACITY, OR DEATH OF A PRIMARY SUPERVISING PHYSICIAN, A DESIGNATED ALTERNATE SUPERVISING PHYSICIAN MAY ASSUME THE ROLE OF THE PRIMARY**

SUPERVISING PHYSICIAN BY SUBMITTING A NEW DELEGATION AGREEMENT TO THE BOARD WITHIN 15 DAYS.".

AMENDMENT NO. 6

On page 20, in lines 7, 10, 28, and 29, in each instance, strike the brackets; in line 8, strike "**(F)**" and substitute "**(M)**"; after line 10, insert:

"**(A) IF A DELEGATION AGREEMENT DOES NOT INCLUDE ADVANCED DUTIES OR THE ADVANCED DUTIES HAVE BEEN APPROVED UNDER § 15–302(C)(1) OF THIS SUBTITLE, A PHYSICIAN ASSISTANT MAY ASSUME THE DUTIES UNDER A DELEGATION AGREEMENT ON THE DATE OF RECEIPT BY THE BOARD OF THE DELEGATION AGREEMENT.**";

in lines 11, 16, and 25, strike "(a)", "(b)", and "(c)", respectively, and substitute "**(B)**", "**(C)**", and "**(D)**", respectively; in line 11, after "agreement" insert "**THAT INCLUDES DELEGATION OF ADVANCED DUTIES IN A SETTING THAT DOES NOT MEET THE REQUIREMENTS UNDER § 15–302(C)(1) OF THIS SUBTITLE**"; in line 12, strike "Committee for review" and substitute "**BOARD FOR ITS APPROVAL**"; in line 16, strike "(c)" and substitute "**(D)**"; in line 18, strike "practice in accordance with the pending delegation agreement" and substitute "**PERFORM THE ADVANCED DUTY**"; in line 20, after "The" insert "**PRIMARY**"; strike beginning with "proposed" in line 21 down through "practice" in line 22 and substitute "**PERFORMANCE OF THE ADVANCED DUTY**"; strike beginning with "for" in line 23 down through "setting" in line 24 and substitute "**BY THE BOARD TO PERFORM THE ADVANCED DUTY**"; in line 26, after the third "the" insert "**PRIMARY SUPERVISING**"; strike beginning with "practice" in line 27 down through "agreement" in line 28 and substitute "**PERFORM THE ADVANCED DUTY THAT HAS NOT RECEIVED THE APPROVAL OF THE BOARD**"; and after line 28, insert:

"**(E) THE BOARD MAY DISAPPROVE ANY DELEGATION AGREEMENT IF IT BELIEVES THAT:**

(1) THE AGREEMENT DOES NOT MEET THE REQUIREMENTS OF THIS SUBTITLE; OR

(2) THE PHYSICIAN ASSISTANT IS UNABLE TO PERFORM SAFELY THE DELEGATED DUTIES.

(F) IF THE BOARD DISAPPROVES A DELEGATION AGREEMENT OR THE DELEGATION OF ANY FUNCTION UNDER AN AGREEMENT, THE BOARD SHALL PROVIDE THE PRIMARY SUPERVISING PHYSICIAN AND THE PHYSICIAN ASSISTANT WITH WRITTEN NOTICE OF THE DISAPPROVAL.

(G) A PHYSICIAN ASSISTANT WHO RECEIVES NOTICE THAT THE BOARD HAS DISAPPROVED A DELEGATION AGREEMENT OR AN ADVANCED FUNCTION UNDER THE DELEGATION AGREEMENT SHALL IMMEDIATELY CEASE TO PRACTICE UNDER THE AGREEMENT OR TO PERFORM THE DISAPPROVED FUNCTION.".

On pages 20 and 21, strike beginning with "**15–302.1.**" in line 29 on page 20 down through "**THERAPY.**" in line 11 on page 21.

On page 21, in line 12, strike the brackets; in the same line, strike "**(B)**"; in the same line, after "A" insert "**PRIMARY**"; in line 22, strike "**AND**"; and in line 25, strike the bracket.

On page 21 in line 26 and on page 22 in line 1, in each instance, strike "Evidence demonstrating" and substitute "**AN ATTESTATION THAT THE PHYSICIAN ASSISTANT HAS**".

On page 21, in line 25, strike the bracket; in line 27, strike "Passage of" and substitute "**PASSED**"; and in line 30, strike "Successful completion of" and substitute "**SUCCESSFULLY COMPLETED**".

On page 22, in line 2, after "equivalent;" insert "**OR**"; in line 3, before "2" insert "**SUCCESSFULLY COMPLETED**"; strike beginning with "; or" in line 3 down through the bracket in line 5; in line 6, strike the brackets; in the same line, strike "**(C)**"; in lines 6, 9, and 14, in each instance, strike "**OR ALTERNATE**"; in line 19, strike "**PREPARE AND**"; in line 20, after "**DOSAGE**" insert "**OR DISPENSE DRUG SAMPLES**"; strike beginning with "**(I)**" in line 22 down through "**(2)**" in line 26; in line 26, after "**DOSAGE**" insert "**OR DRUG SAMPLE**"; in line 27, strike "**§ 12–509**" and substitute "**§ 12–505**"; and in lines 28 and 29, strike "**(3)**" and "**(4)**", respectively, and substitute "**(2)**" and "**(3)**", respectively.

On page 22, in line 19 and on page 23, in lines 1 and 6, strike "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively.

On page 23, in line 1, strike "**PREPARES AND**"; in line 2, after "**DRUG**" insert "**SAMPLE OR STARTER DOSAGE**"; and in line 3, strike "**(B)**" and substitute "**(C)**"; after line 10, insert:

"15–302.3.

(a) On a quarterly basis, the Board shall provide to the Board of Pharmacy a list of physician assistants whose delegation agreements include the delegation of **[**authority to exercise**]** prescriptive authority.

(b) The list required under subsection (a) of this section shall specify whether each physician assistant has been delegated the authority to prescribe controlled dangerous substances, prescription drugs, or medical devices.

(c) If a **PRIMARY** supervising physician who has delegated authority to exercise prescriptive authority to a physician assistant subsequently restricts or removes the delegation, the **PRIMARY** supervising physician shall notify the Board of the restriction or removal within 5 business days.";

in line 12, strike "be"; in line 13, strike "Of" and substitute "**BE OF**"; in line 14, strike "Fluent in the English language" and substitute "**DEMONSTRATE ORAL AND WRITTEN COMPETENCY IN THE ENGLISH LANGUAGE AS REQUIRED BY THE BOARD**"; in line 15, strike "At" and substitute "**BE AT**"; in line 16, strike "A" and substitute "**(I) BE A**"; in lines 16 and 17, in each instance, strike the brackets; in line 16, strike "**EDUCATIONAL**"; strike beginning with "**ACCREDITED**" in line 17 down through "**PROGRAMS**" in line 21 and substitute "**; OR**

(II) HAVE PASSED THE PHYSICIAN ASSISTANT NATIONAL CERTIFYING EXAMINATION ADMINISTERED BY THE NATIONAL COMMISSION ON CERTIFICATION OF PHYSICIAN ASSISTANTS PRIOR TO 1986, MAINTAINED ALL CONTINUING EDUCATION AND RECERTIFICATION REQUIREMENTS, AND BEEN IN CONTINUOUS PRACTICE SINCE PASSAGE OF THE EXAMINATION";

in lines 22 and 23, in each instance, strike the brackets; in line 22, strike "**THE**"; and strike beginning with "**THE**" in line 23 down through "**ASSISTANTS**" in line 25.

On page 24, strike in their entirety lines 1 through 7, inclusive; strike in their entirety lines 13 through 26, inclusive, and substitute:

"**15–305.**

THE BOARD SHALL ISSUE A LICENSE TO AN APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE.";

and in line 29, after "assistant" insert "**UNDER A DELEGATION AGREEMENT**".

AMENDMENT NO. 7

On page 25, in line 18, strike "and"; in line 24, after "section" insert "**; AND**

(4) MEETS ANY ADDITIONAL REQUIREMENTS SET BY THE BOARD FOR RENEWAL OF A LICENSE".

On page 26, after line 6, insert:

"**(F) FOR THE FAILURE OF A LICENSEE TO OBTAIN CONTINUING MEDICAL EDUCATION CREDITS AS REQUIRED BY THE BOARD, THE BOARD MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED $100 FOR EACH MEDICAL EDUCATION CREDIT NOT OBTAINED BY THE LICENSEE.**";

in line 12, strike "and"; and in line 15, after "reinstatements" insert "**; AND**

(4) MEETS ANY ADDITIONAL REQUIREMENTS SET BY THE BOARD FOR REINSTATEMENT".

On pages 26 and 27, strike in their entirety the lines beginning with line 16 on page 26 through line 1 on page 27.

On page 27, in line 5, after "**LICENSE**" insert "**AND DELEGATION AGREEMENT**"; in line 7, after "(b)" insert "**(1)**"; after line 8, insert:

"**(2) A LICENSEE WHO FAILS TO COMPLY WITH THIS SUBSECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF $100.**";

in line 11, strike the brackets; in line 12, strike "**PHYSICIAN ASSISTANT REHABILITATION PROGRAM**"; in line 21, after "assistant" insert "**OR APPLICANT**"; and strike beginning with the comma in line 25 down through "**ASSISTANT**" in line 26.

On page 28, in line 15, strike "its members then serving" and substitute "**A QUORUM**"; strike beginning with the colon in line 16 down through "Any" in line 19 and substitute "**ANY**"; in line 31, after "**LICENSE**" insert "**OR TO REJECT OR MODIFY A DELEGATION AGREEMENT OR ADVANCED DUTY**".

On page 29, in line 7, after "**LICENSE**" insert "**OR REJECTING OR MODIFYING A DELEGATION AGREEMENT OR ADVANCED DUTY**".

AMENDMENT NO. 8

On pages 29 through 31, strike in their entirety the lines beginning with line 11 on page 29 through line 6 on page 31, inclusive, and substitute:

"**15–314.**

(A) SUBJECT TO THE HEARING PROVISIONS OF § 15–315 OF THIS SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM, MAY REPRIMAND ANY PHYSICIAN ASSISTANT, PLACE ANY PHYSICIAN ASSISTANT ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF THE PHYSICIAN ASSISTANT:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(3) IS GUILTY OF:

(I) IMMORAL CONDUCT IN THE PRACTICE OF MEDICINE; OR

(II) UNPROFESSIONAL CONDUCT IN THE PRACTICE OF MEDICINE;

(4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

(5) SOLICITS OR ADVERTISES IN VIOLATION OF § 14–503 OF THIS TITLE;

(6) ABANDONS A PATIENT;

(7) HABITUALLY IS INTOXICATED;

(8) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE;

(9) PROVIDES PROFESSIONAL SERVICES:

(I) WHILE UNDER THE INFLUENCE OF ALCOHOL; OR

(II) WHILE USING ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE, OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;

(10) PROMOTES THE SALE OF DRUGS, DEVICES, APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

(11) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE PRACTICE OF MEDICINE;

(12) WILLFULLY FAILS TO FILE OR RECORD ANY MEDICAL REPORT AS REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;

(13) ON PROPER REQUEST, AND IN ACCORDANCE WITH THE PROVISIONS OF TITLE 4, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE, FAILS TO PROVIDE DETAILS OF A PATIENT'S MEDICAL RECORD TO THE PATIENT, ANOTHER PHYSICIAN, OR HOSPITAL;

(14) SOLICITS PROFESSIONAL PATRONAGE THROUGH AN AGENT OR OTHER PERSON OR PROFITS FROM THE ACTS OF A PERSON WHO IS REPRESENTED AS AN AGENT OF THE PHYSICIAN;

(15) PAYS OR AGREES TO PAY ANY SUM TO ANY PERSON FOR BRINGING OR REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM FROM ANY PERSON FOR BRINGING OR REFERRING A PATIENT;

(16) AGREES WITH A CLINICAL OR BIOANALYTICAL LABORATORY TO MAKE PAYMENTS TO THE LABORATORY FOR A TEST OR TEST SERIES FOR A PATIENT, UNLESS THE LICENSED PHYSICIAN ASSISTANT DISCLOSES ON THE BILL TO THE PATIENT OR THIRD–PARTY PAYOR:

(I) THE NAME OF THE LABORATORY;

(II) THE AMOUNT PAID TO THE LABORATORY FOR THE TEST OR TEST SERIES; AND

(III) THE AMOUNT OF PROCUREMENT OR PROCESSING CHARGE OF THE LICENSED PHYSICIAN, IF ANY, FOR EACH SPECIMEN TAKEN;

(17) MAKES A WILLFUL MISREPRESENTATION IN TREATMENT;

(18) PRACTICES MEDICINE WITH AN UNAUTHORIZED PERSON OR AIDS AN UNAUTHORIZED PERSON IN THE PRACTICE OF MEDICINE;

(19) GROSSLY OVERUTILIZES HEALTH CARE SERVICES;

(20) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT DISEASE BY A SECRET METHOD, TREATMENT, OR MEDICINE;

(21) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OR CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR THE VETERANS' ADMINISTRATION FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION;

(22) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF QUALITY MEDICAL AND SURGICAL CARE PERFORMED IN AN OUTPATIENT SURGICAL FACILITY, OFFICE, HOSPITAL, OR ANY OTHER LOCATION IN THIS STATE;

(23) WILLFULLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR WHICH SERVICES ARE NOT PROVIDED;

(24) WAS SUBJECT TO INVESTIGATION OR DISCIPLINARY ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION AND THE LICENSEE:

(I) SURRENDERED THE LICENSE ISSUED BY THE STATE OR COUNTRY TO THE STATE OR COUNTRY; OR

(II) ALLOWED THE LICENSE ISSUED BY THE STATE OR COUNTRY TO EXPIRE OR LAPSE;

(25) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN VIOLATION OF § 5–704 OF THE FAMILY LAW ARTICLE;

(26) FAILS TO EDUCATE A PATIENT BEING TREATED FOR BREAST CANCER OF ALTERNATIVE METHODS OF TREATMENT AS REQUIRED BY § 20–113 OF THE HEALTH – GENERAL ARTICLE;

(27) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;

(28) FAILS TO COMPLY WITH THE PROVISIONS OF § 12–102 OF THIS ARTICLE;

(29) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR WHICH THE PHYSICIAN ASSISTANT IS LICENSED AND QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

(30) EXCEPT AS TO AN ASSOCIATION THAT HAS REMAINED IN CONTINUOUS EXISTENCE SINCE JULY 1, 1963:

(I) ASSOCIATES WITH A PHARMACIST AS A PARTNER OR CO–OWNER OF A PHARMACY FOR THE PURPOSE OF OPERATING A PHARMACY;

(II) EMPLOYS A PHARMACIST FOR THE PURPOSE OF OPERATING A PHARMACY; OR

(III) CONTRACTS WITH A PHARMACIST FOR THE PURPOSE OF OPERATING A PHARMACY;

(31) EXCEPT IN AN EMERGENCY LIFE–THREATENING SITUATION WHERE IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S GUIDELINES ON UNIVERSAL PRECAUTIONS;

(32) FAILS TO DISPLAY THE NOTICE REQUIRED UNDER § 14–415 OF THIS SUBTITLE;

(33) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD;

(34) IS CONVICTED OF INSURANCE FRAUD AS DEFINED IN § 27–801 OF THE INSURANCE ARTICLE;

(35) IS IN BREACH OF A SERVICE OBLIGATION RESULTING FROM THE APPLICANT'S OR LICENSEE'S RECEIPT OF STATE OR FEDERAL FUNDING FOR THE PHYSICIAN ASSISTANT'S MEDICAL EDUCATION;

(36) WILLFULLY MAKES A FALSE REPRESENTATION WHEN SEEKING OR MAKING APPLICATION FOR LICENSURE OR ANY OTHER APPLICATION RELATED TO THE PRACTICE OF MEDICINE;

(37) BY CORRUPT MEANS, THREATS, OR FORCE, INTIMIDATES OR INFLUENCES, OR ATTEMPTS TO INTIMIDATE OR INFLUENCE, FOR THE PURPOSE OF CAUSING ANY PERSON TO WITHHOLD OR CHANGE TESTIMONY IN HEARINGS OR PROCEEDINGS BEFORE THE BOARD OR THOSE OTHERWISE DELEGATED TO THE OFFICE OF ADMINISTRATIVE HEARINGS;

(38) BY CORRUPT MEANS, THREATS, OR FORCE, HINDERS, PREVENTS, OR OTHERWISE DELAYS ANY PERSON FROM MAKING INFORMATION AVAILABLE TO THE BOARD IN FURTHERANCE OF ANY INVESTIGATION OF THE BOARD;

(39) INTENTIONALLY MISREPRESENTS CREDENTIALS FOR THE PURPOSE OF TESTIFYING OR RENDERING AN EXPERT OPINION IN HEARINGS OR PROCEEDINGS BEFORE THE BOARD OR THOSE OTHERWISE DELEGATED TO THE OFFICE OF ADMINISTRATIVE HEARINGS;

(40) FAILS TO KEEP ADEQUATE MEDICAL RECORDS;

(41) PERFORMS DELEGATED MEDICAL ACTS BEYOND THE SCOPE OF THE DELEGATION AGREEMENT FILED WITH THE BOARD OR AFTER NOTIFICATION FROM THE BOARD THAT AN ADVANCED DUTY HAS BEEN DISAPPROVED; OR

(42) PERFORMS DELEGATED MEDICAL ACTS WITHOUT THE SUPERVISION OF A PHYSICIAN.

(B) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE BOARD BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL

ORDER THE SUSPENSION OF A LICENSE IF THE PHYSICIAN ASSISTANT IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.

(2) AFTER COMPLETION OF THE APPELLATE PROCESS IF THE CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, THE BOARD SHALL ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE OF THE ATTORNEY GENERAL.".

On page 31, in line 9, strike "§ 15–314" and substitute "**§ 15–314(A)**".

On pages 31 and 32, strike in their entirety the lines beginning with line 29 on page 31 through line 4 on page 32 and substitute:

"**(A) IF AFTER A HEARING UNDER § 15–315 OF THIS SUBTITLE, THE BOARD FINDS THAT THERE ARE GROUNDS FOR DISCIPLINE UNDER § 15–314(A) OF THIS SUBTITLE TO SUSPEND OR REVOKE A LICENSE OF A PHYSICIAN ASSISTANT OR TO DENY A LICENSE TO AN APPLICANT OR TO REPRIMAND A LICENSED PHYSICIAN ASSISTANT, THE BOARD MAY IMPOSE A FINE SUBJECT TO THE BOARD'S REGULATIONS INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE OR REPRIMANDING THE LICENSEE.**

(B) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

15–317.

(A) A PHYSICIAN ASSISTANT IN THIS STATE OR IN ANY OTHER STATE IS AUTHORIZED TO PERFORM ACTS, TASKS, OR FUNCTIONS AS A PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE DURING A DISASTER AS DEFINED BY THE GOVERNOR, WITHIN A COUNTY IN WHICH A STATE OF DISASTER HAS BEEN DECLARED, OR COUNTIES CONTIGUOUS TO A COUNTY IN WHICH A STATE OF DISASTER HAS BEEN DECLARED.

(B) THE PHYSICIAN ASSISTANT SHALL NOTIFY THE BOARD IN WRITING OF THE NAMES, PRACTICE LOCATIONS, AND TELEPHONE NUMBERS FOR THE PHYSICIAN ASSISTANT AND EACH PRIMARY SUPERVISING PHYSICIAN WITHIN 30 DAYS OF THE FIRST PERFORMANCE OF MEDICAL ACTS, TASKS, OR FUNCTIONS AS A PHYSICIAN ASSISTANT DURING THE DISASTER.

(C) A TEAM OF PHYSICIAN AND PHYSICIAN ASSISTANTS OR PHYSICIAN ASSISTANTS PRACTICING UNDER THIS SECTION MAY NOT BE REQUIRED TO MAINTAIN ON–SITE DOCUMENTATION DESCRIBING SUPERVISORY ARRANGEMENTS AS OTHERWISE REQUIRED UNDER THIS TITLE.".

AMENDMENT NO. 9

On page 32, after line 20, insert:

"**15–402.1.**

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING AS A PHYSICIAN ASSISTANT WHO DOES NOT HAVE A LICENSE.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH CARE SYSTEM, OR EMPLOYER MAY NOT EMPLOY AN INDIVIDUAL PRACTICING AS A PHYSICIAN ASSISTANT WHO DOES NOT HAVE A LICENSE.

(C) THE BOARD MAY IMPOSE A CIVIL PENALTY IN AN AMOUNT NOT EXCEEDING $1,000 FOR A VIOLATION OF THIS SECTION.

(D) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE BOARD OF PHYSICIANS FUND.".

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 836 – Senators Lenett, Frosh, Garagiola, King, Madaleno, Pugh, and Raskin

AN ACT concerning

Education – Students Arrested for Reportable Offenses – Prohibition Against Attending School with Victim

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

SB0836/284138/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 836
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, and Forehand"; in line 2, strike "Prohibition Against"; in line 3, after "School" insert "or Riding the Bus"; in line 4, strike "authorizing" and substitute "requiring"; in line 5, strike "prohibit" and substitute "consider prohibiting"; in the same line, after "offense" insert "involving rape or a sexual offense"; in line 9, strike "alleged"; and in line 11, after "offenses" insert "involving rape or sexual offense".

AMENDMENT NO. 2

On page 2, in line 1, after "**(1)**", insert "**IN THIS SUBSECTION, "SCHOOL PRINCIPAL" MEANS THE PRINCIPAL OF THE PUBLIC OR NONPUBLIC SCHOOL IN WHICH A STUDENT IS ENROLLED, OR A DESIGNEE OF THE PRINCIPAL, WHO IS AN ADMINISTRATOR.**

(2)";

in lines 1 and 8, in each instance, strike "**(2)**" and substitute "**(3)**"; in lines 2 and 3, strike "**MAY PROHIBIT**" and substitute "**SHALL CONSIDER PROHIBITING**"; in line 3, after "**OFFENSE**" insert "**INVOLVING RAPE OR A SEXUAL OFFENSE**"; and in line 12, strike "**ALLEGED**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Joint Resolution 6 – Senator Gladden

A Senate Joint Resolution concerning

Earth Hour

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

SJ0006/274939/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE JOINT RESOLUTION 6
(First Reading File Joint Resolution)

On page 1, in line 25, strike "and" and substitute "now, therefore, be it".

On page 2, strike in their entirety lines 1 and 2; and in line 4, strike "March 27, 2010," and substitute "annually the last Saturday in March".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 622 – Senator Jacobs

AN ACT concerning

Crimes – Sexual Offenses Against Children – Penalties

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

SB0622/438679/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 622
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Jacobs" and substitute "Senators Jacobs, Brochin, Haines, Mooney, Muse, and Stone".

The preceding amendment was read only.

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

The motion was adopted.

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

AN ACT concerning

Criminal Law – Manslaughter by Vehicle or Vessel – Criminal Negligence

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

SB0870/868670/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 870
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Vehicle Laws – Reckless Driving – Penalty for Causing Death"; strike beginning with "making" in line 3 down through "manner;" in line 9; in line 10, strike "certain"; in the same line, after "penalties" insert "for reckless driving that results in death"; strike beginning with "stating" in line 10 down through the second "term;" in line 11; in line 12, strike "criminally negligent manslaughter by vehicle or vessel" and substitute "reckless driving and penalties for causing death"; and strike in their entirety lines 13 through 17, inclusive, and substitute:

"BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–901.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 27–101(g)(3)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – Transportation
Section 27–101(dd)
Annotated Code of Maryland
(2009 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 24 on page 2, inclusive, and substitute:

"Article – Transportation

21–901.1.

(a) A person is guilty of reckless driving if he drives a motor vehicle:

(1) In wanton or willful disregard for the safety of persons or property; or

(2) In a manner that indicates a wanton or willful disregard for the safety of persons or property.

(b) A person is guilty of negligent driving if he drives a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual.

27–101.

(g) Any person who is convicted of a violation of any of the following sections of this article is subject to a fine of not more than $1,000:

(3) **EXCEPT AS PROVIDED IN SUBSECTION (DD) OF THIS SECTION,** § 21–901.1(a) ("Reckless driving").

(DD) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 21–901.1(A) OF THIS ARTICLE ("RECKLESS DRIVING") THAT RESULTS IN DEATH IS SUBJECT TO A FINE OF NOT MORE THAN $2,500 OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR BOTH.".

The preceding 2 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #24

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

Senate Bill 395 – Senators Brochin, Mooney, and Stone

AN ACT concerning

Correctional Services – Diminution Credits – Inmate Serving Sentence for Rape of Minor or First– or Second–Degree Sexual Offense Against Minor

SB0395/888874/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 395
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Forehand, Jacobs, Muse, and Simonaire"; in line 2, before "Diminution" insert "Child

Sexual Offenders –"; strike beginning with "– Inmate" in line 2 down through the second "Minor" in line 3; in line 6, strike "minor" and substitute "victim who is a child under a certain age; providing for the construction of a certain provision of this Act; providing for the application of this Act"; and in line 8, strike "minors" and substitute "children".

AMENDMENT NO. 2

On page 1, strike beginning with "**THE**" in line 22 down through "**ARTICLE**" in line 24 and substitute "**A VIOLATION OF § 3–303, § 3–304, § 3–305, OR § 3–306 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 16 YEARS**".

On page 2, strike beginning with "**THE**" in line 8 down through "**ARTICLE**" in line 10 and substitute "**A VIOLATION OF § 3–303, § 3–304, § 3–305, OR § 3–306 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 16 YEARS**".

AMENDMENT NO. 3

On page 2, in line 8, after "**(B)**" insert "**(1)**"; and after line 13, insert:

"**(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE AN INMATE TO SERVE A LONGER SENTENCE OF CONFINEMENT THAN IS AUTHORIZED BY THE STATUTE UNDER WHICH THE INMATE IS CONVICTED.**".

AMENDMENT NO. 4

On page 2, before line 14, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any offense committed before the effective date of this Act.";

and in line 14, strike "2." and substitute "3.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Domestic Violence – Protective Order – Extension

SB0867/748074/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 867
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 3, 4, and 6, in each instance, strike "court" and substitute "judge".

AMENDMENT NO. 2

On page 3, strike beginning with "**IF**" in line 10 down through "**ORDER**" in line 13 and substitute "**IF, DURING THE TERM OF A PROTECTIVE ORDER, A JUDGE FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE RESPONDENT NAMED IN THE PROTECTIVE ORDER HAS COMMITTED A SUBSEQUENT ACT OF ABUSE AGAINST A PERSON ELIGIBLE FOR RELIEF NAMED IN THE PROTECTIVE ORDER**";

in line 14, strike "**5**" and substitute "**2**"; strike beginning with "**BEYOND**" in line 14 down through "**SUBTITLE**" in line 15 and substitute "**FROM THE DATE THE EXTENSION IS GRANTED**"; and in line 26, after "**RELIEF**" insert "**NAMED IN THE PROTECTIVE ORDER**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 60 – ~~Delegate Smigiel~~ Delegates Smigiel, Ramirez, Vallario, Barnes, Levi, and Walker

AN ACT concerning

Criminal Procedure – Violation by Child Sexual Offender of Pretrial or Posttrial Release No Contact Order ~~– Expedited Hearing~~ ("Alexis's Law")

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Criminal Law – Escape from Juvenile Facility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 93 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Motor Vehicle Administration – Identification Cards and Drivers' Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 103 – Delegates Lafferty and Malone

AN ACT concerning

Real Property – Mobile Home Parks – Plans for Dislocated Residents

HB0103/258271/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 103
(Third Reading File Bill)

On page 4, strike beginning with "**THAT**" in line 15 down through "**WAS**" in line 17; and strike beginning with "**; OR**" in line 18 down through "**PREMISES**" in line 21.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 119 – Chair, Judiciary Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – Firearm Applications – Authority of Secretary

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 193 – Delegate Rosenberg

AN ACT concerning

Civil Proceedings – Foreign Defamation Judgments – ~~Enforceability~~ Recognition, Enforceability, and Bases of Personal Jurisdiction

HB0193/538276/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 193
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Recognition, Enforceability," and substitute "Enforceability"; in line 6, after "judgment;" insert "prohibiting recognition of certain foreign judgments;"; in line 9, after "determination;" insert "authorizing a court to award costs and reasonable attorney's fees to a party opposing recognition or enforcement of a certain foreign judgment;"; strike beginning with "providing" in line 11 down through "Act;" in line 12; in line 12, strike "recognition and"; in lines 13 and 14, in each instance, strike "defamation"; in line 17, strike "and 10–704(c)"; and after line 19, insert:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 10–704
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 2, in line 15, strike "**MAY**" and substitute "**SHOULD**".

On page 3, after line 15, insert:

"**(A) IN THIS SECTION, "DEFAMATION" INCLUDES INVASION OF PRIVACY BY FALSE FACTS.**

[(a)**] (B)** A foreign judgment is not conclusive if:

(1) The judgment was rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law;

(2) The foreign court did not have personal jurisdiction over the defendant;

(3) The foreign court did not have jurisdiction over the subject matter; or

(4) The judgment was obtained by fraud.

[(b)**] (C)** A foreign judgment **[**need**]** **MAY** not be recognized if:

(1) The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him to defend;

(2) The cause of action on which the judgment is based is repugnant to the public policy of the State;

(3) The judgment conflicts with another final and conclusive judgment;

(4) The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute was to be settled out of court; **[**or**]**

(5) In the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action**[**.**];**";

strike lines 13 through 15, inclusive; in line 16, strike "**(I)**" and substitute "**(6)**"; in line 23, strike "**(II)**" and substitute "**(7)**"; and after line 27, insert:

"**(D) IN ANY ACTION BROUGHT IN A COURT OF THIS STATE UNDER § 6–103.3 OF THIS ARTICLE OR TO ENFORCE A FOREIGN JUDGMENT, THE COURT MAY AWARD A PARTY OPPOSING RECOGNITION OR ENFORCEMENT OF THE FOREIGN JUDGMENT REASONABLE ATTORNEY'S FEES AND COSTS, IF THE PARTY PREVAILS IN THE ACTION ON A GROUND SPECIFIC IN THIS SECTION.**".

On pages 3 and 4, strike in their entirety the lines beginning with line 33 on page 3 through line 2 on page 4, inclusive.

On page 4, in line 3, 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 Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 257 – Delegate Rosenberg

AN ACT concerning

Evidence – Journalist's Testimonial Privileges – Student

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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~~

HB0283/738571/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 283
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Human" insert "Sexual Solicitation of a Minor and"; in line 3, after "Prohibitions" insert "and Proof"; in line 10, after "prohibitions;" insert "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;"; and in line 21, before "human" insert "sexual solicitation of a minor and".

On page 2, in line 3, strike "11–301" and substitute "3–324, 11–301,".

AMENDMENT NO. 2

On page 2, after line 8, insert:

"3–324.

(a) In this section, "solicit" means to command, authorize, urge, entice, request, or advise a person by any means, including:

(1) in person;

(2) through an agent or agency;

(3) over the telephone;

(4) through any print medium;

(5) by mail;

(6) by computer or Internet; or

(7) by any other electronic means.

(b) A person may not, with the intent to commit a violation of § 3–304, § 3–306, or § 3–307 of this subtitle or § 11–304, § 11–305, or § 11–306 of this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to engage in activities that would be unlawful for the person to engage in under § 3–304, § 3–306, or § 3–307 of this subtitle or § 11–304, § 11–305, or § 11–306 of this article.

(c) A violation of this section is considered to be committed in the State for purposes of determining jurisdiction if the solicitation:

(1) originated in the State; or

(2) is received in the State.

(d) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $25,000 or both.

(E) IN A PROSECUTION UNDER THIS SECTION, THE STATE NEED ONLY PROVE THAT A REASONABLE PERSON, BASED ON THE TOTALITY OF THE CIRCUMSTANCES, SHOULD HAVE KNOWN THAT THE MINOR HAD NOT ATTAINED THE AGE OF 18 YEARS.".

On page 4, in line 19, after "**(1)**" insert "**(I)**"; and before line 25, insert:

"**(II) IN A PROSECUTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE NEED ONLY PROVE THAT A REASONABLE PERSON, BASED ON THE TOTALITY OF THE CIRCUMSTANCES, SHOULD HAVE KNOWN THAT THE MINOR HAD NOT ATTAINED THE AGE OF 18 YEARS.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 417 – Delegates Rosenberg, Cardin, ~~and Haynes~~ Haynes, and Conaway

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Baltimore City – Orphans' Court Judges – Qualifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 534 – Delegates Waldstreicher, Anderson, Barnes, Benson, Carr, Carter, Dumais, Frick, Gilchrist, Gutierrez, Hecht, Hucker, Ivey, Kramer, Lee, Levi, Manno, Mizeur, Pena–Melnyk, Pendergrass, Ramirez, Rosenberg, Ross, Schuler, Simmons, Smigiel, F. Turner, V. Turner, and Valderrama

AN ACT concerning

Domestic Violence – Protective Order – Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 674 – Delegate Malone

AN ACT concerning

High Occupancy Vehicle (HOV) Lanes – Use by Plug–In Vehicles

HB0674/968679/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 674
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after the first "the" insert "Motor Vehicle Administration, on the recommendation of the"; and in the same line, after "Administration" insert a comma.

AMENDMENT NO. 2

On page 4, in line 8, after "**THE**" insert "**ADMINISTRATION, ON THE RECOMMENDATION OF THE**"; in the same line, after "**ADMINISTRATION**" insert a comma; and in line 19, after "period" insert "of".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 695 – Delegate Hecht

AN ACT concerning

~~Real Property –~~ Homeowners Association – Annual Budget – Notice, Information, and Adoption

Senator Lenett moved, duly seconded, to make the Bill and Report a Special Order for April 5, 2010.

The motion was adopted.

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

House Bill 818 – Delegates Dumais, Simmons, and Sophocleus

AN ACT concerning

Criminal Law – Trespass on Posted Property and Wanton Trespass on Private Property – Penalties

HB0818/258878/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 818
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 5, in each instance, after "for" insert "certain".

AMENDMENT NO. 2

On page 2, in lines 12 and 28, in each instance, after "**VIOLATION**" insert "**OCCURRING WITHIN 2 YEARS AFTER THE FIRST VIOLATION**".

On page 2 in line 14 and on page 3 in line 1, in each instance, after "**VIOLATION**" insert "**OCCURRING WITHIN 2 YEARS AFTER THE PRECEDING VIOLATION**".

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 #25

CONSENT CALENDAR #63

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 120	FAV	Del Kelly, et al	Law Enforcement Officers – Unsubstantiated Complaints – Admissibility
HB 138	FAV	Del Waldstreicher, et al	Criminal Injuries Compensation Board – Right to Hearing
HB 328	FAV	Del Carter, et al	Estates and Trusts – Guardianship – Payment of Expenses After Death of Ward
HB 329	FAV	Del Carter, et al	Estates and Trusts – Elective Share – Extension of Time for Making Election
HB 337	FAV	Del Carter, et al	Real Property – Effect of Deed Granting Property from Trust or Estate
HB 375	FAV	Garrett County Delegation	Garrett County – Orphans' Court Judges
HB 393	FAV	Anne Arundel County Delegation	Anne Arundel County – Motorcycle Dealers – Sunday Operations
HB 412	FAV	Del Feldman	Real Estate Investment Trusts – Miscellaneous Provisions
HB 448	FAV	Dels Carter and Vallario	Estates and Trusts – Maryland International Wills Act
HB 449 (Emergency Bill)	FAV	Del Carter	Estes and Trusts – Constr of Refs in Will or Trust to Fed Este Tax or Generation–Skipping Transf Tax
HB 452	FAV	Washington County Delegation	Washington County – Office of the County Attorney
HB 605	FAV	Del Dumais	Real Property – Wrongful Detainer
HB 611	FAV	Del Frick, et al	State Highways – Mobile Produce Vendors – Required State Lease
HB 633	FAV	Del Niemann, et al	Real Property – Mortgages and Deeds of Trust – Authority to Exercise a Power of Sale
HB 646	FAV	Del Reznik, et al	Angel's Law – Foster Care and Child Care – Window Coverings
HB 676	FAV	Dels Malone and Kramer	Vehicle Laws – Equipment on Motorcycles – Auxiliary Lighting
HB 779	FAV	Del Lee, et al	Police Training Commission – Additional Minimum Training Requirements
HB 869	FAV	Del V.	Real Property – Affordable Housing

		Clagett, et al	Land Trusts
HB 971	FAV	Del Feldman	Maryland Statutory Trust Act
HB 972	FAV	Del Feldman	Maryland General Corporation Law – Miscellaneous Provisions
HB 1009	FAV	Del Feldman	Corporations – Benefit Corporation
HB 1298 (Emergency Bill)	FAV	Del Glenn, et al	Real Property – Transfer Fees – Prohibition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #21

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

House Bill 233 – Howard County Delegation

AN ACT concerning

Howard County Public Schools – Funding Accountability and Transparency Act
Ho. Co. 12–10

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 307 – Cecil County Delegation

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:

House Bill 454 – Washington County Delegation

AN ACT concerning

Washington County – Aid to Manufactories

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 458 – Washington County Delegation

AN ACT concerning

Washington County – County Contributions to Private or Cooperative Public Improvement 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:

House Bill 710 – Delegates Howard, Ali, Barkley, Barnes, Bartlett, Barve, Beitzel, Bronrott, Cane, Carr, G. Clagett, Davis, DeBoy, Donoghue, Doory, Dumais, Feldman, Frick, Frush, Gaines, George, Gutierrez, Guzzone, Haynes, Healey, Hecht, Hixson, Holmes, Hubbard, Hucker, Ivey, Jameson, Jenkins, Kaiser, Kramer, Krysiak, Kullen, Lafferty, Lee, Levi, Levy, Manno, McHale, McIntosh, Mizeur, Murphy, Niemann, Proctor, Ramirez, Reznik, Rice, Ross, Simmons, Sophocleus, Stukes, Taylor, F. Turner, V. Turner, Valderrama, Waldstreicher, and Walker

AN ACT concerning

Blue Ribbon Commission on Maryland Transportation Funding

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 822 – Queen Anne's County Delegation

AN ACT concerning

Queen Anne's County – Arts and Entertainment District

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1505 – Chair, Appropriations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

Central Collection Unit – Collection of Debts Owed to the State

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #22

CONSENT CALENDAR #61

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 33	FAV	Del Hubbard, et al	Child Care Articles Containing Bisphenol–A – Prohibition
HB 79	FAV	Chr ECM (Dept)	Commercial Law – Credit Services Businesses – Limitation on Fees
HB 249	FAV	Del Rudolph	Insurance – Premium Increase for Commercial and Workers' Compensation Insurance – Notice
HB 261	FAV	Del Tarrant	Health – Administrative Service Provider Contracts – Contracting Provider Definition
HB 278	FAV	Del Hubbard	Md Med Assistance Program – Med Eligibility for Nursing Fac Level of Care – Rpt
HB 305	FAV	Del Davis, et al	Insurance – Domestic Reinsurers
HB 384	FAV	Del James, et al	Task Force to Study Financial Matters Relating to Long–Term Care Facilities – Extension
HB 618	FAV	Allegany County Delegation	Workers' Compensation – Allegany County Deputy Sheriffs
HB 821	FAV	Del Barkley, et al	Net Energy Metering – Fuel Cell
HB 933	FAV	Del Montgomery, et al	Hospitals – Financial Assistance and Debt Collection

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #23

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

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

AN ACT concerning

Senior Prescription Drug Assistance Program – Sunset Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Insurance – Insurers – Audits, Investments, and Operations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 181 – Delegates Hubbard, Ali, Benson, Bobo, Bromwell, Bronrott, Costa, Frush, Griffith, Healey, Holmes, Hucker, Ivey, Kipke, Kullen, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Proctor, Reznik, Riley, Tarrant, ~~and V. Turner~~ V. Turner, Donoghue, and Jenkins

AN ACT concerning

Department of Health and Mental Hygiene – Biomonitoring Program – Report

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 202 – Delegates Cardin, Morhaim, and Stein

AN ACT concerning

Uniform Commercial Code – Financing Statements – ~~Termination by Government Employees~~ False Filings – Prohibited

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 219 – 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0267/837677/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 267
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Repeal of"; in line 3, after "Date" insert "and Study"; and in line 5, after "Oversight" insert "; requiring the Joint Committee on Unemployment Insurance Oversight to complete a certain study of certain provisions of law and to submit a certain report to the Governor and General Assembly on or before a certain date; and generally relating to the Joint Committee on Unemployment Insurance Oversight".

AMENDMENT NO. 2

On page 3, after line 28, insert:

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

(a) The Joint Committee on Unemployment Insurance Oversight shall study Title 8 of the Labor and Employment Article and related federal law as it relates to employing units engaged in seasonal industries;

(b) The study conducted under subsection (a) of this section shall include:

(1) a review of employing unit obligations and payments required under Title 8 of the Labor and Employment Article and related federal law;

(2) the impact of the obligations and required payments on employing units located in a county in which the average unemployment rate exceeds the average unemployment rate of the State; and

(3) how the obligations and payments may be reduced for employing units engaged in seasonal industries.

(c) On or before December 1, 2010, the Joint Committee on Unemployment Insurance Oversight shall report to the Governor and, in accordance with § 2–1246 of

the State Government Article, the General Assembly, on its findings and recommendations.";

and in line 29, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 423 – Delegate Sossi

AN ACT concerning

Life and Health Insurance Guaranty Corporation – Maximum Liability

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 882 – Delegates Kramer, Barkley, Barnes, Conaway, Frick, Heller, Ivey, Manno, McConkey, Ramirez, Reznik, ~~and Simmons~~ Simmons, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery,

Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, Tarrant, and V. Turner

AN ACT concerning

~~Life and Health Insurance – Senior Investment Protection~~
Insurance Producers – Use of Senior or Retiree Credential or Designation

HB0882/947471/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 882
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 20, strike "insurance" and substitute "life insurance, health insurance, or annuities".

AMENDMENT NO. 2

On page 6, in line 2, strike "**INSURANCE**" and substitute "**LIFE INSURANCE, HEALTH INSURANCE, OR ANNUITIES**".

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 #24

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

Senate Bill 953 – Senators Exum, Edwards, and Kittleman

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

SB0953/107271/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 953
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Death"; in line 3, after the first "of" insert "repealing a certain provision of law that allows dependents of certain employees to receive workers' compensation benefits awarded for certain occupational diseases in addition to certain retirement benefits;"; in line 21, after "pay;" insert "requiring the Workers' Compensation Commission to reconvene a certain workgroup; requiring the Commission to direct a certain workgroup to study certain provisions; requiring the Commission to report certain findings and recommendations by a certain date to certain committees; providing for the application of this Act;"; and in line 22, strike "death".

On page 2, in line 1, after "Section" insert "9–503(e),".

AMENDMENT NO. 2

On page 2, after line 16, insert:

"9–503.

(e) (1) Except as provided in paragraph (2) of this subsection, any paid firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire Marshal, paid police officer, paid law enforcement employee of the Department of Natural Resources, a park police officer or employee of the Maryland–National Capital Park and Planning Commission, deputy sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy sheriff of Prince George's County, or Prince George's County correctional officer who is eligible for benefits under subsection (a), (b), (c), or (d) of this section **[**or the dependents of those individuals**]** shall receive the benefits in addition to any benefits that the individual **[**or the dependents of the individual are**]** **IS** entitled to receive under the retirement system in which the individual was a participant at the time of the claim.

(2) The benefits received under this title shall be adjusted so that the weekly total of those benefits and retirement benefits does not exceed the weekly salary that was paid to the paid law enforcement employee of the Department of Natural Resources, a park police officer or employee of the Maryland–National Capital

Park and Planning Commission, firefighter, fire fighting instructor, sworn member of the Office of the State Fire Marshal, police officer, deputy sheriff, or Prince George's County or Montgomery County correctional officer.".

On page 6, after line 24, insert:

"**(7) (I) THIS PARAGRAPH APPLIES TO A DEATH BENEFIT PAID TO A DEPENDENT OF A DECEASED COVERED EMPLOYEE OF A COUNTY, MUNICIPAL CORPORATION, OR OTHER LOCAL GOVERNMENTAL UNIT OR QUASI–PUBLIC CORPORATION.**

(II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DEATH BENEFIT PAID UNDER THIS SECTION SHALL BE REDUCED ON A DOLLAR–FOR–DOLLAR BASIS BY ANY DEATH BENEFIT PAID ON BEHALF OF THE DECEASED COVERED EMPLOYEE BY ANY RETIREMENT OR PENSION SYSTEM RELATED TO THE EMPLOYMENT COVERED BY THE PRESUMPTION IN WHICH THE DECEASED COVERED EMPLOYEE WAS A PARTICIPANT AT THE TIME OF DEATH.".

AMENDMENT NO. 3

On page 10, after line 9, insert:

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

(a) The Workers' Compensation Commission shall reconvene the workgroup of representatives of the various stakeholders that was established under Chapters 616 and 617 of the Acts of 2009 to study the death benefit provisions of the workers' compensation law.

(b) (1) The Commission shall direct the workgroup to study the provisions of the workers' compensation law that allow a reduction of workers' compensation death benefits against the payment of a death benefit provided under a retirement or pension system for a dependent of a covered employee of a governmental unit or a quasi–public corporation.

(2) In studying the provisions specified in paragraph (1) of this subsection, the workgroup shall determine whether the provisions provide fair and equitable benefits to all dependents.

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

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be construed to apply only prospectively to deaths occurring on or after the effective date of this Act and may not be applied or interpreted to have any effect on or application to any death occurring before the effective date of this Act.";

and in line 10, strike "2." and substitute "4.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 795 – Delegates Lee, Barkley, G. Clagett, Doory, Dumais, Frick, Gutierrez, Heller, Kaiser, Mathias, McDonough, Montgomery, Nathan–Pulliam, Rice, Robinson, Tarrant, and Taylor

AN ACT concerning

Task Force to Study ~~Nanotechnology and~~ Nanobiotechnology

HB0795/447376/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 795
(Third Reading File Bill)

On page 1, in line 5, strike "designation of".

On page 2, in lines 8 and 10, in each instance, strike "three members" and substitute "one member".

On page 3, strike beginning with "President" in line 9 down through the first "the" in line 10; in line 10, strike "to" and substitute "shall"; and in line 11, strike "cochair" and substitute "cochairs".

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 #33

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

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

HB0413/974633/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 413
(Third Reading File Bill)

On page 1, in line 5, strike "the"; and in the same line, after the first "for" insert "use in".

On page 2, in line 5, after "to" insert "achieving"; and in line 6, after "literacy," insert "which includes the requisite English, language arts, and mathematics skills,".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 868 – Delegates Montgomery, Carr, Frick, George, Heller, Howard, and Manno

AN ACT concerning

State Board of Pharmacy – ~~Wholesale Distributors – Accreditation and Reciprocity~~ Wholesale Distributor Permitting and Prescription Drug Integrity Act – Revisions

HB0868/934035/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 868
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "purposes;" insert "requiring the Department to adopt certain regulations, in consultation with the State Board of Pharmacy, for certain purposes;"; and in lines 7 and 8, strike "State Board of Pharmacy" and substitute "Board".

AMENDMENT NO. 2

On page 4, in line 18, before "**THE**" insert "**(A)**"; and after line 19, insert:

"**(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:

House Bill 1263 – The Speaker (By Request – Administration) and Delegates Busch, Hixson, Kaiser, and Rosenberg

AN ACT concerning

Education Reform Act of 2010

HB1263/924137/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1263
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 8 and 9, strike "certain guidance and instruction and"; and in line 17, strike "establishing" and substitute "to establish certain".

On pages 1 and 2, strike beginning with "for" in line 17 on page 1 down through "funds" in line 6 on page 2 and substitute "that include certain provisions; requiring certain employees to be tenured under certain circumstances; authorizing certain local

school systems to extend a certain probationary period for certain employees under certain circumstances; requiring certain county boards to establish certain performance evaluation criteria that are mutually agreed upon by certain local school systems and certain exclusive employee representatives for certain teachers and principals based on certain standards; requiring certain performance evaluation criteria to include certain data as a certain component of the evaluation; requiring that a certain component of an evaluation be one of multiple measures; prohibiting certain performance evaluation criteria from being based solely on certain examinations or assessments; authorizing the use of certain examinations or assessments as one of certain measures; requiring the State Board to establish a certain program to support certain incentives for certain teachers and principals that may include certain elements; restricting certain use of Race to the Top grant funds for certain purposes; requiring the State Board to adopt certain guidelines to implement a certain program; authorizing the award of certain stipends in certain years to be based on obtainment of National Board Certification".

AMENDMENT NO. 2

On page 3, in line 13, strike "**SUBJECT TO**" and substitute "**EXCEPT AS PROVIDED IN**"; in the same line, strike "(2)" and substitute "**(3)**"; and strike beginning with "**AT**" in line 31 down through "**POINT**" in line 32.

On page 4, in line 4, strike "**ANY**" and substitute "**A**".

AMENDMENT NO. 3

On page 4, in line 28, after "**(II)**" insert "**1.**"; and strike beginning with "**, INCLUDING**" in line 29 down through "**MENTORED.**" in line 31 and substitute "**THAT REQUIRE MENTORING TO BE PROVIDED AT LEAST 90 DAYS IN ADVANCE OF AN ADVERSE ACTION BEING TAKEN AGAINST AN EMPLOYEE THAT RELATES TO INCOMPETENCE OR OTHER INSTRUCTION–RELATED ISSUES.**

2. THE REGULATIONS ADOPTED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL INCLUDE PROVISIONS TO ENSURE THAT MENTORS PROVIDE MENTORING THAT:

A. IS FOCUSED;

B. IS SYSTEMATIC;

C. IS ONGOING;

D. IS OF HIGH QUALITY;

E. IS GEARED TO THE NEEDS OF EACH EMPLOYEE BEING MENTORED;

F. INCLUDES OBSERVATIONS; AND

G. INCLUDES FEEDBACK.".

AMENDMENT NO. 4

On page 5, in line 4, strike "**MEASURED**" and substitute "**ASSESSED**"; in the same line, strike "**CRITERIA**" and substitute "**MEASURES**"; and strike in their entirety lines 6 through 20, inclusive, and substitute:

"**(2) THE STATE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH GENERAL STANDARDS FOR PERFORMANCE EVALUATIONS FOR CERTIFICATED TEACHERS AND PRINCIPALS THAT INCLUDE OBSERVATIONS, CLEAR STANDARDS, RIGOR, AND CLAIMS AND EVIDENCE OF OBSERVED INSTRUCTION.**

(3) A COUNTY BOARD SHALL ESTABLISH PERFORMANCE EVALUATION CRITERIA FOR CERTIFICATED TEACHERS AND PRINCIPALS IN THE LOCAL SCHOOL SYSTEM BASED ON THE GENERAL STANDARDS ADOPTED UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT ARE MUTUALLY AGREED ON BY THE LOCAL SCHOOL SYSTEM AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE.

(4) THE PERFORMANCE EVALUATION CRITERIA DEVELOPED UNDER PARAGRAPH (3) OF THIS SUBSECTION:

(I) SHALL INCLUDE DATA ON STUDENT GROWTH AS A SIGNIFICANT COMPONENT OF THE EVALUATION AND AS ONE OF MULTIPLE MEASURES; AND

(II) MAY NOT BE BASED SOLELY ON AN EXISTING OR NEWLY CREATED SINGLE EXAMINATION OR ASSESSMENT.

(5) AN EXISTING OR NEWLY CREATED SINGLE EXAMINATION OR ASSESSMENT MAY BE USED AS ONE OF THE MULTIPLE MEASURES.".

AMENDMENT NO. 5

On page 5, in line 23, after "**GRANT**" insert "**FUNDS**"; and in the same line, after "**MEANS**" insert "**FEDERAL MONEY AWARDED TO THE STATE IN RESPONSE TO**".

On pages 5 and 6, strike in their entirety the lines beginning with line 34 on page 5 through line 3 on page 6, inclusive, and substitute:

"**(II) 1. THE STATE BOARD SHALL ESTABLISH A PROGRAM TO SUPPORT LOCALLY NEGOTIATED INCENTIVES FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN PUBLIC SCHOOLS THAT ARE CATEGORIZED AS TITLE I SCHOOLS OR HAVE A LOCALLY DETERMINED PERCENTAGE OF STUDENTS WHO RECEIVE FREE AND REDUCED PRICE MEALS.**

2. THE PROGRAM ESTABLISHED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY INCLUDE:

A. OFFERING GROUP INCENTIVES IN ORDER TO ATTRACT A CRITICAL MASS OF HIGHLY EFFECTIVE TEACHERS;

B. REQUIRING THE REPLACEMENT OF CURRENT PRINCIPALS WITH HIGHLY EFFECTIVE PRINCIPALS;

C. DETERMINING THE SIZE OF THE STIPEND FROM DATA AND SUCCESSFUL PROGRAMS PROVEN TO WORK; AND

D. BASING STIPENDS ON PROVEN SKILLS OF THE TEACHER OR PRINCIPAL INCLUDING KNOWLEDGE, SKILLS, AND RESPONSIBILITIES.

(III) RACE TO THE TOP GRANT FUNDS MAY BE USED ONLY TO FUND INCENTIVES PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN

PUBLIC SCHOOLS THAT ARE IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING.

(IV) 1. THE STATE BOARD SHALL ADOPT GUIDELINES TO IMPLEMENT THIS PARAGRAPH.

2. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROHIBIT A LOCAL SCHOOL SYSTEM FROM EMPLOYING MORE STRINGENT STANDARDS THAN THE GUIDELINES ADOPTED UNDER THIS SUBPARAGRAPH.

SECTION 2. AND BE IT FURTHER ENACTED, That during the 2010 – 2011 and 2011 – 2012 school years, stipends awarded under § 6–306(b)(5) of the Education Article may be based on whether the teacher has obtained certification by the National Board for Professional Teaching Standards.";

and in lines 4 and 8, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively.

The preceding 5 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 509 – Delegates G. Clagett and DeBoy

AN ACT concerning

State Police Retirement System – Special Disability Retirees – Reemployment

FOR the purpose of providing that only certain disability retirees of the State Police Retirement System are exempt from a temporary suspension of their disability retirement allowance under certain circumstances; prohibiting certain disability retirees of the State Police Retirement System from being rehired by certain employers in certain positions; requiring the Secretary of State Police to provide the Board of Trustees of the State Retirement and Pension System with certain

information; providing for a temporary suspension of benefits paid to certain disability retirees under certain circumstances within a certain period of time; providing for the resumption of disability benefits with certain adjustments to the benefits after receipt by the Board of Trustees of certain documentation from the Secretary of State Police; and generally relating to the reemployment of special disability retirees of the State Police Retirement System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 29–115
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 29–117.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 576 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Prince George's County ~~and Montgomery County Delegation~~ – Development Permits – Expedited Review for Qualifying Redevelopment Projects PG/MC 115–10

FOR the purpose of requiring Prince George's County to approve or disapprove applications for certain development permits for certain qualifying redevelopment projects and to provide applicants with certain notice of the approval or disapproval within a certain amount of time; extending the amount of time under certain circumstances within which Prince George's County has to approve or disapprove a certain application and provide applicants with certain notice; ~~requiring the district council for Prince George's County to define a certain term by ordinance for a certain purpose;~~ requiring ~~the district council to require~~ a certain project to incorporate ~~a certain minimum number of~~ certain environmentally responsible design elements; ~~requiring the district council to set forth certain procedures by ordinance;~~ defining certain terms; and generally relating to redevelopment in the portion of the Maryland–Washington Regional District located in Prince George's County.

BY adding to
Article 28 – Maryland–National Capital Park and Planning Commission
Section 8–128

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

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

House Bill 639 – Delegates Burns, Benson, Bronrott, Glenn, Kelly, Minnick, Morhaim, Myers, Smigiel, ~~and Walker~~ Walker, Aumann, Cardin, Frank, Holmes, Hubbard, Jennings, Jones, Kach, Lafferty, Levi, McDonough, Nathan–Pulliam, Schuler, Stein, and Weir

AN ACT concerning

Task Force on Military Service Members, Veterans, and the Courts

FOR the purpose of creating a Task Force on Military Service Members, Veterans, and the Courts; providing for the composition, chair, and staffing of the Task Force; providing that a member of the Task Force may not receive compensation but may be reimbursed for certain expenses; requiring the Task Force to study the military service–related mental health issues and substance abuse problems that may apply or arise in certain court cases and to consider recommending the establishment of a special court for eligible defendants who are veterans or members of the armed services on active duty who appear to suffer from certain problems related to military service; requiring the Task Force to make certain recommendations; requiring the Task Force to report certain findings and recommendations to the Governor, Chief Judge of the Court of Appeals, and the General Assembly; providing for the termination of this Act; and generally relating to the Task Force on Military Service Members, Veterans, and the Courts.

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

House Bill 982 – Delegates Niemann, Ali, Carr, Carter, Glenn, Hecht, Hucker, ~~and Montgomery~~ Montgomery, and Manno

AN ACT concerning

Solid Waste Management – Recycling and Source Reduction – ~~Requirements~~ Study

FOR the purpose of ~~requiring the Office of Recycling in the Department of the Environment to establish certain commodity–based solid waste reduction through recycling goals; requiring a certain annual report to include certain progress made in achieving certain solid waste reduction goals; altering certain county recycling requirements by requiring counties to include in certain county plans a certain commodity–based recycling plan by a certain date; requiring a certain recycling plan to be fully implemented by a certain date; requiring the Office of Recycling to establish a bar and restaurant recycling program to~~

~~provide financial assistance for the collection and recycling of certain containers from a bar or restaurant; establishing a certain solid waste management fee; requiring a certain operator of a certain landfill or certain facility to collect the solid waste management fee and remit the fee to the Comptroller; authorizing the Department to grant a waiver from certain requirements; altering the conditions under which a certain county is required to conduct a certain public hearing and publish a certain notice; altering the conditions under which the Secretary shall review a certain county plan to make certain determinations; prohibiting the Secretary from issuing certain permits to install, materially alter, or materially extend a landfill in a county under certain circumstances; altering the requirements for a certain recycling plan that is developed by certain agencies; requiring the Comptroller to establish a certain separate account in the State Recycling Trust Fund for certain purposes; altering the definition of a certain term;~~ requiring the Department of the Environment, in consultation with certain persons, to conduct a certain study to evaluate solid waste processes that reduce the solid waste stream through certain methods and submit certain reports to the General Assembly on or before a certain date; and generally relating to solid waste management through recycling and source reduction.

~~BY repealing and reenacting, without amendments,~~
~~Article – Environment~~
~~Section 9–204(n)(2) and 9–1701(a)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2009 Supplement)~~

~~BY adding to~~
~~Article – Environment~~
~~Section 9–204(n)(5)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2009 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Environment~~
~~Section 9–204(n)(5) and (6), 9–505(a)(18), (c), and (e), 9–1701(m)(1), 9–1702, 9–1703(b), 9–1704, 9–1706, and 9–1707(f)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2009 Supplement)~~

~~BY repealing~~
~~Article – Environment~~
~~Section 9–505(a)(19) and (d)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2009 Supplement)~~

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

House Bill 1287 – Delegate Ali

AN ACT concerning

State Board of Education – Student Member ~~Full~~ Voting Rights Act

FOR the purpose of repealing certain limits on the right of the student member of the State Board of Education to vote on certain matters; and generally relating to the student member of the State Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 2–202(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

House Bill 1312 – Delegates Walker, Olszewski, Rice, and Stukes

AN ACT concerning

~~Education –~~ Task Force to Study the Creation of a Maryland Center for School Safety

FOR the purpose of ~~creating the Maryland Center for School Safety; creating the Board of Directors of the Center; providing for the composition of the Board and the staffing of the Center; providing that a member of the Board may not receive compensation but may be reimbursed for certain expenses; specifying the terms of the initial members of the Board; authorizing the Board to elect certain officers; specifying the duties of the Center; requiring the Center to report certain findings and recommendations to the Governor and the General Assembly on or before a certain date each year; defining certain terms; and generally relating to the Maryland Center for School Safety~~ establishing a Task Force to Study the Creation of a Maryland Center for School Safety; providing for the membership, chair, and staffing of the Task Force; providing that a member of the Task Force may not receive compensation but may be reimbursed for certain expenses; requiring the Task Force to study and make recommendations concerning certain matters; requiring the Task Force to submit a report of its findings and recommendations on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study the Creation of a Maryland Center for School Safety.

~~BY adding to~~
~~Article – Education~~
~~Section 24–701 through 24–705 to be under the new subtitle "Subtitle 7. Maryland Center for School Safety"~~

~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2009 Supplement)~~

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

House Bill 1330 – Delegates Conway, Bates, Cane, G. Clagett, DeBoy, Elmore, Mathias, Proctor, Robinson, Rudolph, Sophocleus, and Wood

AN ACT concerning

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

FOR the purpose of requiring the disclosure of a report or record of child abuse or neglect to the Division of Parole and Probation in the Department of Public Safety and Correctional Services if the local department of social services has reason to believe ~~or learns~~ that an individual who is living in or has a regular presence in a child's home is ~~under the supervision of the Division of Parole and Probation~~ registered on the offender registry based on the commission of an offense against a child; and generally relating to disclosure of reports and records of child abuse and neglect.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 1–202(b)
Annotated Code of Maryland
(2007 Volume and 2009 Supplement)

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

House Bill 1389 – Delegates Vallario, Conway, Anderson, Aumann, Bohanan, Branch, Bronrott, Cane, DeBoy, Doory, Eckardt, Elmore, Gaines, Griffith, Gutierrez, Guzzone, Haddaway, Haynes, Heller, James, Jones, Levy, Mathias, Mizeur, Proctor, Robinson, Rosenberg, ~~and Wood~~ Wood, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kach, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Traffic Cases – ~~Funds for~~ State Police Helicopters and Ambulance, Fire, and Rescue Companies

FOR the purpose of providing that a certain District Court surcharge ~~that provides revenue to certain public safety funds~~ shall apply to certain traffic cases; requiring that a certain surcharge be imposed as a court cost; altering the funds

to which the Comptroller is required to credit certain surcharges collected under certain circumstances; making stylistic and conforming changes; providing for the application of this Act; and generally relating to a certain surcharge in certain traffic cases in the District Court.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 1–605(d)(8) and 7–301(a) and (f)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing
Article – Transportation
Section 27–101.2
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

House Bill 1396 – Delegates Haynes, Carter, Conaway, Glenn, Harrison, Kirk, McHale, Oaks, Robinson, Rosenberg, Stukes, ~~and Tarrant~~ Tarrant, Hucker, Bobo, Cane, V. Clagett, Healey, and Weir

AN ACT concerning

Fire Safety – High–Rise Buildings – Mobility Impaired Individuals ~~and Senior Citizens~~

FOR the purpose of requiring the owner of a residential high–rise building to ~~give priority~~ provide a certain notice to individuals who are mobility impaired ~~or are senior citizens~~ of the right to request certain rental units when ~~renting~~ certain units in the building become available; defining certain terms; and generally relating to fire safety in high–rise buildings.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 9–401
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY adding to
Article – Public Safety
Section 9–405
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

House Bill 1424 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Medicaid State Plan Amendments – Effective Dates

FOR the purpose of establishing the effective date of Medicaid State Plan amendments and Medical Assistance Program waiver applications and modifications; providing for the application of this Act; and generally relating to Medicaid State Plan amendments and Medical Assistance Program waiver applications and modifications.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 15–134(c)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health – General
Section 15–134(d)
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 1443 – Delegates Elmore, Cane, Conway, Eckardt, Haddaway, and Mathias

AN ACT concerning

~~Employees' Pension System – Eligibility Service Credit~~ State Retirement and Health Benefits – Early Service Retirement Allowance and Health Insurance Benefits – Eligibility

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;~~ authorizing certain individuals to purchase certain service credit in the Employees' Pension System; requiring certain individuals who choose to purchase certain service credit, to pay to the Board of Trustees of the State Retirement and Pension System a certain amount for a certain service credit; requiring certain individuals to complete

certain claims and make certain payments to the Board of Trustees on or before a certain date; providing that certain individuals may enroll and participate in the health insurance benefit options established under the State Employee and Retiree Health and Welfare Benefits Program under certain circumstances; requiring certain individuals to complete a certain enrollment form and be entitled to a certain subsidy; providing for the termination of this Act; and generally relating to eligibility ~~service credit~~ for early service retirement allowances ~~in the Employees' Pension System~~ and health insurance benefits under the State Retirement and Pension System and the State Employee and Retiree Health and Welfare Benefits Program.

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

House Bill 1457 – Delegates Dumais, Anderson, Barnes, Carter, Conaway, Dwyer, Frank, Jennings, Levi, McComas, McConkey, Rosenberg, Schuler, and Valderrama

AN ACT concerning

Civil Liability – AMBER, Silver, or Emergency Alert Dissemination – Immunity for Broadcast Media

FOR the purpose of establishing that certain broadcasters and their employees, officers, directors, members, managers, or agents are not liable for damages for any act or omission in broadcasting or disseminating a certain AMBER, Silver, or Emergency Alert after receiving a certain notification under certain circumstances; providing for the application of this Act; defining certain terms; and generally relating to the dissemination of an AMBER, Silver, or Emergency Alert.

BY adding to
Article – Courts and Judicial Proceedings
Section 5–427
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

House Bill 1458 – Delegates G. Clagett and DeBoy

AN ACT concerning

State Police Retirement System – Special Disability Retirement Allowance – Forfeiture

FOR the purpose of prohibiting certain members or former members of the State Police Retirement System who ~~commit~~ are charged with committing certain

criminal offenses during a certain period of time from applying for a certain disability retirement allowance; requiring the Board of Trustees of the State Retirement and Pension System to temporarily suspend the application process for a certain disability retirement allowance if the member or former member applying for the certain disability retirement allowance has ~~committed~~ been charged with committing certain criminal offenses during a certain period of time; requiring the Board of Trustees to temporarily suspend a certain disability retirement allowance of certain disability retirees of the State Police Retirement System if the disability retirees ~~commit~~ are charged with committing certain criminal offenses during a certain period of time; requiring the Board of Trustees to permanently terminate a certain disability application process of certain members or former members ~~if~~ on certain convictions of certain criminal offenses ~~have been upheld~~; requiring the Board of Trustees to permanently terminate the payment of a certain disability retirement allowance of certain disability retirees ~~if~~ on certain convictions of certain criminal offenses ~~have been upheld~~; providing that certain members or former members may apply for a certain disability retirement allowance or resume the application process for a certain disability retirement allowance ~~if a certain verdict on certain criminal offenses is rendered~~ under certain circumstances; providing that certain disability retirees may resume receipt of a certain disability retirement allowance ~~if a certain verdict on certain criminal offenses is rendered~~ under certain circumstances; requiring the Secretary of State Police to report certain information to the Board of Trustees; requiring the Board of Trustees to take certain actions immediately after receiving certain information from the Secretary of State Police; establishing that a person is convicted of a criminal offense for purposes of this Act under certain circumstances; defining a certain term; and generally relating to members, former members, and disability retirees of the State Police Retirement System forfeiting certain rights to a special disability retirement allowance following the conviction of criminal offenses.

BY adding to
Article – State Personnel and Pensions
Section 29–119
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

THE COMMITTEE ON RULES REPORT #12

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

House Bill 409 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Home Improvement Commission – Guaranty Fund Jurisdiction

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:

House Bill 659 – Delegates Simmons~~,~~ and Dumais, and Delegates Dwyer, Kipke, Kramer, Schuh, ~~and Sophocleus~~ Sophocleus, Barkley, Barve, Beidle, Bobo, Bronrott, Carr, G. Clagett, Conway, DeBoy, Doory, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Healey, Hecht, Heller, Hixson, Howard, James, Jameson, Jones, Kaiser, Kullen, Lee, Love, Malone, Manno, Mathias, McHale, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Olszewski, Pendergrass, Reznik, Rice, Robinson, Rudolph, Shewell, Stocksdale, Taylor, F. Turner, and Waldstreicher

AN ACT concerning

Maryland General and Limited Power of Attorney Act (Loretta's Law)

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:

House Bill 665 – Delegate Barnes

AN ACT concerning

Prince George's County – Domestic Violence – ~~Conditions of Probation – Order to Carry or Wear a Global Positioning System Device~~ GPS Tracking System Pilot Program for 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 Education, Health, and Environmental Affairs:

House Bill 704 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Authorization to Merge the Redevelopment Authority~~,~~ and Revenue Authority~~, and Economic Development Corporation~~
PG 416–10

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:

House Bill 789 – Delegates Howard, Walker, Carter, Hucker, Stein, Cane, G. Clagett, DeBoy, Glenn, Harrison, Haynes, Kirk, Proctor, Robinson, Sophocleus, Stukes, ~~and F. Turner~~ F. Turner, Krebs, Bartlett, Doory, Frick, Gutierrez, Hixson, Ivey, Kaiser, Montgomery, Murphy, Myers, Olszewski, Rice, Ross, V. Turner, Anderson, Carr, Dumais, Love, McComas, Oaks, Pena–Melnyk, Shank, Simmons, Taylor, and Cardin

AN ACT concerning

~~Elementary and Secondary Education – Health Curriculum – Diabetes Education~~
Education – Children and Youth – Implementation of Programs and Reporting of Information Concerning Student Health, Well–Being, and Growth

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:

House Bill 799 – Delegates Kramer ~~and Manno~~, Manno, Barkley, Braveboy, Burns, Davis, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, Kirk, Krysiak, Love, Mathias, McHale, Minnick, Rudolph, Stifler, Taylor, and Vaughn

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 Budget and Taxation:

House Bill 861 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Enterprise Zones – ~~County~~ Tax Credits
MC 2–10

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:

House Bill 1149 – Delegates Carter, Anderson, Bates, Simmons, and Walker

AN ACT concerning

Denial or Dismissal of ~~Domestic Violence~~ Peace Order or Protective Order Petition – ~~Expungement~~ Shielding 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:

House Bill 1155 – Delegates Lafferty, Ali, Anderson, Beidle, Bobo, Bronrott, Cardin, Carr, Frush, Gilchrist, Hecht, Hucker, Lee, Manno, Montgomery, Morhaim, Niemann, Reznik, Rosenberg, Schuh, Schuler, Stein, and Waldstreicher

AN ACT concerning

Transportation – Consolidated Transportation Program – Evaluation and Selection of Proposed Capital Projects

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:

House Bill 1174 – ~~Delegate Kullen~~ Delegates Kullen, Sophocleus, and Mathias

EMERGENCY BILL

SECOND PRINTING

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

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 and the Committee on Budget and Taxation:

House Bill 1182 – Delegates Ivey, Benson, Frush, McIntosh, Niemann, Pena–Melnyk, Ramirez, and Valderrama

AN ACT concerning

Business Improvement Districts

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

House Bill 1223 – Delegates Taylor, Ali, Barnes, Carter, Conaway, Frush, Gutierrez, Haynes, Hixson, Levi, Oaks, Ramirez, Rice, Robinson, Stukes, Tarrant, and Vaughn

AN ACT concerning

Financial Institutions – Credit Unions – Member Business Loans ~~– Limitation on Aggregate Amount~~

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:

House Bill 1280 – Delegates Feldman, Barkley, Braveboy, Harrison, Hecht, King, Kirk, Love, Manno, Mathias, McHale, Minnick, Taylor, and Vaughn

AN ACT concerning

Workers' Compensation – Medical Presumptions

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:

House Bill 1299 – Delegates Manno, Davis, Barkley, Braveboy, Burns, Feldman, Hecht, Hubbard, Hucker, Kirk, Krysiak, Love~~, Manno~~, McHale, Taylor, and Vaughn

AN ACT concerning

Labor and Employment – Healthy Retail Employee 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:

House Bill 1318 – Delegates Krysiak, Davis, and Kelly

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:

House Bill 1362 – Delegates Boteler, Aumann, Bartlett, Barve, Elmore, George, Kach, Murphy, Myers, Schuler, Shank, Shewell, Sossi, Stocksdale, and Stukes

AN ACT concerning

Education – Public Schools – Virtual Schools

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:

House Bill 1404 – Delegates Gaines, Aumann, Barkley, Barnes, Barve, Beitzel, Branch, Braveboy, Bronrott, Feldman, Frick, Frush, Gutierrez, Healey, Holmes, Hucker, Ivey, Kramer, Lee, Levy, Manno, Mizeur, Niemann, Pena–Melnyk, Ramirez, and Ross

AN ACT concerning

Maryland Department of Transportation – Transit Review and Evaluation

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:

House Bill 1467 – Delegate Stein

AN ACT concerning

Environment – Coal Combustion By–Products – Minimum Standards – Beneficial Uses

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:

House Bill 1481 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Montgomery County – Maryland–National Capital Park and Planning Commission – Lease, Contract, or Agreement – Terms PG/MC 118–10

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 757 – Senators King, Forehand, Lenett, Madaleno, and Middleton

AN ACT concerning

Crimes – Child Neglect – Penalties

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

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

The motion was adopted.

Senate Bill 911 – Senator Astle

AN ACT concerning

Underground Facilities – Damage Prevention

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR ASTLE.

FLOOR AMENDMENT

SB0911/593220/1

BY: Senator Astle

AMENDMENTS TO SENATE BILL 911, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, in line 2, strike "an owner" and substitute "certain owners"; and in line 4, after "information;" insert "exempting a unit of the Department of Transportation and the Maryland Transportation Authority under certain circumstances from the requirement regarding membership in a one–call system;".

AMENDMENT NO. 2

On page 16 of the bill, in line 9, strike "**AN**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN**".

On page 4 of the Finance Committee Amendments (SB0911/257973/1), in line 3 of Amendment No. 6, after "**SYSTEM.**" insert:

"**(3) IF THE SECRETARY OF TRANSPORTATION DETERMINES A PROGRAM OF MARKING AND IDENTIFYING UTILITIES IN STATE RIGHTS–OF–WAY EXISTS IN A UNIT OF THE DEPARTMENT OF TRANSPORTATION OR THE MARYLAND TRANSPORTATION AUTHORITY, THE UNIT OR THE MARYLAND TRANSPORTATION AUTHORITY IS NOT REQUIRED TO BE A MEMBER OF A ONE–CALL SYSTEM.**".

The preceding 2 amendments were withdrawn.

COMMITTEE FLOOR AMENDMENT

SB0911/337276/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 911, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, in line 3, after "system" insert "; requiring certain owners to become members of a one–call system"; and in line 24, after "demolition;" insert "authorizing the Department of Transportation, the Department's administrations, and the Maryland Transportation Authority to collect certain fees;".

AMENDMENT NO. 2

On page 16 of the bill, in line 25, strike "**AND**" and substitute:

"**(2) WHETHER THE PROPOSED EXCAVATION OR DEMOLITION IS WITHIN RIGHTS–OF–WAY OWNED OR CONTROLLED BY THE DEPARTMENT OF TRANSPORTATION, AN ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION, OR THE MARYLAND TRANSPORTATION AUTHORITY AND, IF SO, THE ENTITY AND THE PERMIT NUMBER OR AUTHORIZATION NUMBER OBTAINED FROM THAT ENTITY; AND**";

and in line 26, strike "**(2)**" and substitute "**(3)**".

On page 4 of the Finance Committee Amendments (SB0911/257973/1), in line 2 of Amendment No. 6, strike "**AN**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN**"; in line 3, after "**SYSTEM.**" insert:

"**(3) THE DEPARTMENT OF TRANSPORTATION, ITS ADMINISTRATIONS, AND THE MARYLAND TRANSPORTATION AUTHORITY SHALL BECOME MEMBERS OF THE ONE–CALL SYSTEM THROUGH A SEPARATE AGREEMENT AND USING THE INFORMATION COLLECTED UNDER § 12–124(B)(2) OF THIS SUBTITLE.**";

in line 5, strike "**ON**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON**"; and in line 8, after "**(2)**" insert "**BASED ON INFORMATION COLLECTED UNDER § 12–124 (B)(2) OF THIS SUBTITLE, THE ONE–CALL SYSTEM SHALL PROMPTLY TRANSMIT A COPY OF THE TICKET TO THE DEPARTMENT OF TRANSPORTATION, AN ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION, OR THE MARYLAND TRANSPORTATION AUTHORITY, AS APPLICABLE.**

(3)".

AMENDMENT NO. 3

On page 17 of the bill, in line 2, strike "**(A)**".

On page 19 of the bill, in line 20, strike "**(A)**".

On page 20 of the bill, in line 24, strike "**(A)**".

On page 21 of the bill, in lines 7 and 10, in each instance, strike "or" and substitute a comma; in the same lines, in each instance, after "corporation" insert "**, THE DEPARTMENT OF TRANSPORTATION, AN ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION, OR THE MARYLAND TRANSPORTATION AUTHORITY**";

in lines 12 and 14, in each instance, strike "or" and substitute a comma; and in the same lines, in each instance, after "corporation" insert "**, OR ANY OF THE TRANSPORTATION ENTITIES SPECIFIED IN SUBSECTION (A) OF THIS SECTION**".

The preceding 3 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 622 – Senator Jacobs

AN ACT concerning

Crimes – Sexual Offenses Against Children – Penalties

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

SB0622/438679/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 622
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Jacobs" and substitute "Senators Jacobs, Brochin, Haines, Mooney, Muse, and Stone".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0622/733927/1

BY: Senator Jacobs

AMENDMENT TO SENATE BILL 622, AS AMENDED

In the Judicial Proceedings Committee Amendment (SB0622/438679/1), in line 2, strike "and Stone" and substitute "Stone, Kittleman, Stoltzfus, Munson, Haines, Harris, Colburn, Simonaire, Pipkin, Brinkley, Reilly, Glassman, Edwards, and Mooney".

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. 846)

ADJOURNMENT

At 12:55 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Legislative Day April 1, 2010, Calendar Day, Monday, April 5, 2010.

Annapolis, Maryland
Legislative Day: April 1, 2010
Calendar Day: Monday, April 5, 2010
8:00 P.M. Session

The Senate met at 8:12 P.M.

Prayer by Pastor Greg St. Cyr, Bay Area Community Church, guest of the President.

(See Exhibit A of Appendix III)

The Journal of March 31, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 848)

CONCURRENCE CALENDAR #6

AMENDED IN THE HOUSE

Senate Bill 140 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2011)

Senator Currie moved that the Senate not concur in the House amendments.

The amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0140**
SPONSOR: The Pres (Admin)
SUBJECT: Budget Bill (Fiscal Year 2011)

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

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

Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange
Senator Madaleno
Senator Brinkley

In addition, the Senate has appointed in advisory capacity: Senators McFadden, V. Jones and Edwards.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 141 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2010

Senator Currie moved that the Senate not concur in the House amendments.

The amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0141**
SPONSOR: The Pres (Admin)
SUBJECT: Budget Reconciliation and Financing Act of 2010

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

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

Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange
Senator Madaleno
Senator Brinkley

In addition, the Senate has appointed in advisory capacity: Senators McFadden, V. Jones and Edwards.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #5

AMENDED IN THE HOUSE

Senate Bill 135 – Senator Kelley

EMERGENCY BILL

AN ACT concerning

Criminal Procedure – Petition for Writ of Actual Innocence – Notice of Filing and Hearing

Senator Frosh moved that the Senate not concur in the House amendments.

SB0135/422214/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 135
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first "of" insert "limiting to a person charged by indictment or criminal information with a crime triable in circuit court and convicted of that crime the authority to file a petition for writ of actual innocence under certain circumstances;"; in the same line, after the first "a" insert "certain"; and in line 10, after "innocence;" insert "repealing a provision of law authorizing the court to dismiss a certain petition without a hearing if the court finds that the petition fails to state a claim; authorizing the State or a certain petitioner to appeal a certain order to the Court of Special Appeals within a certain time period; requiring an appeal under this Act to follow the form and procedure set by the Maryland Rules; authorizing the court to stay an order and set bail under certain circumstances; authorizing the Court of Special Appeals to affirm, modify, or reverse an order or remand a case for further proceedings under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 1, strike "convicted"; in the same line, after "person" insert "**CHARGED BY INDICTMENT OR CRIMINAL INFORMATION WITH A CRIME TRIABLE IN CIRCUIT COURT AND CONVICTED OF THAT CRIME MAY**"; in the same line, strike "may"; in line 19, strike "**15**" and substitute "**90**"; and in line 31, strike "state a claim or".

AMENDMENT NO. 3

On page 3, after line 6, insert:

"**(H) (1) WITHIN 30 DAYS AFTER THE COURT PASSES AN ORDER IN ACCORDANCE WITH THIS SECTION, THE STATE OR THE PETITIONER MAY APPEAL THE ORDER TO THE COURT OF SPECIAL APPEALS.**

(2) (I) THE APPEAL SHALL FOLLOW THE FORM AND PROCEDURE SET BY THE MARYLAND RULES.

(II) IF THE STATE FILES AN APPEAL UNDER THIS SUBSECTION, THE COURT MAY:

1. STAY THE ORDER; AND

2. SET BAIL FOR THE PETITIONER.

(III) AFTER HEARING AN APPEAL UNDER THIS SUBSECTION, THE COURT OF SPECIAL APPEALS MAY:

1. AFFIRM, MODIFY, OR REVERSE THE ORDER APPEALED FROM; OR

2. REMAND THE CASE FOR FURTHER PROCEEDINGS.".

The preceding 3 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0135**
SPONSOR: Sen Kelley
SUBJECT: Criminal Procedure – Petition for Writ of Actual Innocence – Notice of Filing and Hearing

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

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

Senator Gladden, Chairman
Senator Haines
Senator Raskin.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

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

Senator Frosh moved that the Senate not concur in the House amendments.

SB0261/402110/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 261
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Sexual Solicitation of a Minor and"; in line 3, strike "and Proof"; strike beginning with "providing" in line 10 down through "circumstances;" in line 12; and strike beginning with "sexual" in line 20 down through "and" in line 21.

On page 2, in line 1, strike "3–324, 11–301," and substitute "11–301".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 7 on page 2 through line 2 on page 3, inclusive.

On page 4, in line 16, strike "**(I)**"; and strike in their entirety lines 18 through 21, inclusive.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0261**
SPONSOR: Sen Forehand, et al
SUBJECT: Criminal Law – Sexual Solicitation of a Minor and Human Trafficking – Prohibitions and Proof

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

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

Senator Forehand, Chairman
Senator Mooney
Senator Muse.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE FROM THE EXECUTIVE

SUPPLEMENTAL BUDGET NO. 1 – FISCAL YEAR 2011
(See Exhibit K of Appendix III)

Supplemental Budget No. 1 read and referred to the Committee on Budget and Taxation.

MESSAGE FROM THE EXECUTIVE

EXECUTIVE ORDER
01.01.2010.08

Proclaiming an Extended Session of the Maryland General Assembly

WHEREAS, I, Martin O'Malley, Governor of the State of Maryland, being advised that the Budget Bill has not been finally acted upon by the General Assembly seven days before the expiration of the 2010 regular Session of the General Assembly;

WHEREAS, Article III, Section 52 (10) of the Maryland Constitution provides that under these circumstances the Governor shall issue a proclamation extending the Session for a period as may, in the Governor's judgment, be necessary to allow for the passage of the Budget Bill; and

WHEREAS, Other matters may not be considered during such extended Session except a provision for the cost thereof.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY PROCLAIM THAT THE 2010 REGULAR SESSION OF THE MARYLAND GENERAL ASSEMBLY IS HEREBY EXTENDED, COMMENCING AT MIDNIGHT ON MONDAY, APRIL 12, 2010 IN THE STATE CAPITAL IN THE CITY OF ANNAPOLIS FOR THE PURPOSE OF PASSING THE STATE BUDGET BILL. THIS EXTENSION MAY NOT EXCEED TEN DAYS, OR SUCH OTHER PERIOD AS SPECIFIED BY AMENDMENT TO THIS EXECUTIVE ORDER.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 5th day of April, 2010.

_____
Martin O'Malley
Governor

ATTEST:

_____
John P. McDonough
Secretary of State

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 42	Sen. Colburn	Caroline County – Orphans' Court Judges – Pensions
SB 68	Ch., Jud. Proceed.	State Government – Human Relations – Closed–Captioning Activation Required

SB 104	The President	St Bd of Chiropractic and Massage Thrpy Exmrs – Sunset Ext and Program Evaluation
SB 109	Ch., Jud. Proceed.	Criminal Procedure – Expiration Date of Sentences – Repeal
SB 112	Sen. Stone	Baltimore County – Property Tax Credit – Rosewald Beach Civic League
SB 130	Sen. Pugh	Procurement – Minority Business Enterprises – Certification Process
SB 131	Sen. Pugh	State Procurement – Minority Business Enterprises – Electronic Certification Process
SB 145	The President	State Board of Examiners in Optometry – Sunset Extension and Program Evaluation
SB 146	The President	State Board of Physical Therapy Examiners – Sunset Extension and Program Evaluation
SB 164	Sen. Conway	Advisory Committee on the Naming of State Facilities, Roads, and Bridges – Repeal
SB 166	Sen. Conway	St Govt – St Designations – Review, Evaluation, and Recommendation by the St Archivist
SB 173	Sen. McFadden	Baltimore City Police Department Death Relief Fund Procedures and Benefit Amount
SB 177	Sen. McFadden	Expedited Partner Therapy Pilot Program – Extension
SB 213	Sen. Frosh	Child Care Articles Containing Bisphenol–A – Prohibition
SB 237	Sen. Zirkin	Sales and Use Tax – Exemptions – Veterans' Organizations
SB 318	Sen. Kramer	Income Tax Checkoff for Developmental Disabilities
SB 323	Sen. V. Jones	Office of Legislative Audits Auditing Local School Systems

SB 348	Sen. V. Jones	Capital Debt Affordability
SB 383	Sen. Mooney	Public Health – Frederick County – Dogs in Outdoor Dining Areas
SB 431	Sen. Conway	Food and Cosmetics – Auction Sales – Prohibition – Exception
SB 655	Sen. Lenett	Task Force to Study Financial Matters Relating to Long–Term Care Facilities – Extension
SB 752	Sen. Pipkin	Queen Anne's County – Property Tax Credit – Foster Parent

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

QUORUM CALL

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

(See Roll Call No. 849)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #67

Senate Bill 308 – Senators Conway, Currie, Dyson, Exum, Frosh, Harrington, Kelley, King, Lenett, McFadden, Middleton, Pinsky, Pugh, and Rosapepe

AN ACT concerning

Health Occupations – Licensure of Physician Assistants

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

Affirmative – 47 Negative – 0 (See Roll Call No. 850)

The Bill was then sent to the House of Delegates.

Senate Bill 395 – Senators Brochin, Mooney, ~~and Stone~~ Stone, Forehand, Jacobs, Muse, and Simonaire

AN ACT concerning

Correctional Services – Child Sexual Offenders – Diminution Credits – ~~Inmate Serving Sentence for Rape of Minor or First- or Second-Degree Sexual Offense Against Minor~~

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

Affirmative – 45 Negative – 2 (See Roll Call No. 851)

The Bill was then sent to the House of Delegates.

Senate Bill 622 – ~~Senator Jacobs~~ Senators Jacobs, Brochin, Haines, Mooney, Muse, ~~and Stone~~ Stone, Kittleman, Stoltzfus, Munson, Harris, Colburn, Simonaire, Pipkin, Brinkley, Reilly, Glassman, and Edwards

AN ACT concerning

Crimes – Sexual Offenses Against Children – Penalties

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

Affirmative – 44 Negative – 1 (See Roll Call No. 852)

The Bill was then sent to the House of Delegates.

Senate Bill 836 – Senators Lenett, Frosh, Garagiola, King, Madaleno, Pugh, ~~and Raskin~~ Raskin, and Forehand

AN ACT concerning

Education – Students Arrested for Reportable Offenses – ~~Prohibition Against~~ Attending School or Riding the Bus with Victim

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

Affirmative – 47 Negative – 0 (See Roll Call No. 853)

The Bill was then sent to the House of Delegates.

Senate Bill 911 – ~~Senator Astle~~ Senators Astle, Della, Exum, Garagiola, Glassman, Klausmeier, and Middleton

AN ACT concerning

Underground Facilities – Damage Prevention

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

Affirmative – 47 Negative – 0 (See Roll Call No. 854)

The Bill was then sent to the House of Delegates.

Senate Bill 953 – Senators Exum, Edwards, and Kittleman

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

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

The motion was adopted.

THIRD READING CALENDAR (SENATE BILLS) #68

Senate Joint Resolution 6 – Senator Gladden

A Senate Joint Resolution concerning

Earth Hour

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

Affirmative – 31 Negative – 15 (See Roll Call No. 855)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #69

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

AN ACT concerning

Domestic Violence – Protective Order – Extension

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

Affirmative – 47 Negative – 0 (See Roll Call No. 856)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #6
CONSENT CALENDAR #10

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 33	Del. Hubbard	Child Care Articles Containing Bisphenol–A – Prohibition	FIN
HB 79	Ch., Econ Matters Co.	Commercial Law – Credit Services Businesses – Limitation on Fees	FIN
HB 249	Del. Rudolph	Insurance – Premium Increase for Commercial and Workers' Compensation Insurance – Notice	FIN
HB 261	Del. Tarrant	Health – Administrative Service Provider Contracts – Contracting Provider Definition	FIN
HB 278	Del. Hubbard	Md Med Assistance Program – Med Eligibility for Nursing Fac Level of Care – Rpt	FIN
HB 305	Del. Davis	Insurance – Domestic Reinsurers	FIN
HB 384	Del. James	Task Force to Study Financial Matters Relating to Long–Term Care Facilities – Extension	FIN
HB 618	Allegany County Del.	Workers' Compensation – Allegany County Deputy Sheriffs	FIN
HB 821	Del. Barkley	Net Energy Metering – Fuel Cell	FIN
HB 933	Del. Montgomery	Hospitals – Financial Assistance and Debt Collection	FIN

All of the above listed bills on the Third Reading Consent Calendar No. 10 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 857)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #7
CONSENT CALENDAR #11

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 120	Del. Kelly	Law Enforcement Officers – Unsubstantiated Complaints – Admissibility	JPR
HB 138	Del. Waldstreicher	Criminal Injuries Compensation Board – Right to Hearing	JPR
HB 328	Del. Carter	Estates and Trusts – Guardianship – Payment of Expenses After Death of Ward	JPR
HB 329	Del. Carter	Estates and Trusts – Elective Share – Extension of Time for Making Election	JPR
HB 337	Del. Carter	Real Property – Effect of Deed Granting Property from Trust or Estate	JPR
HB 375	Garrett County Del.	Garrett County – Orphans' Court Judges	JPR
HB 393	Anne Arundel Co. Del.	Anne Arundel County – Motorcycle Dealers – Sunday Operations	JPR
HB 412	Del. Feldman	Real Estate Investment Trusts – Miscellaneous Provisions	JPR
HB 448	Del. Carter	Estates and Trusts – Maryland International Wills Act	JPR
HB 449	Del. Carter	Estes and Trusts – Constr of	JPR

(Emergency Bill)		Refs in Will or Trust to Fed Este Tax or Generation–Skipping Transf Tax	
HB 452	Washington County Del.	Washington County – Office of the County Attorney	JPR
HB 605	Del. Dumais	Real Property – Wrongful Detainer	JPR
HB 611	Del. Frick	State Highways – Mobile Produce Vendors – Required State Lease	JPR
HB 633	Del. Niemann	Real Property – Mortgages and Deeds of Trust – Authority to Exercise a Power of Sale	JPR
HB 646	Del. Reznik	Angel's Law – Foster Care and Child Care – Window Coverings	JPR
HB 676	Del. Malone	Vehicle Laws – Equipment on Motorcycles – Auxiliary Lighting	JPR
HB 779	Del. Lee	Police Training Commission – Additional Minimum Training Requirements	JPR
HB 869	Del. V. Clagett	Real Property – Affordable Housing Land Trusts	JPR
HB 971	Del. Feldman	Maryland Statutory Trust Act	JPR
HB 972	Del. Feldman	Maryland General Corporation Law – Miscellaneous Provisions	JPR
HB 1009	Del. Feldman	Corporations – Benefit Corporation	JPR
HB 1298 (Emergency Bill)	Del. Glenn	Real Property – Transfer Fees – Prohibition	JPR

All of the above listed bills on the Third Reading Consent Calendar No. 11 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 858)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #8

House Bill 60 – ~~Delegate Smigiel~~ Delegates Smigiel, Ramirez, Vallario, Barnes, Levi, and Walker

AN ACT concerning

Criminal Procedure – Violation by Child Sexual Offender of Pretrial or Posttrial Release No Contact Order ~~– Expedited Hearing~~ ("Alexis's Law")

Senator Colburn moved, duly seconded, to make the Bill a Special Order for April 6, 2010.

The motion was adopted.

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

AN ACT concerning

Criminal Law – Escape from Juvenile Facility

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

Affirmative – 47 Negative – 0 (See Roll Call No. 859)

The Bill was then sent to the House of Delegates.

House Bill 93 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Motor Vehicle Administration – Identification Cards and Drivers' Licenses

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

Affirmative – 47 Negative – 0 (See Roll Call No. 860)

The Bill was then sent to the House of Delegates.

House Bill 103 – Delegates Lafferty and Malone

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 – 34 Negative – 13 (See Roll Call No. 861)

The Bill was then sent to the House of Delegates.

House Bill 119 – Chair, Judiciary Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – Firearm Applications – Authority of Secretary

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

Affirmative – 47 Negative – 0 (See Roll Call No. 862)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 863)

The Bill was then sent to the House of Delegates.

House Bill 193 – Delegate Rosenberg

AN ACT concerning

Civil Proceedings – Foreign Defamation Judgments – ~~Enforceability~~ Recognition, Enforceability, and Bases of Personal Jurisdiction

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

Affirmative – 47 Negative – 0 (See Roll Call No. 864)

The Bill was then sent to the House of Delegates.

House Bill 257 – Delegate Rosenberg

AN ACT concerning

Evidence – Journalist's Testimonial Privileges – Student

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

Affirmative – 47 Negative – 0 (See Roll Call No. 865)

The Bill was then sent to the House of Delegates.

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~~

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

Affirmative – 47 Negative – 0 (See Roll Call No. 866)

The Bill was then sent to the House of Delegates.

House Bill 417 – Delegates Rosenberg, Cardin, ~~and Haynes~~ Haynes, and Conaway

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Baltimore City – Orphans' Court Judges – Qualifications

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

Affirmative – 45 Negative – 2 (See Roll Call No. 867)

The Bill was then sent to the House of Delegates.

House Bill 534 – Delegates Waldstreicher, Anderson, Barnes, Benson, Carr, Carter, Dumais, Frick, Gilchrist, Gutierrez, Hecht, Hucker, Ivey, Kramer, Lee, Levi, Manno, Mizeur, Pena–Melnyk, Pendergrass, Ramirez, Rosenberg, Ross, Schuler, Simmons, Smigiel, F. Turner, V. Turner, and Valderrama

AN ACT concerning

Domestic Violence – Protective Order – Extension

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

Affirmative – 47 Negative – 0 (See Roll Call No. 868)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 869)

The Bill was then sent to the House of Delegates.

House Bill 674 – Delegate Malone

AN ACT concerning

High Occupancy Vehicle (HOV) Lanes – Use by Plug–In Vehicles

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

Affirmative – 47 Negative – 0 (See Roll Call No. 870)

The Bill was then sent to the House of Delegates.

House Bill 818 – Delegates Dumais, Simmons, and Sophocleus

AN ACT concerning

Criminal Law – Trespass on Posted Property and Wanton Trespass on Private Property – Penalties

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

Affirmative – 47 Negative – 0 (See Roll Call No. 871)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #9

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 872)

The Bill was then sent to the House of Delegates.

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

AN ACT concerning

Insurance – Insurers – Audits, Investments, and Operations

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

Affirmative – 47 Negative – 0 (See Roll Call No. 873)

The Bill was then sent to the House of Delegates.

House Bill 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

Senator Brochin moved, duly seconded, to make the Bill a Special Order for April 6, 2010.

The motion was adopted.

House Bill 181 – Delegates Hubbard, Ali, Benson, Bobo, Bromwell, Bronrott, Costa, Frush, Griffith, Healey, Holmes, Hucker, Ivey, Kipke, Kullen, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Proctor, Reznik, Riley, Tarrant, ~~and V. Turner~~ V. Turner, Donoghue, and Jenkins

AN ACT concerning

Department of Health and Mental Hygiene – Biomonitoring Program – Report

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

Affirmative – 46 Negative – 0 (See Roll Call No. 874)

The Bill was then sent to the House of Delegates.

House Bill 202 – Delegates Cardin, Morhaim, and Stein

AN ACT concerning

Uniform Commercial Code – Financing Statements – ~~Termination by Government Employees~~ False Filings – Prohibited

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

Affirmative – 46 Negative – 0 (See Roll Call No. 875)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 45 Negative – 0 (See Roll Call No. 876)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 877)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 878)

The Bill was then sent to the House of Delegates.

House Bill 423 – Delegate Sossi

AN ACT concerning

Life and Health Insurance Guaranty Corporation – Maximum Liability

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

Affirmative – 46 Negative – 0 (See Roll Call No. 879)

The Bill was then sent to the House of Delegates.

House Bill 822 – Queen Anne's County Delegation

AN ACT concerning

Queen Anne's County – Arts and Entertainment District

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

Affirmative – 46 Negative – 0 (See Roll Call No. 880)

The Bill was then sent to the House of Delegates.

House Bill 882 – Delegates Kramer, Barkley, Barnes, Conaway, Frick, Heller, Ivey, Manno, McConkey, Ramirez, Reznik, ~~and Simmons~~ Simmons, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, Tarrant, and V. Turner

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 – 46 Negative – 0 (See Roll Call No. 881)

The Bill was then sent to the House of Delegates.

House Bill 1505 – Chair, Appropriations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

Central Collection Unit – Collection of Debts Owed to the State

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

Affirmative – 45 Negative – 0 (See Roll Call No. 882)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #10

House Bill 233 – Howard County Delegation

AN ACT concerning

Howard County Public Schools – Funding Accountability and Transparency Act
Ho. Co. 12–10

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

Affirmative – 46 Negative – 0 (See Roll Call No. 883)

The Bill was then sent to the House of Delegates.

House Bill 307 – Cecil County Delegation

AN ACT concerning

Cecil County – Public Facilities Bond Bill

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

Affirmative – 47 Negative – 0 (See Roll Call No. 884)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 885)

The Bill was then sent to the House of Delegates.

House Bill 454 – Washington County Delegation

AN ACT concerning

Washington County – Aid to Manufactories

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

Affirmative – 46 Negative – 0 (See Roll Call No. 886)

The Bill was then sent to the House of Delegates.

House Bill 458 – Washington County Delegation

AN ACT concerning

Washington County – County Contributions to Private or Cooperative Public Improvement Projects

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

Affirmative – 47 Negative – 0 (See Roll Call No. 887)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 45 Negative – 2 (See Roll Call No. 888)

The Bill was then sent to the House of Delegates.

House Bill 710 – Delegates Howard, Ali, Barkley, Barnes, Bartlett, Barve, Beitzel, Bronrott, Cane, Carr, G. Clagett, Davis, DeBoy, Donoghue, Doory, Dumais, Feldman, Frick, Frush, Gaines, George, Gutierrez, Guzzone, Haynes, Healey, Hecht, Hixson, Holmes, Hubbard, Hucker,

Ivey, Jameson, Jenkins, Kaiser, Kramer, Krysiak, Kullen, Lafferty, Lee, Levi, Levy, Manno, McHale, McIntosh, Mizeur, Murphy, Niemann, Proctor, Ramirez, Reznik, Rice, Ross, Simmons, Sophocleus, Stukes, Taylor, F. Turner, V. Turner, Valderrama, Waldstreicher, and Walker

AN ACT concerning

Blue Ribbon Commission on Maryland Transportation Funding

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

Affirmative – 46 Negative – 0 (See Roll Call No. 889)

The Bill was then sent to the House of Delegates.

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.**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 890)

The Bill was then sent to the House of Delegates.

House Bill 795 – Delegates Lee, Barkley, G. Clagett, Doory, Dumais, Frick, Gutierrez, Heller, Kaiser, Mathias, McDonough, Montgomery, Nathan–Pulliam, Rice, Robinson, Tarrant, and Taylor

AN ACT concerning

Task Force to Study ~~**Nanotechnology and**~~ **Nanobiotechnology**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 891)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 892)

The Bill was then sent to the House of Delegates.

House Bill 868 – Delegates Montgomery, Carr, Frick, George, Heller, Howard, and Manno

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. 893)

The Bill was then sent to the House of Delegates.

House Bill 1263 – The Speaker (By Request – Administration) and Delegates Busch, Hixson, Kaiser, and Rosenberg

AN ACT concerning

Education Reform Act of 2010

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

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #34

CONSENT CALENDAR #64

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

BILL NO.	REPORT	SPONSOR	CONTENT

HB 89	FAV	Del O'Donnell	Environment – Wetlands and Waterways Program Fees – Aquaculture
HB 110	FAV	Del Eckardt, et al	Dorchester County – Alcoholic Beverages – Clubs – Membership
HB 113	FAV	Del Eckardt, et al	Dorchester County – Membership of Sanitary Commission
HB 130	FAV	The Spkr (DLS)	State Board for Professional Land Surveyors – Sunset Extension and Program Evaluation
HB 131	FAV	The Spkr (DLS)	State Board of Physical Therapy Examiners – Sunset Extension and Program Evaluation
HB 133	FAV	The Spkr (DLS)	State Board of Pilots – Sunset Extension and Program Evaluation
HB 134	FAV	The Spkr (DLS)	State Board of Examiners of Landscape Architects – Sunset Extension and Program Evaluation
HB 135	FAV	The Spkr (DLS)	St Bd of Chiropractic and Massage Thrpy Exmrs – Sunset Ext and Program Evaluation
HB 136	FAV	The Spkr (DLS)	State Board of Plumbing – Sunset Extension and Program Evaluation
HB 162	FAV	Del Anderson (BCA)	Expedited Partner Therapy Pilot Program – Extension
HB 215	FAV	Dels Nathan–Pulliam and Eckardt	State Bd of Nursing – Changes to the Electrology Practice Committee and Licensing Requirements
HB 226	FAV	Del Anderson (BCA) and Del McHale	Baltimore City Police Department Death Relief Fund – Procedures and Benefit Amount
HB 245	FAV	Al Co Deleg and Gar Co Deleg	Allegany County and Garrett County – Turkey Hunting – Sundays
HB 279	FAV	Del Robinson, et al	Baltimore City – Park Heights Redevelopment Area – Alcoholic Beverages – Store Opening Hours
HB 291	FAV	Del King	Maryland Locksmiths Act – Revisions – Definitions and Records Inspection
HB 302	FAV	Del Nathan–Pulliam, et al	St Bd of Nursing and Certd Nursing Asst Advry Com – Mbrshp – Noms for Vacancies
HB 340	FAV	Cecil County Delegation	Cecil County – Board of Electrical Examiners and Licensing of Electricians

HB 459	FAV	Del Healey, et al	St Licensing Agencies – Justification Statements Required for Fee Increases Proposed by Regs
HB 487	FAV	Del McIntosh (Chr ENV)	Environment – State Board of Waterworks and Waste Systems Operators – Sunset Extension and Revisions
HB 606	FAV	Del Love, et al	Natural Resources – Local Forest Conservation Funds – Use of Money
HB 631	FAV	Del Niemann, et al	Natural Resources – Park Advisory Commission – Membership
HB 668	FAV	Harford County Delegation	Harford County – Liquor Control Board Membership – Nomination Process
HB 733	FAV	Del Beitzel	Garrett County – Volunteer Fire Departments and Rescue Squads – Emergency Services Board
HB 1059	FAV	Dels Eckardt and Haddaway	Dorchester County – Choptank River – Soft–Shell Clam Harvesting
HB 1114	FAV	Carroll County Delegation	Carroll County – Alcoholic Beverages – Sale of Wine for Off–Premises Consumption

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 606 – Delegates Love, Beidle, Costa, George, King, Kipke, McConkey, Schuh, and Sophocleus

AN ACT concerning

Natural Resources – Local Forest Conservation Funds – Use of Money

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #35

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

House Bill 45 – Delegate Cane

AN ACT concerning

Dorchester County – Bay Restoration Fee – Lien Against Property

HB0045/384334/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 45
(Third Reading File Bill)

On page 1, in line 4, strike "on which" and substitute "served by"; and in line 5, strike "is located".

On page 2, in line 16, strike "**ON WHICH THE**" and substitute "**SERVED BY A**"; and in line 18, strike "**IS LOCATED**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 80 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board for Professional Engineers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 82 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Pilots – Limited Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0083/784233/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 83
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "certain" in line 4 down through "degree" in line 5 and substitute "the circumstances under which certain licensees of the State Real Estate Commission are required to complete a certain number of clock hours of continuing education; requiring certain licensees to complete certain requirements in certain licensing periods".

AMENDMENT NO. 2

On page 2, in line 20, strike the brackets; in the same line, strike "**10.5**"; in line 22, after "**(I)**" insert "**1.**"; in line 24, strike "**(II)**" and substitute "**2.**"; in line 25, after "university" insert "**; AND**

(II) IS NOT A BROKER, AN ASSOCIATE BROKER, OR A SALESPERSON DESIGNATED AS A BRANCH OFFICE MANAGER OR TEAM LEADER";

after line 30, insert:

"**(4) A LICENSEE WHO IS REQUIRED TO COMPLETE CONTINUING EDUCATION INSTRUCTION UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL COMPLETE THE REQUIREMENTS OF SUBSECTION (B)(2)(II) AND (V) OF THIS SECTION IN ALTERNATE LICENSING PERIODS.**";

and in line 31, strike "(4)" and substitute "**(5)**".

On page 3, in lines 5 and 6, strike "(5)" and "(4)", respectively, and substitute "**(6)**" and "**(5)**", 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 Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

House Bill 84 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 87 – Chair, Economic Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

State Fire Marshal – Nongovernmental Electrical Inspectors

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 179 – Delegates Elliott and Krebs

AN ACT concerning

State Board of Nursing – Temporary License – Issuance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 200 – Delegates Rosenberg, Ali, Carter, Donoghue, and Oaks

AN ACT concerning

Health Occupations – Morticians and Funeral Directors – Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 246 – Allegany County Delegation and Garrett County Delegation

AN ACT concerning

Allegany County and Garrett County – Deer Hunting on Private Property – Sundays

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 346 – Delegate Hucker

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 with amendments:

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

HB0421/974038/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 421
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "group" insert "to determine the definition of a certain term"; and in line 7, after "from" insert "knowingly".

AMENDMENT NO. 2

On page 2, in line 8, strike "**, INCLUDING**" and substitute "**TO DETERMINE THE DEFINITION OF THE TERM "LOCALLY GROWN".**

(C) THE INTERESTED STAKEHOLDERS CONVENED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE";

and in line 16, after "**NOT**" insert "**KNOWINGLY**".

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 #26

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

Senate Bill 309 – Senators Kelley, Astle, Conway, Currie, DeGrange, Della, Exum, Forehand, Garagiola, Haines, Harrington, Jacobs, Jones, Kasemeyer, Klausmeier, McFadden, Middleton, Muse, Peters, Pipkin, Pugh, Raskin, Robey, Rosapepe, and Stone

AN ACT concerning

Uniform Power of Attorney Act

SB0309/858175/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 309
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Kelley," and substitute "Kelley and Simonaire and Senators"; and in line 2, strike "Uniform Power of Attorney Act" and substitute "Maryland General and Limited Power of Attorney Act (Loretta's Law)".

On pages 1 through 3, strike in their entirety the lines beginning with line 3 on page 1 down through line 15 on page 3, inclusive, and substitute:

"FOR the purpose of repealing certain provisions of law relating to durable powers of attorney; establishing the Maryland General and Limited Power of Attorney Act; establishing that a certain agent is not required to disclose certain information, with certain exceptions; requiring a certain agent to comply with a certain request within a certain time period, under certain circumstances; authorizing a principal or an interested person to file a certain petition for injunctive relief in a certain court for certain purposes; authorizing certain persons to petition a court for certain purposes; requiring a court to dismiss a certain petition; prohibiting a person from requiring a certain additional or different power of attorney than a certain statutory form power of attorney under certain circumstances; providing that a person that refuses to accept a certain power of attorney in violation of this Act is subject to a certain court order and liability for certain fees and costs incurred in a certain action; establishing that a document substantially in a certain form may be used to create a certain statutory form power of attorney; providing that a certain power of attorney is durable, with a certain exception; providing for the effect of certain acts performed for a certain incapacitated principal; requiring a certain attorney in fact or agent to account to a certain guardian under certain circumstances; providing that a certain guardian has the same power as the principal under certain circumstances; providing that the death, disability, or incompetence of a certain principal does not revoke or terminate a certain agency under certain circumstances; establishing that a certain affidavit executed by a certain attorney in fact is conclusive proof of a certain event; establishing that a report that a certain member of the armed forces of the United States is missing in action does not operate to revoke a certain power of attorney, with a certain exception; providing that a power of attorney executed in the State is valid and enforceable as to persons dealing with the agent; providing that a power of attorney executed outside the State is valid and

enforceable as to persons dealing with the agent under certain circumstances; providing that a certain photocopy or electronically transmitted copy of an original power of attorney is as valid and binding as the original power of attorney under certain circumstances; authorizing a clerk of court to refuse to record a certain copy of a power of attorney; providing exceptions to the applicability of this Act; requiring a power of attorney to have certain characteristics; providing for when a power of attorney becomes effective; providing for the termination of a power of attorney; requiring a certain agent to act in a certain manner; providing for reimbursement of expenses and compensation for a certain agent under certain circumstances; prohibiting a person from requiring an additional or different form of a power of attorney than a certain statutory form; subjecting a certain person to a certain liability for refusal to accept a certain power of attorney; providing that this Act does not supersede certain other laws; authorizing this Act to be cited in a certain manner; establishing that a certain optional form may be used to create a certain statutory form power of attorney; defining certain terms; and generally relating to powers of attorney.".

On page 3, strike in their entirety lines 23 and 24 and substitute:

"Section 17–101 through 17–204 to be under the new title "Title 17. Maryland General and Limited Power of Attorney Act".

AMENDMENT NO. 2

On page 4, after line 35, insert:

"**TITLE 17. MARYLAND GENERAL AND LIMITED POWER OF ATTORNEY ACT.**

SUBTITLE 1. GENERAL PROVISIONS.

17–101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) "AGENT" MEANS A PERSON GRANTED AUTHORITY TO ACT FOR A PRINCIPAL UNDER A POWER OF ATTORNEY, WHETHER DENOMINATED AN AGENT, ATTORNEY–IN–FACT, OR OTHERWISE.

(2) "AGENT" INCLUDES AN ORIGINAL AGENT, COAGENT, SUCCESSOR AGENT, AND A PERSON TO WHICH AN AGENT'S AUTHORITY IS DELEGATED.

(C) "INCAPACITY" MEANS THE INABILITY OF AN INDIVIDUAL TO MANAGE PROPERTY OR BUSINESS AFFAIRS BECAUSE THE INDIVIDUAL:

(1) MEETS THE GROUNDS REQUIRED FOR THE APPOINTMENT OF A GUARDIAN OF THE PROPERTY OF A DISABLED PERSON DESCRIBED IN § 13–201 OF THIS ARTICLE; OR

(2) IS:

(I) MISSING;

(II) DETAINED, INCLUDING INCARCERATED IN A PENAL SYSTEM; OR

(III) OUTSIDE THE UNITED STATES AND UNABLE TO RETURN.

(D) "POWER OF ATTORNEY" MEANS A WRITING OR OTHER RECORD THAT GRANTS AUTHORITY TO AN AGENT TO ACT IN THE PLACE OF THE PRINCIPAL, WHETHER OR NOT THE TERM "POWER OF ATTORNEY" IS USED.

(E) "PRINCIPAL" MEANS AN INDIVIDUAL WHO GRANTS AUTHORITY TO AN AGENT IN A POWER OF ATTORNEY.

(F) "STATUTORY FORM POWER OF ATTORNEY" MEANS A POWER OF ATTORNEY THAT IS SUBSTANTIALLY IN THE SAME FORM AS ONE OF THE POWERS OF ATTORNEY SET FORTH IN SUBTITLE 2 OF THIS TITLE.

17–102.

(A) EXCEPT AS OTHERWISE PROVIDED IN A POWER OF ATTORNEY, AN AGENT IS NOT REQUIRED TO DISCLOSE RECEIPTS, DISBURSEMENTS, OR TRANSACTIONS CONDUCTED ON BEHALF OF THE PRINCIPAL UNLESS ORDERED BY A COURT OR REQUESTED BY THE PRINCIPAL, A GUARDIAN, A CONSERVATOR, ANOTHER FIDUCIARY ACTING FOR THE PRINCIPAL, A GOVERNMENTAL AGENCY HAVING AUTHORITY TO PROTECT THE WELFARE OF THE PRINCIPAL, OR, ON THE DEATH OF THE PRINCIPAL, BY THE PERSONAL REPRESENTATIVE OR SUCCESSOR IN INTEREST OF THE PRINCIPAL'S ESTATE.

(B) (1) IF A REQUEST AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS MADE, WITHIN 30 DAYS AFTER THE REQUEST IS MADE, THE AGENT SHALL COMPLY WITH THE REQUEST OR PROVIDE A WRITING OR OTHER RECORD SUBSTANTIATING WHY ADDITIONAL TIME IS NEEDED AND SHALL COMPLY WITH THE REQUEST WITHIN AN ADDITIONAL 30 DAYS.

(2) A PRINCIPAL OR AN INTERESTED PERSON MAY FILE A PETITION UNDER TITLE 15, CHAPTER 500 OF THE MARYLAND RULES IN THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE POWER OF ATTORNEY IS RECORDED TO ENJOIN AN AGENT TO COMPLY WITH THIS SECTION.

17–103.

(A) THE FOLLOWING PERSONS MAY PETITION A COURT TO CONSTRUE A POWER OF ATTORNEY OR REVIEW THE AGENT'S CONDUCT, AND GRANT APPROPRIATE RELIEF:

(1) THE PRINCIPAL OR THE AGENT;

(2) A GUARDIAN, CONSERVATOR, OR OTHER FIDUCIARY ACTING FOR THE PRINCIPAL;

(3) A PERSON AUTHORIZED TO MAKE HEALTH CARE DECISIONS FOR THE PRINCIPAL;

(4) THE PRINCIPAL'S SPOUSE, PARENT, OR DESCENDANT;

(5) AN INDIVIDUAL WHO WOULD QUALIFY AS A PRESUMPTIVE HEIR OF THE PRINCIPAL;

(6) A PERSON NAMED AS A BENEFICIARY TO RECEIVE ANY PROPERTY, BENEFIT, OR CONTRACTUAL RIGHT ON THE PRINCIPAL'S DEATH OR AS A BENEFICIARY OF A TRUST CREATED BY OR FOR THE PRINCIPAL THAT HAS A FINANCIAL INTEREST IN THE PRINCIPAL'S ESTATE;

(7) A GOVERNMENTAL AGENCY HAVING REGULATORY AUTHORITY TO PROTECT THE WELFARE OF THE PRINCIPAL;

(8) THE PRINCIPAL'S CAREGIVER OR ANOTHER PERSON THAT DEMONSTRATES SUFFICIENT INTEREST IN THE PRINCIPAL'S WELFARE; AND

(9) A PERSON ASKED TO ACCEPT THE POWER OF ATTORNEY.

(B) ON MOTION BY THE PRINCIPAL, THE COURT SHALL DISMISS A PETITION FILED UNDER THIS SECTION, UNLESS THE COURT FINDS THAT THE PRINCIPAL LACKS CAPACITY TO REVOKE THE AGENT'S AUTHORITY OR THE POWER OF ATTORNEY.

17–104.

(A) A PERSON MAY NOT REQUIRE AN ADDITIONAL OR DIFFERENT FORM OF POWER OF ATTORNEY FOR ANY AUTHORITY GRANTED IN A STATUTORY FORM POWER OF ATTORNEY.

(B) A PERSON THAT REFUSES IN VIOLATION OF THIS SECTION TO ACCEPT AN ACKNOWLEDGED STATUTORY FORM POWER OF ATTORNEY IS SUBJECT TO:

(1) A COURT ORDER MANDATING ACCEPTANCE OF THE POWER OF ATTORNEY; AND

(2) LIABILITY FOR REASONABLE ATTORNEY'S FEES AND COSTS INCURRED IN AN ACTION OR PROCEEDING THAT CONFIRMS THE VALIDITY OF

THE POWER OF ATTORNEY OR MANDATES ACCEPTANCE OF THE POWER OF ATTORNEY.

17–105.

(A) IN THIS SECTION, "DURABLE POWER OF ATTORNEY" MEANS A POWER OF ATTORNEY BY WHICH A PRINCIPAL DESIGNATES ANOTHER AS AN ATTORNEY IN FACT OR AGENT AND THE AUTHORITY IS EXERCISABLE NOTWITHSTANDING THE PRINCIPAL'S SUBSEQUENT DISABILITY OR INCAPACITY.

(B) WHEN A PRINCIPAL DESIGNATES ANOTHER AS AN ATTORNEY IN FACT OR AGENT BY A POWER OF ATTORNEY IN WRITING, IT IS A DURABLE POWER OF ATTORNEY UNLESS OTHERWISE PROVIDED BY ITS TERMS.

(C) ANY ACT DONE BY THE ATTORNEY IN FACT OR AGENT IN ACCORDANCE WITH THE POWER OF ATTORNEY DURING ANY PERIOD OF DISABILITY OR INCOMPETENCE OF THE PRINCIPAL OR DURING ANY PERIOD OF UNCERTAINTY AS TO WHETHER THE PRINCIPAL IS DEAD OR ALIVE HAS THE SAME EFFECT AND INURES TO THE BENEFIT OF AND BINDS THE PRINCIPAL AS IF THE PRINCIPAL WERE ALIVE, COMPETENT, AND NOT DISABLED.

(D) (1) IF A GUARDIAN IS APPOINTED FOR THE PRINCIPAL, THE ATTORNEY IN FACT OR AGENT SHALL ACCOUNT TO THE GUARDIAN RATHER THAN THE PRINCIPAL.

(2) THE GUARDIAN HAS THE SAME POWER THE PRINCIPAL WOULD HAVE BUT FOR THE PRINCIPAL'S DISABILITY OR INCOMPETENCE TO REVOKE, SUSPEND, OR TERMINATE ALL OR ANY PART OF THE POWER OF ATTORNEY OR AGENCY.

17–106.

(A) (1) THE DEATH, DISABILITY, OR INCOMPETENCE OF A PRINCIPAL WHO HAS EXECUTED A POWER OF ATTORNEY IN WRITING DOES NOT REVOKE OR TERMINATE THE AGENCY AS TO THE ATTORNEY IN FACT, AGENT, OR OTHER PERSON WHO, WITHOUT ACTUAL KNOWLEDGE OF THE DEATH, DISABILITY, OR

INCOMPETENCE OF THE PRINCIPAL, ACTS IN GOOD FAITH UNDER THE POWER OF ATTORNEY OR AGENCY.

(2) UNLESS OTHERWISE INVALID OR UNENFORCEABLE, ANY ACTION TAKEN BY THE ATTORNEY IN FACT, AGENT, OR OTHER PERSON WHO ACTS IN GOOD FAITH UNDER THE POWER OF ATTORNEY OR AGENCY BINDS THE PRINCIPAL AND THE PRINCIPAL'S HEIRS, LEGATEES, AND PERSONAL REPRESENTATIVES.

(B) (1) IN THE ABSENCE OF FRAUD, AN AFFIDAVIT EXECUTED BY THE ATTORNEY IN FACT OR AGENT AND STATING THAT THE ATTORNEY IN FACT OR AGENT DID NOT HAVE, AT THE TIME OF DOING AN ACT IN ACCORDANCE WITH THE POWER OF ATTORNEY, ACTUAL KNOWLEDGE OF THE REVOCATION OR TERMINATION OF THE POWER OF ATTORNEY BY DEATH, DISABILITY, OR INCOMPETENCE, IS CONCLUSIVE PROOF OF THE NONREVOCATION OR NONTERMINATION OF THE POWER AT THAT TIME.

(2) IF THE EXERCISE OF THE POWER REQUIRES EXECUTION AND DELIVERY OF ANY INSTRUMENT THAT IS RECORDABLE, THE AFFIDAVIT WHEN AUTHENTICATED FOR RECORD IS LIKEWISE RECORDABLE.

(C) THIS SECTION MAY NOT BE CONSTRUED TO ALTER OR AFFECT ANY PROVISION FOR REVOCATION OR TERMINATION CONTAINED IN THE POWER OF ATTORNEY.

17–107.

IF ANY MEMBER OF THE ARMED SERVICES OF THE UNITED STATES HAS EXECUTED A POWER OF ATTORNEY, THE FACT THAT THAT PERSON HAS BEEN REPORTED OR LISTED, OFFICIALLY OR OTHERWISE, AS "MISSING IN ACTION", AS THAT PHRASE IS USED TO DESCRIBE A CASUALTY CATEGORY APPLICABLE TO MEMBERS OF THE ARMED SERVICES, DOES NOT OPERATE TO REVOKE THE POWER OF ATTORNEY, UNLESS THE INSTRUMENT OTHERWISE PROVIDES.

17–108.

(A) A POWER OF ATTORNEY EXECUTED IN THIS STATE IS VALID AND ENFORCEABLE AS TO PERSONS DEALING WITH THE AGENT.

(B) A POWER OF ATTORNEY EXECUTED OTHER THAN IN THIS STATE IS VALID AND ENFORCEABLE IN THIS STATE AS TO PERSONS DEALING WITH THE AGENT IF, WHEN THE POWER OF ATTORNEY WAS EXECUTED, THE EXECUTION COMPLIED WITH:

(1) THE LAW OF THE JURISDICTION THAT DETERMINES THE MEANING AND EFFECT OF THE POWER OF ATTORNEY; OR

(2) THE REQUIREMENTS FOR A MILITARY POWER OF ATTORNEY IN ACCORDANCE WITH 10 U.S.C. § 1044B.

(C) (1) EXCEPT AS OTHERWISE PROVIDED BY LAW OTHER THAN THIS TITLE AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PHOTOCOPY OR ELECTRONICALLY TRANSMITTED COPY OF AN ORIGINAL POWER OF ATTORNEY IS AS VALID AND BINDING AS THE ORIGINAL POWER OF ATTORNEY.

(2) A CLERK OF COURT MAY REFUSE TO RECORD A PHOTOCOPY OR ELECTRONICALLY TRANSMITTED COPY OF AN ORIGINAL POWER OF ATTORNEY.

(D) (1) A PRINCIPAL MAY DELEGATE TO ONE OR MORE AGENTS THE AUTHORITY TO DO ANY ACT SPECIFIED IN THE STATUTORY FORMS IN SUBTITLE 2 OF THIS TITLE.

(2) THE ACTS SPECIFIED IN THE STATUTORY FORMS MAY NOT, NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, BE DEEMED TO INVALIDATE OR LIMIT THE VALIDITY OF OTHER AUTHORIZED ACTS THAT A PRINCIPAL MAY DELEGATE TO AN AGENT.

17–109.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS TITLE APPLIES TO ALL POWERS OF ATTORNEY.

(B) THIS TITLE DOES NOT APPLY TO:

(1) A POWER THAT IS COUPLED WITH AN INTEREST IN THE SUBJECT OF THE POWER, IS GIVEN AS SECURITY, OR IS GIVEN FOR CONSIDERATION, REGARDLESS OF WHETHER THE POWER IS HELD FOR THE BENEFIT OF THE AGENT OR ANOTHER PERSON, INCLUDING A POWER GIVEN TO OR FOR THE BENEFIT OF A CREDITOR IN CONNECTION WITH A CREDIT TRANSACTION;

(2) AN ADVANCE DIRECTIVE APPOINTING A HEALTH CARE AGENT UNDER TITLE 5, SUBTITLE 6 OF THE HEALTH – GENERAL ARTICLE OR ANY OTHER POWER TO MAKE HEALTH CARE DECISIONS;

(3) A PROXY OR OTHER DELEGATION TO EXERCISE ANY RIGHT WITH RESPECT TO AN ENTITY, INCLUDING VOTING RIGHTS OR MANAGEMENT RIGHTS OR BOTH, OR A DELEGATION OF AUTHORITY TO EXECUTE, BECOME A PARTY TO, OR AMEND A DOCUMENT OR AGREEMENT GOVERNING AN ENTITY OR ENTITY OWNERSHIP INTEREST;

(4) A POWER CREATED ON A FORM PRESCRIBED BY A GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY FOR A GOVERNMENTAL PURPOSE;

(5) A POWER CREATED AS PART OF, OR IN CONNECTION WITH, AN AGREEMENT ESTABLISHING AN ATTORNEY AND CLIENT RELATIONSHIP;

(6) A POWER OF ATTORNEY THAT STATES THAT IT IS NOT SUBJECT TO THIS TITLE;

(7) A POWER AUTHORIZING ANOTHER TO PREPARE, EXECUTE, DELIVER, SUBMIT, OR FILE, ON BEHALF OF AN ENTITY OR THE GOVERNING BODY OR MANAGEMENT OF AN ENTITY, A DOCUMENT OR INSTRUMENT WITH A GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY OR WITH A THIRD PARTY;

(8) A POWER OR OTHER DELEGATION OF AUTHORITY CONTAINED IN A DOCUMENT OR AGREEMENT GOVERNING OR BINDING ON AN ENTITY THAT AUTHORIZES A PERSON TO TAKE ACTION WITH RESPECT TO THE ENTITY; AND

(9) A POWER WITH RESPECT TO AN ENTITY CREATED IN ACCORDANCE WITH AUTHORIZATION PROVIDED BY A FEDERAL OR STATE STATUE THAT SPECIFICALLY CONTEMPLATES CREATION OF THE POWER.

17–110.

(A) A POWER OF ATTORNEY UNDER THIS TITLE SHALL BE:

(1) IN WRITING;

(2) SIGNED BY THE PRINCIPAL OR BY SOME OTHER PERSON FOR THE PRINCIPAL, IN THE PRESENCE OF THE PRINCIPAL, AND AT THE EXPRESS DIRECTION OF THE PRINCIPAL;

(3) ACKNOWLEDGED BY THE PRINCIPAL BEFORE A NOTARY PUBLIC; AND

(4) ATTESTED AND SIGNED BY TWO OR MORE ADULT WITNESSES WHO SIGN IN THE PRESENCE OF THE PRINCIPAL AND IN THE PRESENCE OF EACH OTHER.

(B) THE NOTARY PUBLIC BEFORE WHOM THE PRINCIPAL ACKNOWLEDGES THE POWER OF ATTORNEY MAY ALSO SERVE AS ONE OF THE TWO OR MORE ADULT WITNESSES.

17–111.

(A) A POWER OF ATTORNEY IS EFFECTIVE WHEN EXECUTED, UNLESS THE PRINCIPAL PROVIDES IN THE POWER OF ATTORNEY THAT IT BECOMES EFFECTIVE AT A FUTURE DATE OR ON THE OCCURRENCE OF A FUTURE EVENT OR CONTINGENCY.

(B) IF A POWER OF ATTORNEY BECOMES EFFECTIVE ON THE OCCURRENCE OF A FUTURE EVENT OR CONTINGENCY, THE PRINCIPAL, IN THE POWER OF ATTORNEY, MAY AUTHORIZE ONE OR MORE PERSONS TO DETERMINE IN A WRITING OR OTHER RECORD THAT THE EVENT OR CONTINGENCY HAS OCCURRED.

(C) IF A POWER OF ATTORNEY BECOMES EFFECTIVE ON THE PRINCIPAL'S INCAPACITY AND THE PRINCIPAL HAS NOT AUTHORIZED A PERSON TO DETERMINE WHETHER THE PRINCIPAL IS INCAPACITATED, OR THE PERSON AUTHORIZED IS UNABLE OR UNWILLING TO MAKE THE DETERMINATION, THE POWER OF ATTORNEY BECOMES EFFECTIVE ON A DETERMINATION IN A WRITING OR OTHER RECORD BY:

(1) A PHYSICIAN OR LICENSED PSYCHOLOGIST THAT THE PRINCIPAL IS INCAPACITATED WITHIN THE MEANING OF § 17–101(C) OF THIS SUBTITLE; OR

(2) AN ATTORNEY AT LAW, A JUDGE, OR AN APPROPRIATE GOVERNMENTAL OFFICIAL THAT THE PRINCIPAL IS INCAPACITATED WITHIN THE MEANING OF § 17–101(C) OF THIS SUBTITLE.

(D) A PERSON AUTHORIZED BY THE PRINCIPAL IN THE POWER OF ATTORNEY TO DETERMINE THAT THE PRINCIPAL IS INCAPACITATED MAY ACT AS THE PRINCIPAL'S PERSONAL REPRESENTATIVE TO OBTAIN ACCESS TO THE PRINCIPAL'S HEALTH–CARE INFORMATION AND COMMUNICATE WITH THE PRINCIPAL'S HEALTH–CARE PROVIDER IN ACCORDANCE WITH:

(1) THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT;

(2) SECTIONS 1171 THROUGH 1179 OF THE SOCIAL SECURITY ACT, 42 U.S.C. SECTION 1320D, AS AMENDED; AND

(3) APPLICABLE REGULATIONS.

17–112.

(A) A POWER OF ATTORNEY TERMINATES WHEN:

(1) THE PRINCIPAL DIES;

(2) THE PRINCIPAL BECOMES INCAPACITATED, IF THE POWER OF ATTORNEY IS NOT DURABLE;

(3) THE PRINCIPAL REVOKES THE POWER OF ATTORNEY;

(4) THE POWER OF ATTORNEY PROVIDES THAT IT TERMINATES;

(5) THE PURPOSE OF THE POWER OF ATTORNEY IS ACCOMPLISHED; OR

(6) THE PRINCIPAL REVOKES THE AGENT'S AUTHORITY OR THE AGENT DIES, BECOMES INCAPACITATED, OR RESIGNS, AND THE POWER OF ATTORNEY DOES NOT PROVIDE FOR ANOTHER AGENT TO ACT UNDER THE POWER OF ATTORNEY.

(B) AN AGENT'S AUTHORITY TERMINATES WHEN:

(1) THE PRINCIPAL REVOKES THE AUTHORITY;

(2) THE AGENT DIES, BECOMES INCAPACITATED, OR RESIGNS;

(3) AN ACTION IS FILED FOR THE DISSOLUTION OR ANNULMENT OF THE AGENT'S MARRIAGE TO THE PRINCIPAL OR THEIR LEGAL SEPARATION, UNLESS THE POWER OF ATTORNEY OTHERWISE PROVIDES; OR

(4) THE POWER OF ATTORNEY TERMINATES.

(C) UNLESS THE POWER OF ATTORNEY OTHERWISE PROVIDES, AN AGENT'S AUTHORITY IS EXERCISABLE UNTIL THE AUTHORITY TERMINATES UNDER SUBSECTION (B) OF THIS SECTION, EVEN IF THERE HAS BEEN A LAPSE OF TIME SINCE THE EXECUTION OF THE POWER OF ATTORNEY.

17–113.

(A) NOTWITHSTANDING PROVISIONS IN THE POWER OF ATTORNEY, AN AGENT THAT HAS ACCEPTED APPOINTMENT SHALL:

(1) ACT IN ACCORDANCE WITH THE PRINCIPAL'S REASONABLE EXPECTATIONS TO THE EXTENT ACTUALLY KNOWN BY THE AGENT AND, OTHERWISE, ACT IN THE PRINCIPAL'S BEST INTEREST;

(2) ACT WITH CARE, COMPETENCE, AND DILIGENCE FOR THE BEST INTEREST OF THE PRINCIPAL; AND

(3) ACT ONLY WITHIN THE SCOPE OF AUTHORITY GRANTED IN THE POWER OF ATTORNEY.

(B) EXCEPT AS OTHERWISE PROVIDED IN THE POWER OF ATTORNEY, AN AGENT THAT HAS ACCEPTED APPOINTMENT SHALL:

(1) ACT LOYALLY FOR THE PRINCIPAL'S BENEFIT;

(2) ACT SO AS NOT TO CREATE A CONFLICT OF INTEREST THAT IMPAIRS THE AGENT'S ABILITY TO ACT IMPARTIALLY IN THE PRINCIPAL'S BEST INTEREST;

(3) KEEP A RECORD OF ALL RECEIPTS, DISBURSEMENTS, AND TRANSACTIONS MADE ON BEHALF OF THE PRINCIPAL;

(4) COOPERATE WITH A PERSON THAT HAS AUTHORITY TO MAKE HEALTH–CARE DECISIONS FOR THE PRINCIPAL TO CARRY OUT THE PRINCIPAL'S REASONABLE EXPECTATIONS TO THE EXTENT ACTUALLY KNOWN BY THE AGENT AND, OTHERWISE, ACT IN THE PRINCIPAL'S BEST INTEREST; AND

(5) ATTEMPT TO PRESERVE THE PRINCIPAL'S ESTATE PLAN, TO THE EXTENT ACTUALLY KNOWN BY THE AGENT, IF PRESERVING THE PLAN IS CONSISTENT WITH THE PRINCIPAL'S BEST INTEREST BASED ON ALL RELEVANT

FACTORS, INCLUDING:

(I) THE VALUE AND NATURE OF THE PRINCIPAL'S PROPERTY;

(II) THE PRINCIPAL'S FORESEEABLE OBLIGATIONS AND NEED FOR MAINTENANCE;

(III) THE EXTENT TO WHICH THE PRINCIPAL'S LIABILITY FOR TAXES, INCLUDING INCOME, ESTATE, INHERITANCE, GENERATION–SKIPPING TRANSFER, AND GIFT TAXES, CAN BE MINIMIZED; AND

(IV) THE PRINCIPAL'S ELIGIBILITY FOR A BENEFIT, A PROGRAM, OR ASSISTANCE UNDER A STATUTE OR REGULATION.

(C) AN AGENT THAT ACTS AS PROVIDED IN THIS SECTION IS NOT LIABLE TO ANY BENEFICIARY OF THE PRINCIPAL'S ESTATE PLAN FOR FAILURE TO PRESERVE THE PLAN.

(D) AN AGENT THAT ACTS WITH CARE, COMPETENCE, AND DILIGENCE FOR THE BEST INTEREST OF THE PRINCIPAL IS NOT LIABLE SOLELY BECAUSE THE AGENT ALSO BENEFITS FROM AN ACT TAKEN BY THE AGENT OR HAS AN INDIVIDUAL OR CONFLICTING INTEREST IN RELATION TO THE PROPERTY OR AFFAIRS OF THE PRINCIPAL.

(E) IF AN AGENT IS SELECTED BY THE PRINCIPAL BECAUSE OF SPECIAL SKILLS OR EXPERTISE POSSESSED BY THE AGENT OR IN RELIANCE ON THE AGENT'S REPRESENTATION THAT THE AGENT HAS SPECIAL SKILLS OR EXPERTISE, THE SPECIAL SKILLS OR EXPERTISE MUST BE CONSIDERED IN DETERMINING WHETHER THE AGENT HAS ACTED WITH CARE, COMPETENCE, AND DILIGENCE UNDER THE CIRCUMSTANCES.

(F) ABSENT A BREACH OF DUTY TO THE PRINCIPAL, AN AGENT IS NOT LIABLE IF THE VALUE OF THE PRINCIPAL'S PROPERTY DECLINES.

(G) AN AGENT THAT EXERCISES AUTHORITY TO DELEGATE TO ANOTHER PERSON THE AUTHORITY GRANTED BY THE PRINCIPAL OR THAT ENGAGES ANOTHER PERSON ON BEHALF OF THE PRINCIPAL IS NOT LIABLE FOR AN ACT, ERROR OF JUDGMENT, OR DEFAULT OF THAT PERSON IF THE AGENT EXERCISES CARE, COMPETENCE, AND DILIGENCE IN SELECTING AND MONITORING THE PERSON.

(H) THIS SECTION MAY NOT BE CONSTRUED TO REDUCE ANY DUTY OF AN AGENT TO THE PRINCIPAL UNDER EXISTING STATE LAW.

17–114.

(A) UNLESS THE POWER OF ATTORNEY OTHERWISE PROVIDES, AN AGENT IS ENTITLED TO REIMBURSEMENT OF EXPENSES REASONABLY INCURRED ON BEHALF OF THE PRINCIPAL BUT THE AGENT IS NOT ENTITLED TO COMPENSATION.

(B) IF THE PRINCIPAL INDICATES IN THE POWER OF ATTORNEY THAT THE AGENT IS ENTITLED TO COMPENSATION, THE AGENT MAY RECEIVE COMPENSATION BASED ON WHAT IS REASONABLE UNDER THE CIRCUMSTANCES OR ON ANOTHER BASIS AS SET FORTH IN THE POWER OF ATTORNEY.

17–115.

THIS TITLE DOES NOT SUPERSEDE OTHER LAWS APPLICABLE TO FINANCIAL INSTITUTIONS OR OTHER ENTITIES, AND TO THE EXTENT THOSE OTHER LAWS ARE INCONSISTENT WITH THE TITLE, THE OTHER LAWS PREVAIL.

17–116.

THIS TITLE MAY BE CITED AS THE MARYLAND GENERAL AND LIMITED POWER OF ATTORNEY ACT.

SUBTITLE 2. STATUTORY FORMS.

17–201.

A DOCUMENT SUBSTANTIALLY IN ONE OF THE FOLLOWING FORMS MAY BE USED TO CREATE A STATUTORY FORM POWER OF ATTORNEY THAT HAS THE MEANING AND EFFECT PRESCRIBED BY THIS TITLE.

17–202.

"MARYLAND STATUTORY FORM PERSONAL FINANCIAL POWER OF ATTORNEY

IMPORTANT INFORMATION AND WARNING

YOU SHOULD BE VERY CAREFUL IN DECIDING WHETHER OR NOT TO SIGN THIS DOCUMENT. THE POWERS GRANTED BY YOU (THE PRINCIPAL) IN THIS DOCUMENT ARE BROAD AND SWEEPING. THIS POWER OF ATTORNEY AUTHORIZES ANOTHER PERSON (YOUR AGENT) TO MAKE DECISIONS CONCERNING YOUR PROPERTY FOR YOU (THE PRINCIPAL). YOUR AGENT WILL BE ABLE TO MAKE DECISIONS AND ACT WITH RESPECT TO YOUR PROPERTY (INCLUDING YOUR MONEY) WHETHER OR NOT YOU ARE ABLE TO ACT FOR YOURSELF.

YOU SHOULD SELECT SOMEONE YOU TRUST TO SERVE AS YOUR AGENT. UNLESS YOU SPECIFY OTHERWISE, GENERALLY THE AGENT'S AUTHORITY WILL CONTINUE UNTIL YOU DIE OR REVOKE THE POWER OF ATTORNEY OR THE AGENT RESIGNS OR IS UNABLE TO ACT FOR YOU.

YOU NEED NOT GRANT ALL OF THE POWERS LISTED BELOW. IF YOU CHOOSE TO GRANT LESS THAN ALL OF THE LISTED POWERS, YOU MAY INSTEAD USE A MARYLAND STATUTORY FORM LIMITED POWER OF ATTORNEY AND MARK ON THAT MARYLAND STATUTORY FORM LIMITED POWER OF ATTORNEY WHICH POWERS YOU INTEND TO DELEGATE TO YOUR ATTORNEY–IN–FACT (THE AGENT) AND WHICH YOU DO NOT WANT THE AGENT TO EXERCISE.

THIS POWER OF ATTORNEY BECOMES EFFECTIVE IMMEDIATELY UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.

YOU SHOULD OBTAIN COMPETENT LEGAL ADVICE BEFORE YOU SIGN THIS POWER OF ATTORNEY IF YOU HAVE ANY QUESTIONS ABOUT THE DOCUMENT OR THE AUTHORITY YOU ARE GRANTING TO YOUR AGENT.

DESIGNATION OF AGENT

I, _____,
(NAME OF PRINCIPAL)

NAME THE FOLLOWING PERSON AS MY AGENT:

NAME OF AGENT:_____

AGENT'S ADDRESS:_____

AGENT'S TELEPHONE NUMBER:_____

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

IF MY AGENT IS UNABLE OR UNWILLING TO ACT FOR ME, I NAME AS MY SUCCESSOR AGENT:

NAME OF SUCCESSOR AGENT:_____

SUCCESSOR AGENT'S ADDRESS:_____

SUCCESSOR AGENT'S TELEPHONE NUMBER:_____

IF MY SUCCESSOR AGENT IS UNABLE OR UNWILLING TO ACT FOR ME, I NAME AS MY SECOND SUCCESSOR AGENT:

NAME OF SECOND SUCCESSOR AGENT:_____

SECOND SUCCESSOR AGENT'S ADDRESS:_____

SECOND SUCCESSOR AGENT'S TELEPHONE
NUMBER: _____

GRANT OF GENERAL AUTHORITY

I ("THE PRINCIPAL") GRANT MY AGENT AND ANY SUCCESSOR AGENT, WITH RESPECT TO EACH SUBJECT LISTED BELOW, THE AUTHORITY TO DO ALL ACTS THAT I COULD DO TO:

(1) CONTRACT WITH ANOTHER PERSON, ON TERMS AGREEABLE TO THE AGENT, TO ACCOMPLISH A PURPOSE OF A TRANSACTION AND PERFORM, RESCIND, CANCEL, TERMINATE, REFORM, RESTATE, RELEASE, OR MODIFY THE CONTRACT OR ANOTHER CONTRACT MADE BY OR ON BEHALF OF THE PRINCIPAL;

(2) EXECUTE, ACKNOWLEDGE, SEAL, DELIVER, FILE, OR RECORD ANY INSTRUMENT OR COMMUNICATION THE AGENT CONSIDERS DESIRABLE TO ACCOMPLISH A PURPOSE OF A TRANSACTION;

(3) SEEK ON THE PRINCIPAL'S BEHALF THE ASSISTANCE OF A COURT OR OTHER GOVERNMENTAL AGENCY TO CARRY OUT AN ACT AUTHORIZED IN THIS POWER OF ATTORNEY;

(4) INITIATE, PARTICIPATE IN, SUBMIT TO ALTERNATIVE DISPUTE RESOLUTION, SETTLE, OPPOSE, OR PROPOSE OR ACCEPT A COMPROMISE WITH RESPECT TO A CLAIM EXISTING IN FAVOR OF OR AGAINST THE PRINCIPAL OR INTERVENE IN LITIGATION RELATING TO THE CLAIM;

(5) ENGAGE, COMPENSATE, AND DISCHARGE AN ATTORNEY, ACCOUNTANT, DISCRETIONARY INVESTMENT MANAGER, EXPERT WITNESS, OR OTHER ADVISOR;

(6) PREPARE, EXECUTE, AND FILE A RECORD, REPORT, OR OTHER DOCUMENT TO SAFEGUARD OR PROMOTE THE PRINCIPAL'S INTEREST UNDER A STATUTE OR REGULATION AND COMMUNICATE WITH REPRESENTATIVES OR

EMPLOYEES OF A GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY, ON BEHALF OF THE PRINCIPAL; AND

(7) DO LAWFUL ACTS WITH RESPECT TO THE SUBJECT AND ALL PROPERTY RELATED TO THE SUBJECT.

MY AGENT'S AUTHORITY SHALL INCLUDE THE AUTHORITY TO ACT AS STATED BELOW WITH REGARD TO EACH OF THE FOLLOWING SUBJECTS:

SUBJECTS AND AUTHORITY

REAL PROPERTY – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO: DEMAND, BUY, LEASE, RECEIVE, ACCEPT AS A GIFT OR AS SECURITY FOR AN EXTENSION OF CREDIT, OR OTHERWISE ACQUIRE OR REJECT AN INTEREST IN REAL PROPERTY OR A RIGHT INCIDENT TO REAL PROPERTY; PLEDGE OR MORTGAGE AN INTEREST IN REAL PROPERTY OR RIGHT INCIDENT TO REAL PROPERTY AS SECURITY TO BORROW MONEY OR PAY, RENEW, OR EXTEND THE TIME OF PAYMENT OF A DEBT OF THE PRINCIPAL OR A DEBT GUARANTEED BY THE PRINCIPAL, INCLUDING A REVERSE MORTGAGE; RELEASE, ASSIGN, SATISFY, OR ENFORCE BY LITIGATION OR OTHERWISE A MORTGAGE, DEED OF TRUST, CONDITIONAL SALE CONTRACT, ENCUMBRANCE, LIEN, OR OTHER CLAIM TO REAL PROPERTY THAT EXISTS OR IS ASSERTED; AND MANAGE OR CONSERVE AN INTEREST IN REAL PROPERTY OR A RIGHT INCIDENT TO REAL PROPERTY OWNED OR CLAIMED TO BE OWNED BY THE PRINCIPAL, INCLUDING: (1) INSURING AGAINST LIABILITY OR CASUALTY OR OTHER LOSS; (2) OBTAINING OR REGAINING POSSESSION OF OR PROTECTING THE INTEREST OR RIGHT BY LITIGATION OR OTHERWISE; (3) PAYING, ASSESSING, COMPROMISING, OR CONTESTING TAXES OR ASSESSMENTS OR APPLYING FOR AND RECEIVING REFUNDS IN CONNECTION WITH THEM; AND (4) PURCHASING SUPPLIES, HIRING ASSISTANCE OR LABOR, AND MAKING REPAIRS OR ALTERATIONS TO THE REAL PROPERTY.

STOCKS AND BONDS – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO: BUY, SELL, AND EXCHANGE STOCKS AND BONDS; ESTABLISH, CONTINUE, MODIFY, OR TERMINATE AN ACCOUNT WITH RESPECT TO STOCKS AND BONDS; PLEDGE STOCKS AND BONDS AS SECURITY TO BORROW, PAY,

RENEW, OR EXTEND THE TIME OF PAYMENT OF A DEBT OF THE PRINCIPAL; RECEIVE CERTIFICATES AND OTHER EVIDENCES OF OWNERSHIP WITH RESPECT TO STOCKS AND BONDS; EXERCISE VOTING RIGHTS WITH RESPECT TO STOCKS AND BONDS IN PERSON OR BY PROXY, ENTER INTO VOTING TRUSTS, AND CONSENT TO LIMITATIONS ON THE RIGHT TO VOTE.

BANKS AND OTHER FINANCIAL INSTITUTIONS – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO: CONTINUE, MODIFY, AND TERMINATE AN ACCOUNT OR OTHER BANKING ARRANGEMENT MADE BY OR ON BEHALF OF THE PRINCIPAL; ESTABLISH, MODIFY, AND TERMINATE AN ACCOUNT OR OTHER BANKING ARRANGEMENT WITH A BANK, TRUST COMPANY, SAVINGS AND LOAN ASSOCIATION, CREDIT UNION, THRIFT COMPANY, BROKERAGE FIRM, OR OTHER FINANCIAL INSTITUTION SELECTED BY THE AGENT; CONTRACT FOR SERVICES AVAILABLE FROM A FINANCIAL INSTITUTION, INCLUDING RENTING A SAFE DEPOSIT BOX OR SPACE IN A VAULT; WITHDRAW, BY CHECK, MONEY ORDER, ELECTRONIC FUNDS TRANSFER, OR OTHERWISE, MONEY OR PROPERTY OF THE PRINCIPAL DEPOSITED WITH OR LEFT IN THE CUSTODY OF A FINANCIAL INSTITUTION; RECEIVE STATEMENTS OF ACCOUNT, VOUCHERS, NOTICES, AND SIMILAR DOCUMENTS FROM A FINANCIAL INSTITUTION AND ACT WITH RESPECT TO THEM; ENTER A SAFE DEPOSIT BOX OR VAULT AND WITHDRAW OR ADD TO THE CONTENTS; BORROW MONEY AND PLEDGE AS SECURITY PERSONAL PROPERTY OF THE PRINCIPAL NECESSARY TO BORROW MONEY OR PAY, RENEW, OR EXTEND THE TIME OF PAYMENT OF A DEBT OF THE PRINCIPAL OR A DEBT GUARANTEED BY THE PRINCIPAL; MAKE, ASSIGN, DRAW, ENDORSE, DISCOUNT, GUARANTEE, AND NEGOTIATE PROMISSORY NOTES, CHECKS, DRAFTS, AND OTHER NEGOTIABLE OR NONNEGOTIABLE PAPER OF THE PRINCIPAL OR PAYABLE TO THE PRINCIPAL OR THE PRINCIPAL'S ORDER, TRANSFER MONEY, RECEIVE THE CASH OR OTHER PROCEEDS OF THOSE TRANSACTIONS; AND APPLY FOR, RECEIVE, AND USE CREDIT CARDS AND DEBIT CARDS, ELECTRONIC TRANSACTION AUTHORIZATIONS, AND TRAVELER'S CHECKS FROM A FINANCIAL INSTITUTION.

INSURANCE AND ANNUITIES – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO: CONTINUE, PAY THE PREMIUM OR MAKE A CONTRIBUTION ON, MODIFY, EXCHANGE, RESCIND, RELEASE, OR TERMINATE A CONTRACT PROCURED BY OR ON BEHALF OF THE PRINCIPAL THAT INSURES OR PROVIDES

AN ANNUITY TO EITHER THE PRINCIPAL OR ANOTHER PERSON, WHETHER OR NOT THE PRINCIPAL IS A BENEFICIARY UNDER THE CONTRACT; PROCURE NEW, DIFFERENT, AND ADDITIONAL CONTRACTS OF INSURANCE AND ANNUITIES FOR THE PRINCIPAL AND SELECT THE AMOUNT, TYPE OF INSURANCE OR ANNUITY, AND MODE OF PAYMENT; PAY THE PREMIUM OR MAKE A CONTRIBUTION ON, MODIFY, EXCHANGE, RESCIND, RELEASE, OR TERMINATE A CONTRACT OF INSURANCE OR ANNUITY PROCURED BY THE AGENT; APPLY FOR AND RECEIVE A LOAN SECURED BY A CONTRACT OF INSURANCE OR ANNUITY; SURRENDER AND RECEIVE THE CASH SURRENDER VALUE ON A CONTRACT OF INSURANCE OR ANNUITY; EXERCISE AN ELECTION; EXERCISE INVESTMENT POWERS AVAILABLE UNDER A CONTRACT OF INSURANCE OR ANNUITY; CHANGE THE MANNER OF PAYING PREMIUMS ON A CONTRACT OF INSURANCE OR ANNUITY; CHANGE OR CONVERT THE TYPE OF INSURANCE OR ANNUITY WITH RESPECT TO WHICH THE PRINCIPAL HAS OR CLAIMS TO HAVE AUTHORITY DESCRIBED IN THIS SECTION; APPLY FOR AND PROCURE A BENEFIT OR ASSISTANCE UNDER A STATUTE OR REGULATION TO GUARANTEE OR PAY PREMIUMS OF A CONTRACT OF INSURANCE ON THE LIFE OF THE PRINCIPAL; COLLECT, SELL, ASSIGN, HYPOTHECATE, BORROW AGAINST, OR PLEDGE THE INTEREST OF THE PRINCIPAL IN A CONTRACT OF INSURANCE OR ANNUITY; SELECT THE FORM AND TIMING OF THE PAYMENT OF PROCEEDS FROM A CONTRACT OF INSURANCE OR ANNUITY; PAY, FROM PROCEEDS OR OTHERWISE, COMPROMISE OR CONTEST, AND APPLY FOR REFUNDS IN CONNECTION WITH A TAX OR ASSESSMENT LEVIED BY A TAXING AUTHORITY WITH RESPECT TO A CONTRACT OF INSURANCE OR ANNUITY OR THE PROCEEDS OR LIABILITY FROM THE CONTRACT OF INSURANCE OR ANNUITY ACCRUING BY REASON OF THE TAX OR ASSESSMENT.

CLAIMS AND LITIGATION – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO: ASSERT AND MAINTAIN BEFORE A COURT OR ADMINISTRATIVE AGENCY A CLAIM, CLAIM FOR RELIEF, CAUSE OF ACTION, COUNTERCLAIM, OFFSET, RECOUPMENT, OR DEFENSE, INCLUDING AN ACTION TO RECOVER PROPERTY OR OTHER THING OF VALUE, RECOVER DAMAGES SUSTAINED BY THE PRINCIPAL, ELIMINATE OR MODIFY TAX LIABILITY, OR SEEK AN INJUNCTION, SPECIFIC PERFORMANCE, OR OTHER RELIEF; ACT FOR THE PRINCIPAL WITH RESPECT TO BANKRUPTCY OR INSOLVENCY, WHETHER VOLUNTARY OR INVOLUNTARY, CONCERNING THE PRINCIPAL OR SOME OTHER PERSON, OR WITH RESPECT TO A REORGANIZATION, RECEIVERSHIP, OR APPLICATION FOR

THE APPOINTMENT OF A RECEIVER OR TRUSTEE THAT AFFECTS AN INTEREST OF THE PRINCIPAL IN PROPERTY OR OTHER THING OF VALUE; PAY A JUDGMENT, AWARD, OR ORDER AGAINST THE PRINCIPAL OR A SETTLEMENT MADE IN CONNECTION WITH A CLAIM OR LITIGATION; AND RECEIVE MONEY OR OTHER THING OF VALUE PAID IN SETTLEMENT OF OR AS PROCEEDS OF A CLAIM OR LITIGATION.

BENEFITS FROM GOVERNMENTAL PROGRAMS OR CIVIL OR MILITARY SERVICE (INCLUDING ANY BENEFIT, PROGRAM, OR ASSISTANCE PROVIDED UNDER A STATUTE OR REGULATION INCLUDING SOCIAL SECURITY, MEDICARE, AND MEDICAID) – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO: EXECUTE VOUCHERS IN THE NAME OF THE PRINCIPAL FOR ALLOWANCES AND REIMBURSEMENTS PAYABLE BY THE UNITED STATES OR A FOREIGN GOVERNMENT OR BY A STATE OR SUBDIVISION OF A STATE TO THE PRINCIPAL; ENROLL IN, APPLY FOR, SELECT, REJECT, CHANGE, AMEND, OR DISCONTINUE, ON THE PRINCIPAL'S BEHALF, A BENEFIT OR PROGRAM; PREPARE, FILE, AND MAINTAIN A CLAIM OF THE PRINCIPAL FOR A BENEFIT OR ASSISTANCE, FINANCIAL OR OTHERWISE, TO WHICH THE PRINCIPAL MAY BE ENTITLED UNDER A STATUTE OR REGULATION; INITIATE, PARTICIPATE IN, SUBMIT TO ALTERNATIVE DISPUTE RESOLUTION, SETTLE, OPPOSE, OR PROPOSE OR ACCEPT A COMPROMISE WITH RESPECT TO LITIGATION CONCERNING A BENEFIT OR ASSISTANCE THE PRINCIPAL MAY BE ENTITLED TO RECEIVE UNDER A STATUTE OR REGULATION; AND RECEIVE THE FINANCIAL PROCEEDS OF A CLAIM DESCRIBED ABOVE AND CONSERVE, INVEST, DISBURSE, OR USE FOR A LAWFUL PURPOSE ANYTHING SO RECEIVED.

RETIREMENT PLANS (INCLUDING A PLAN OR ACCOUNT CREATED BY AN EMPLOYER, THE PRINCIPAL, OR ANOTHER INDIVIDUAL TO PROVIDE RETIREMENT BENEFITS OR DEFERRED COMPENSATION OF WHICH THE PRINCIPAL IS A PARTICIPANT, BENEFICIARY, OR OWNER, INCLUDING A PLAN OR ACCOUNT UNDER THE FOLLOWING SECTIONS OF THE INTERNAL REVENUE CODE: (1) AN INDIVIDUAL RETIREMENT ACCOUNT UNDER INTERNAL REVENUE CODE SECTION 408, 26 U.S.C. § 408; (2) A ROTH INDIVIDUAL RETIREMENT ACCOUNT UNDER INTERNAL REVENUE CODE SECTION 408(A), 26 U.S.C. § 408(A); (3) A DEEMED INDIVIDUAL RETIREMENT ACCOUNT UNDER INTERNAL REVENUE CODE SECTION 408(Q), 26 U.S.C. § 408(Q); (4) AN ANNUITY OR

MUTUAL FUND CUSTODIAL ACCOUNT UNDER INTERNAL REVENUE CODE SECTION 403(B), 26 U.S.C. § 403(B); (5) A PENSION, PROFIT–SHARING, STOCK BONUS, OR OTHER RETIREMENT PLAN QUALIFIED UNDER INTERNAL REVENUE CODE SECTION 401(A), 26 U.S.C. § 401(A); (6) A PLAN UNDER INTERNAL REVENUE CODE SECTION 457(B), 26 U.S.C. § 457(B); AND (7) A NONQUALIFIED DEFERRED COMPENSATION PLAN UNDER INTERNAL REVENUE CODE SECTION 409(A), 26 U.S.C. § 409(A) – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO: SELECT THE FORM AND TIMING OF PAYMENTS UNDER A RETIREMENT PLAN AND WITHDRAW BENEFITS FROM A PLAN; MAKE A ROLLOVER, INCLUDING A DIRECT TRUSTEE–TO–TRUSTEE ROLLOVER, OF BENEFITS FROM ONE RETIREMENT PLAN TO ANOTHER; ESTABLISH A RETIREMENT PLAN IN THE PRINCIPAL'S NAME; MAKE CONTRIBUTIONS TO A RETIREMENT PLAN; EXERCISE INVESTMENT POWERS AVAILABLE UNDER A RETIREMENT PLAN; BORROW FROM, SELL ASSETS TO, OR PURCHASE ASSETS FROM A RETIREMENT PLAN.

TAXES – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO: PREPARE, SIGN, AND FILE FEDERAL, STATE, LOCAL, AND FOREIGN INCOME, GIFT, PAYROLL, PROPERTY, FEDERAL INSURANCE CONTRIBUTIONS ACT, AND OTHER TAX RETURNS, CLAIMS FOR REFUNDS, REQUESTS FOR EXTENSION OF TIME, PETITIONS REGARDING TAX MATTERS, AND OTHER TAX–RELATED DOCUMENTS, INCLUDING RECEIPTS, OFFERS, WAIVERS, CONSENTS, INCLUDING CONSENTS AND AGREEMENTS UNDER INTERNAL REVENUE CODE SECTION 2032(A), 26 U.S.C. § 2032(A), CLOSING AGREEMENTS, AND OTHER POWERS OF ATTORNEY REQUIRED BY THE INTERNAL REVENUE SERVICE OR OTHER TAXING AUTHORITY WITH RESPECT TO A TAX YEAR ON WHICH THE STATUTE OF LIMITATIONS HAS NOT RUN AND THE FOLLOWING 25 TAX YEARS; PAY TAXES DUE, COLLECT REFUNDS, POST BONDS, RECEIVE CONFIDENTIAL INFORMATION, AND CONTEST DEFICIENCIES DETERMINED BY THE INTERNAL REVENUE SERVICE OR OTHER TAXING AUTHORITY; EXERCISE ELECTIONS AVAILABLE TO THE PRINCIPAL UNDER FEDERAL, STATE, LOCAL, OR FOREIGN TAX LAW; AND ACT FOR THE PRINCIPAL IN ALL TAX MATTERS FOR ALL PERIODS BEFORE THE INTERNAL REVENUE SERVICE, OR OTHER TAXING AUTHORITY.

SPECIAL INSTRUCTIONS (OPTIONAL)

YOU MAY GIVE SPECIAL INSTRUCTIONS ON THE FOLLOWING LINES:

_____

_____

_____

_____

_____

_____

_____

EFFECTIVE DATE

THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY UNLESS I HAVE STATED OTHERWISE IN THE SPECIAL INSTRUCTIONS.

TERMINATION DATE (OPTIONAL)

THIS POWER OF ATTORNEY SHALL TERMINATE ON_____, 20__.

(USE A SPECIFIC CALENDAR DATE)

NOMINATION OF GUARDIAN (OPTIONAL)

IF IT BECOMES NECESSARY FOR A COURT TO APPOINT A GUARDIAN OF MY ESTATE OR GUARDIAN OF MY PERSON, I NOMINATE THE FOLLOWING PERSON(S) FOR APPOINTMENT:

NAME OF NOMINEE FOR GUARDIAN OF MY PROPERTY:

(___) MY AGENT (OR SUCCESSOR AGENT) NAMED ABOVE

OR

_____

NOMINEE'S ADDRESS: _____

NOMINEE'S TELEPHONE NUMBER: _____

NAME OF NOMINEE FOR GUARDIAN OF MY PERSON:

(___) MY AGENT (OR SUCCESSOR AGENT) NAMED ABOVE

OR

_____

NOMINEE'S ADDRESS:_____

NOMINEE'S TELEPHONE NUMBER:_____

SIGNATURE AND ACKNOWLEDGMENT

_____ _____

YOUR SIGNATURE DATE

_____

YOUR NAME PRINTED

_____

_____

YOUR ADDRESS

_____

YOUR TELEPHONE NUMBER

STATE OF MARYLAND
(COUNTY) OF_____

THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME ON

_____,

(DATE)

BY_____ TO BE HIS/HER ACT.

(NAME OF PRINCIPAL)

_____ (SEAL, IF ANY)

SIGNATURE OF NOTARY

MY COMMISSION EXPIRES:_____

WITNESS ATTESTATION

THE FOREGOING POWER OF ATTORNEY WAS, ON THE DATE WRITTEN ABOVE, PUBLISHED AND DECLARED BY

_____

(NAME OF PRINCIPAL)

IN OUR PRESENCE TO BE HIS/HER POWER OF ATTORNEY. WE, IN HIS/HER PRESENCE AND AT HIS/HER REQUEST, AND IN THE PRESENCE OF EACH OTHER, HAVE ATTESTED TO THE SAME AND HAVE SIGNED OUR NAMES AS ATTESTING WITNESSES.

_____

WITNESS #1 SIGNATURE

_____

WITNESS #1 NAME PRINTED

_____

_____

WITNESS #1 ADDRESS

_____

WITNESS #1 TELEPHONE NUMBER

_____

WITNESS #2 SIGNATURE

_____

WITNESS #2 NAME PRINTED

_____

_____

WITNESS #2 ADDRESS

_____

WITNESS #2 TELEPHONE NUMBER"

17–203.

"MARYLAND STATUTORY FORM LIMITED POWER OF ATTORNEY

PLEASE READ CAREFULLY

THIS POWER OF ATTORNEY AUTHORIZES ANOTHER PERSON (YOUR AGENT) TO MAKE DECISIONS CONCERNING YOUR PROPERTY FOR YOU (THE PRINCIPAL). YOU NEED NOT GIVE TO YOUR AGENT ALL THE AUTHORITIES LISTED BELOW AND MAY GIVE THE AGENT ONLY THOSE LIMITED POWERS THAT YOU SPECIFICALLY INDICATE. THIS POWER OF ATTORNEY GIVES YOUR AGENT THE RIGHT TO MAKE LIMITED DECISIONS FOR YOU. YOU SHOULD VERY CAREFULLY WEIGH YOUR DECISION AS TO WHAT POWERS YOU GIVE YOUR AGENT. YOUR AGENT WILL BE ABLE TO MAKE DECISIONS AND ACT WITH RESPECT TO YOUR PROPERTY (INCLUDING YOUR MONEY) WHETHER OR NOT YOU ARE ABLE TO ACT FOR YOURSELF.

IF YOU CHOOSE TO MAKE A GRANT OF LIMITED AUTHORITY, YOU SHOULD CHECK THE BOXES THAT IDENTIFY THE SPECIFIC AUTHORIZATION YOU CHOOSE TO GIVE YOUR AGENT.

THIS POWER OF ATTORNEY DOES NOT AUTHORIZE THE AGENT TO MAKE HEALTH CARE DECISIONS FOR YOU.

YOU SHOULD SELECT SOMEONE YOU TRUST TO SERVE AS YOUR AGENT. UNLESS YOU SPECIFY OTHERWISE, GENERALLY THE AGENT'S AUTHORITY WILL CONTINUE UNTIL YOU DIE OR REVOKE THE POWER OF ATTORNEY OR THE AGENT RESIGNS OR IS UNABLE TO ACT FOR YOU.

YOUR AGENT IS NOT ENTITLED TO COMPENSATION UNLESS YOU INDICATE OTHERWISE IN THE SPECIAL INSTRUCTIONS OF THIS POWER OF ATTORNEY. IF YOU INDICATE THAT YOUR AGENT IS TO RECEIVE COMPENSATION, YOUR AGENT IS ENTITLED TO REASONABLE COMPENSATION OR COMPENSATION AS SPECIFIED IN THE SPECIAL INSTRUCTIONS.

THIS FORM PROVIDES FOR DESIGNATION OF ONE AGENT. IF YOU WISH TO NAME MORE THAN ONE AGENT YOU MAY NAME A COAGENT IN THE SPECIAL INSTRUCTIONS. COAGENTS ARE NOT REQUIRED TO ACT TOGETHER UNLESS YOU INCLUDE THAT REQUIREMENT IN THE SPECIAL INSTRUCTIONS.

IF YOUR AGENT IS UNAVAILABLE OR UNWILLING TO ACT FOR YOU, YOUR POWER OF ATTORNEY WILL END UNLESS YOU HAVE NAMED A SUCCESSOR AGENT. YOU MAY ALSO NAME A SECOND SUCCESSOR AGENT.

THIS POWER OF ATTORNEY BECOMES EFFECTIVE IMMEDIATELY UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.

IF YOU HAVE QUESTIONS ABOUT THE POWER OF ATTORNEY OR THE AUTHORITY YOU ARE GRANTING TO YOUR AGENT, YOU SHOULD SEEK LEGAL ADVICE BEFORE SIGNING THIS FORM.

DESIGNATION OF AGENT

I, _____, NAME THE
(NAME OF PRINCIPAL)
FOLLOWING PERSON AS MY AGENT:

NAME OF
AGENT: _____

AGENT'S
ADDRESS: _____

AGENT'S TELEPHONE
NUMBER: _____

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

IF MY AGENT IS UNABLE OR UNWILLING TO ACT FOR ME, I NAME AS MY SUCCESSOR AGENT:

NAME OF SUCCESSOR AGENT: _____
SUCCESSOR AGENT'S ADDRESS: _____
SUCCESSOR AGENT'S TELEPHONE
NUMBER: _____

IF MY SUCCESSOR AGENT IS UNABLE OR UNWILLING TO ACT FOR ME, I NAME AS MY SECOND SUCCESSOR AGENT:

NAME OF SECOND SUCCESSOR AGENT: _____

SECOND SUCCESSOR AGENT'S ADDRESS: _____

SECOND SUCCESSOR AGENT'S TELEPHONE NUMBER: _____

GRANT OF GENERAL AUTHORITY

I ("THE PRINCIPAL") GRANT MY AGENT AND ANY SUCCESSOR AGENT, WITH RESPECT TO EACH SUBJECT THAT I CHOOSE BELOW, THE AUTHORITY TO DO ALL ACTS THAT I COULD DO TO:

(1) DEMAND, RECEIVE, AND OBTAIN BY LITIGATION OR OTHERWISE, MONEY OR ANOTHER THING OF VALUE TO WHICH THE PRINCIPAL IS, MAY BECOME, OR CLAIMS TO BE ENTITLED, AND CONSERVE, INVEST, DISBURSE, OR USE ANYTHING SO RECEIVED OR OBTAINED FOR THE PURPOSES INTENDED;

(2) CONTRACT WITH ANOTHER PERSON, ON TERMS AGREEABLE TO THE AGENT, TO ACCOMPLISH A PURPOSE OF A TRANSACTION AND PERFORM, RESCIND, CANCEL, TERMINATE, REFORM, RESTATE, RELEASE, OR MODIFY THE CONTRACT OR ANOTHER CONTRACT MADE BY OR ON BEHALF OF THE PRINCIPAL;

(3) EXECUTE, ACKNOWLEDGE, SEAL, DELIVER, FILE, OR RECORD ANY INSTRUMENT OR COMMUNICATION THE AGENT CONSIDERS DESIRABLE TO ACCOMPLISH A PURPOSE OF A TRANSACTION, INCLUDING CREATING A SCHEDULE CONTEMPORANEOUSLY OR AT A LATER TIME LISTING SOME OR ALL OF THE PRINCIPAL'S PROPERTY AND ATTACHING THE SCHEDULE TO THIS POWER OF ATTORNEY;

(4) INITIATE, PARTICIPATE IN, SUBMIT TO ALTERNATIVE DISPUTE RESOLUTION, SETTLE, OPPOSE, OR PROPOSE OR ACCEPT A COMPROMISE WITH RESPECT TO A CLAIM EXISTING IN FAVOR OF OR AGAINST THE PRINCIPAL OR INTERVENE IN LITIGATION RELATING TO THE CLAIM;

(5) SEEK ON THE PRINCIPAL'S BEHALF THE ASSISTANCE OF A COURT OR OTHER GOVERNMENTAL AGENCY TO CARRY OUT AN ACT AUTHORIZED IN THIS POWER OF ATTORNEY;

(6) ENGAGE, COMPENSATE, AND DISCHARGE AN ATTORNEY, ACCOUNTANT, DISCRETIONARY INVESTMENT MANAGER, EXPERT WITNESS, OR OTHER ADVISOR;

(7) PREPARE, EXECUTE, AND FILE A RECORD, REPORT, OR OTHER DOCUMENT TO SAFEGUARD OR PROMOTE THE PRINCIPAL'S INTEREST UNDER A STATUTE OR REGULATION;

(8) COMMUNICATE WITH REPRESENTATIVES OR EMPLOYEES OF A GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY, ON BEHALF OF THE PRINCIPAL;

(9) ACCESS COMMUNICATIONS INTENDED FOR, AND COMMUNICATE ON BEHALF OF THE PRINCIPAL, WHETHER BY MAIL, ELECTRONIC TRANSMISSION, TELEPHONE, OR OTHER MEANS; AND

(10) DO LAWFUL ACTS WITH RESPECT TO THE SUBJECT AND ALL PROPERTY RELATED TO THE SUBJECT.

(INITIAL EACH AUTHORITY IN ANY SUBJECT YOU WANT TO INCLUDE IN THE AGENT'S GENERAL AUTHORITY. CROSS THROUGH EACH AUTHORITY IN ANY SUBJECT THAT YOU WANT TO EXCLUDE. IF YOU WISH TO GRANT GENERAL AUTHORITY OVER AN ENTIRE SUBJECT, YOU MAY INITIAL "ALL OF THE ABOVE" INSTEAD OF INITIALING EACH AUTHORITY.)

SUBJECTS AND AUTHORITY

A. REAL PROPERTY – WITH RESPECT TO THIS CATEGORY, I AUTHORIZE MY AGENT TO:

(___) DEMAND, BUY, LEASE, RECEIVE, ACCEPT AS A GIFT OR AS SECURITY FOR AN EXTENSION OF CREDIT, OR OTHERWISE ACQUIRE OR REJECT AN INTEREST IN REAL PROPERTY OR A RIGHT INCIDENT TO REAL PROPERTY

(___) SELL, EXCHANGE, CONVEY WITH OR WITHOUT COVENANTS, REPRESENTATIONS, OR WARRANTIES, QUITCLAIM, RELEASE, SURRENDER, RETAIN TITLE FOR SECURITY, ENCUMBER, PARTITION, CONSENT TO PARTITIONING, SUBJECT TO AN EASEMENT OR COVENANT, SUBDIVIDE, APPLY FOR ZONING OR OTHER GOVERNMENTAL PERMITS, PLAT OR CONSENT TO PLATTING, DEVELOP, GRANT AN OPTION CONCERNING, LEASE, SUBLEASE, CONTRIBUTE TO AN ENTITY IN EXCHANGE FOR AN INTEREST IN THAT ENTITY, OR OTHERWISE GRANT OR DISPOSE OF AN INTEREST IN REAL PROPERTY OR A RIGHT INCIDENT TO REAL PROPERTY

(___) PLEDGE OR MORTGAGE AN INTEREST IN REAL PROPERTY OR RIGHT INCIDENT TO REAL PROPERTY AS SECURITY TO BORROW MONEY OR PAY, RENEW, OR EXTEND THE TIME OF PAYMENT OF A DEBT OF THE PRINCIPAL OR A DEBT GUARANTEED BY THE PRINCIPAL, INCLUDING A REVERSE MORTGAGE

(___) RELEASE, ASSIGN, SATISFY, OR ENFORCE BY LITIGATION OR OTHERWISE A MORTGAGE, DEED OF TRUST, CONDITIONAL SALE CONTRACT, ENCUMBRANCE, LIEN, OR OTHER CLAIM TO REAL PROPERTY THAT EXISTS OR IS ASSERTED

(___) MANAGE OR CONSERVE AN INTEREST IN REAL PROPERTY OR A RIGHT INCIDENT TO REAL PROPERTY OWNED OR CLAIMED TO BE OWNED BY THE PRINCIPAL, INCLUDING:

(1) INSURING AGAINST LIABILITY OR CASUALTY OR OTHER LOSS;

(2) OBTAINING OR REGAINING POSSESSION OF OR PROTECTING THE INTEREST OR RIGHT BY LITIGATION OR OTHERWISE;

(3) PAYING, ASSESSING, COMPROMISING, OR CONTESTING TAXES OR ASSESSMENTS OR APPLYING FOR AND RECEIVING REFUNDS IN CONNECTION WITH THEM; AND

(4) PURCHASING SUPPLIES, HIRING ASSISTANCE OR LABOR, AND MAKING REPAIRS OR ALTERATIONS TO THE REAL PROPERTY

(___) USE, DEVELOP, ALTER, REPLACE, REMOVE, ERECT, OR INSTALL STRUCTURES OR OTHER IMPROVEMENTS ON REAL PROPERTY IN OR INCIDENT TO WHICH THE PRINCIPAL HAS, OR CLAIMS TO HAVE, AN INTEREST OR RIGHT

(___) PARTICIPATE IN A REORGANIZATION WITH RESPECT TO REAL PROPERTY OR AN ENTITY THAT OWNS AN INTEREST IN OR A RIGHT INCIDENT TO REAL PROPERTY AND RECEIVE, HOLD, AND ACT WITH RESPECT TO STOCKS AND BONDS OR OTHER PROPERTY RECEIVED IN A PLAN OF REORGANIZATION, INCLUDING:

(1) SELLING OR OTHERWISE DISPOSING OF THE STOCKS AND BONDS OR OTHER PROPERTY;

(2) EXERCISING OR SELLING AN OPTION, A RIGHT OF CONVERSION, OR A SIMILAR RIGHT WITH RESPECT TO THE STOCKS AND BONDS OR OTHER PROPERTY; AND

(3) EXERCISING VOTING RIGHTS IN PERSON OR BY PROXY

(___) CHANGE THE FORM OF TITLE OF AN INTEREST IN OR A RIGHT INCIDENT TO REAL PROPERTY

(___) DEDICATE TO PUBLIC USE, WITH OR WITHOUT CONSIDERATION, EASEMENTS OR OTHER REAL PROPERTY IN WHICH THE PRINCIPAL HAS, OR CLAIMS TO HAVE, AN INTEREST

(___) ALL OF THE ABOVE

B. TANGIBLE PERSONAL PROPERTY – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO:

(___) DEMAND, BUY, RECEIVE, ACCEPT AS A GIFT OR AS SECURITY FOR AN EXTENSION OF CREDIT, OR OTHERWISE ACQUIRE OR REJECT OWNERSHIP OR POSSESSION OF TANGIBLE PERSONAL PROPERTY OR AN INTEREST IN TANGIBLE PERSONAL PROPERTY

(___) SELL, EXCHANGE, CONVEY WITH OR WITHOUT COVENANTS, REPRESENTATIONS, OR WARRANTIES, QUITCLAIM, RELEASE, SURRENDER, CREATE A SECURITY INTEREST IN, GRANT OPTIONS CONCERNING, LEASE, SUBLEASE, OR OTHERWISE DISPOSE OF TANGIBLE PERSONAL PROPERTY OR AN INTEREST IN TANGIBLE PERSONAL PROPERTY

(___) GRANT A SECURITY INTEREST IN TANGIBLE PERSONAL PROPERTY OR AN INTEREST IN TANGIBLE PERSONAL PROPERTY AS SECURITY TO BORROW MONEY OR PAY, RENEW, OR EXTEND THE TIME OF PAYMENT OF A DEBT OF THE PRINCIPAL OR A DEBT GUARANTEED BY THE PRINCIPAL

(___) RELEASE, ASSIGN, SATISFY, OR ENFORCE BY LITIGATION OR OTHERWISE, A SECURITY INTEREST, LIEN, OR OTHER CLAIM ON BEHALF OF THE PRINCIPAL, WITH RESPECT TO TANGIBLE PERSONAL PROPERTY OR AN INTEREST IN TANGIBLE PERSONAL PROPERTY

(___) MANAGE OR CONSERVE TANGIBLE PERSONAL PROPERTY OR AN INTEREST IN TANGIBLE PERSONAL PROPERTY ON BEHALF OF THE PRINCIPAL, INCLUDING:

(1) INSURING AGAINST LIABILITY OR CASUALTY OR OTHER LOSS;

(2) OBTAINING OR REGAINING POSSESSION OF OR PROTECTING THE PROPERTY OR INTEREST, BY LITIGATION OR OTHERWISE;

(3) PAYING, ASSESSING, COMPROMISING, OR CONTESTING TAXES OR ASSESSMENTS OR APPLYING FOR AND RECEIVING REFUNDS IN CONNECTION WITH TAXES OR ASSESSMENTS;

(4) MOVING THE PROPERTY FROM PLACE TO PLACE;

(5) STORING THE PROPERTY FOR HIRE OR ON A GRATUITOUS BAILMENT; AND

(6) USING AND MAKING REPAIRS, ALTERATIONS, OR IMPROVEMENTS TO THE PROPERTY

(___) CHANGE THE FORM OF TITLE OF AN INTEREST IN TANGIBLE PERSONAL PROPERTY

(___) ALL OF THE ABOVE

C. STOCKS AND BONDS – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO:

(___) BUY, SELL, AND EXCHANGE STOCKS AND BONDS

(___) ESTABLISH, CONTINUE, MODIFY, OR TERMINATE AN ACCOUNT WITH RESPECT TO STOCKS AND BONDS

(___) PLEDGE STOCKS AND BONDS AS SECURITY TO BORROW, PAY, RENEW, OR EXTEND THE TIME OF PAYMENT OF A DEBT OF THE PRINCIPAL

(___) RECEIVE CERTIFICATES AND OTHER EVIDENCES OF OWNERSHIP WITH RESPECT TO STOCKS AND BONDS

(___) EXERCISE VOTING RIGHTS WITH RESPECT TO STOCKS AND BONDS IN PERSON OR BY PROXY, ENTER INTO VOTING TRUSTS, AND CONSENT TO LIMITATIONS ON THE RIGHT TO VOTE

(___) ALL OF THE ABOVE

D. COMMODITIES – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO:

(___) BUY, SELL, EXCHANGE, ASSIGN, SETTLE, AND EXERCISE COMMODITY FUTURES CONTRACTS AND CALL OR PUT OPTIONS ON STOCKS OR STOCK INDEXES TRADED ON A REGULATED OPTION EXCHANGE

(___) ESTABLISH, CONTINUE, MODIFY, AND TERMINATE OPTION ACCOUNTS

(___) ALL OF THE ABOVE

E. BANKS AND OTHER FINANCIAL INSTITUTIONS – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO:

(___) CONTINUE, MODIFY, AND TERMINATE AN ACCOUNT OR OTHER BANKING ARRANGEMENT MADE BY OR ON BEHALF OF THE PRINCIPAL

(___) ESTABLISH, MODIFY, AND TERMINATE AN ACCOUNT OR OTHER BANKING ARRANGEMENT WITH A BANK, TRUST COMPANY, SAVINGS AND LOAN ASSOCIATION, CREDIT UNION, THRIFT COMPANY, BROKERAGE FIRM, OR OTHER FINANCIAL INSTITUTION SELECTED BY THE AGENT

(___) CONTRACT FOR SERVICES AVAILABLE FROM A FINANCIAL INSTITUTION, INCLUDING RENTING A SAFE DEPOSIT BOX OR SPACE IN A VAULT

(___) WITHDRAW, BY CHECK, MONEY ORDER, ELECTRONIC FUNDS TRANSFER, OR OTHERWISE, MONEY OR PROPERTY OF THE PRINCIPAL DEPOSITED WITH OR LEFT IN THE CUSTODY OF A FINANCIAL INSTITUTION

(___) RECEIVE STATEMENTS OF ACCOUNT, VOUCHERS, NOTICES, AND SIMILAR DOCUMENTS FROM A FINANCIAL INSTITUTION AND ACT WITH RESPECT TO THEM

(___) ENTER A SAFE DEPOSIT BOX OR VAULT AND WITHDRAW OR ADD TO THE CONTENTS

(___) BORROW MONEY AND PLEDGE AS SECURITY PERSONAL PROPERTY OF THE PRINCIPAL NECESSARY TO BORROW MONEY OR PAY, RENEW, OR EXTEND THE TIME OF PAYMENT OF A DEBT OF THE PRINCIPAL OR A DEBT GUARANTEED BY THE PRINCIPAL

(___) MAKE, ASSIGN, DRAW, ENDORSE, DISCOUNT, GUARANTEE, AND NEGOTIATE PROMISSORY NOTES, CHECKS, DRAFTS, AND OTHER NEGOTIABLE OR NONNEGOTIABLE PAPER OF THE PRINCIPAL OR PAYABLE TO THE PRINCIPAL OR THE PRINCIPAL'S ORDER, TRANSFER MONEY, RECEIVE THE CASH OR OTHER PROCEEDS OF THOSE TRANSACTIONS, AND ACCEPT A DRAFT DRAWN BY A PERSON ON THE PRINCIPAL AND PAY THE DRAFT WHEN DUE

(___) RECEIVE FOR THE PRINCIPAL AND ACT ON A SIGHT DRAFT, WAREHOUSE RECEIPT, OTHER DOCUMENT OF TITLE WHETHER TANGIBLE OR ELECTRONIC, OR OTHER NEGOTIABLE OR NONNEGOTIABLE INSTRUMENT

(___) APPLY FOR, RECEIVE, AND USE LETTERS OF CREDIT, CREDIT CARDS AND DEBIT CARDS, ELECTRONIC TRANSACTION AUTHORIZATIONS, AND TRAVELER'S CHECKS FROM A FINANCIAL INSTITUTION AND GIVE AN INDEMNITY OR OTHER AGREEMENT IN CONNECTION WITH LETTERS OF CREDIT

(___) CONSENT TO AN EXTENSION OF THE TIME OF PAYMENT WITH RESPECT TO COMMERCIAL PAPER OR A FINANCIAL TRANSACTION WITH A FINANCIAL INSTITUTION

(___) ALL OF THE ABOVE

F. OPERATION OF AN ENTITY OR A BUSINESS – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO:

(___) OPERATE, BUY, SELL, ENLARGE, REDUCE, OR TERMINATE AN OWNERSHIP INTEREST

(___) PERFORM A DUTY OR DISCHARGE A LIABILITY AND EXERCISE IN PERSON OR BY PROXY A RIGHT, POWER, PRIVILEGE, OR AN OPTION THAT THE PRINCIPAL HAS, MAY HAVE, OR CLAIMS TO HAVE

(___) ENFORCE THE TERMS OF AN OWNERSHIP AGREEMENT

(___) INITIATE, PARTICIPATE IN, SUBMIT TO ALTERNATIVE DISPUTE RESOLUTION, SETTLE, OPPOSE, OR PROPOSE OR ACCEPT A COMPROMISE WITH RESPECT TO LITIGATION TO WHICH THE PRINCIPAL IS A PARTY BECAUSE OF AN OWNERSHIP INTEREST

(___) EXERCISE IN PERSON OR BY PROXY, OR ENFORCE BY LITIGATION OR OTHERWISE, A RIGHT, POWER, PRIVILEGE, OR AN OPTION THE PRINCIPAL HAS OR CLAIMS TO HAVE AS THE HOLDER OF STOCKS AND BONDS

(___) INITIATE, PARTICIPATE IN, SUBMIT TO ALTERNATIVE DISPUTE RESOLUTION, SETTLE, OPPOSE, OR PROPOSE OR ACCEPT A COMPROMISE WITH RESPECT TO LITIGATION TO WHICH THE PRINCIPAL IS A PARTY CONCERNING STOCKS AND BONDS

(___) WITH RESPECT TO AN ENTITY OR BUSINESS OWNED SOLELY BY THE PRINCIPAL:

(1) CONTINUE, MODIFY, RENEGOTIATE, EXTEND, AND TERMINATE A CONTRACT MADE BY OR ON BEHALF OF THE PRINCIPAL WITH RESPECT TO THE ENTITY OR BUSINESS BEFORE EXECUTION OF THIS POWER OF ATTORNEY;

(2) DETERMINE:

(I) THE LOCATION OF THE OPERATION OF THE ENTITY OR BUSINESS;

(II) THE NATURE AND EXTENT OF THE BUSINESS OF THE ENTITY OR BUSINESS;

(III) THE METHODS OF MANUFACTURING, SELLING, MERCHANDISING, FINANCING, ACCOUNTING, AND ADVERTISING EMPLOYED IN THE OPERATION OF THE ENTITY OR BUSINESS;

(IV) THE AMOUNT AND TYPES OF INSURANCE CARRIED BY THE ENTITY OR BUSINESS; AND

(V) THE MODE OF ENGAGING, COMPENSATING, AND DEALING WITH THE EMPLOYEES AND ACCOUNTANTS, ATTORNEYS, OR OTHER ADVISORS OF THE ENTITY OR BUSINESS;

(3) CHANGE THE NAME OR FORM OF ORGANIZATION UNDER WHICH THE ENTITY OR BUSINESS IS OPERATED AND ENTER INTO AN OWNERSHIP AGREEMENT WITH OTHER PERSONS TO TAKE OVER ALL OR PART OF THE OPERATION OF THE ENTITY OR BUSINESS; AND

(4) DEMAND AND RECEIVE MONEY DUE OR CLAIMED BY THE PRINCIPAL OR ON THE PRINCIPAL'S BEHALF IN THE OPERATION OF THE ENTITY OR BUSINESS AND CONTROL AND DISBURSE THE MONEY IN THE OPERATION OF THE ENTITY OR BUSINESS

(___) PUT ADDITIONAL CAPITAL INTO AN ENTITY OR A BUSINESS IN WHICH THE PRINCIPAL HAS AN INTEREST

(___) JOIN IN A PLAN OF REORGANIZATION, CONSOLIDATION, CONVERSION, DOMESTICATION, OR MERGER OF THE ENTITY OR BUSINESS

(___) SELL OR LIQUIDATE ALL OR PART OF AN ENTITY OR BUSINESS

(___) ESTABLISH THE VALUE OF AN ENTITY OR A BUSINESS UNDER A BUYOUT AGREEMENT TO WHICH THE PRINCIPAL IS A PARTY

(___) PREPARE, SIGN, FILE, AND DELIVER REPORTS, COMPILATIONS OF INFORMATION, RETURNS, OR OTHER PAPERS WITH RESPECT TO AN ENTITY OR BUSINESS AND MAKE RELATED PAYMENTS

(___) PAY, COMPROMISE, OR CONTEST TAXES, ASSESSMENTS, FINES, OR PENALTIES AND PERFORM OTHER ACTS TO PROTECT THE PRINCIPAL FROM ILLEGAL OR UNNECESSARY TAXATION, ASSESSMENTS, FINES, OR PENALTIES, WITH RESPECT TO AN ENTITY OR A BUSINESS, INCLUDING ATTEMPTS TO RECOVER, AS PERMITTED BY LAW, MONEY PAID BEFORE OR AFTER THE EXECUTION OF THIS POWER OF ATTORNEY

(___) ALL OF THE ABOVE

G. INSURANCE AND ANNUITIES – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO:

(___) CONTINUE, PAY THE PREMIUM OR MAKE A CONTRIBUTION ON, MODIFY, EXCHANGE, RESCIND, RELEASE, OR TERMINATE A CONTRACT PROCURED BY OR ON BEHALF OF THE PRINCIPAL THAT INSURES OR PROVIDES AN ANNUITY TO EITHER THE PRINCIPAL OR ANOTHER PERSON, WHETHER OR NOT THE PRINCIPAL IS A BENEFICIARY UNDER THE CONTRACT

(___) PROCURE NEW, DIFFERENT, AND ADDITIONAL CONTRACTS OF INSURANCE AND ANNUITIES FOR THE PRINCIPAL AND THE PRINCIPAL'S SPOUSE, CHILDREN, AND OTHER DEPENDENTS, AND SELECT THE AMOUNT, TYPE OF INSURANCE OR ANNUITY, AND MODE OF PAYMENT

(___) PAY THE PREMIUM OR MAKE A CONTRIBUTION ON, MODIFY, EXCHANGE, RESCIND, RELEASE, OR TERMINATE A CONTRACT OF INSURANCE OR ANNUITY PROCURED BY THE AGENT

(___) APPLY FOR AND RECEIVE A LOAN SECURED BY A CONTRACT OF INSURANCE OR ANNUITY

(___) SURRENDER AND RECEIVE THE CASH SURRENDER VALUE ON A CONTRACT OF INSURANCE OR ANNUITY

(___) EXERCISE AN ELECTION

(___) EXERCISE INVESTMENT POWERS AVAILABLE UNDER A CONTRACT OF INSURANCE OR ANNUITY

(___) CHANGE THE MANNER OF PAYING PREMIUMS ON A CONTRACT OF INSURANCE OR ANNUITY

(___) CHANGE OR CONVERT THE TYPE OF INSURANCE OR ANNUITY WITH RESPECT TO WHICH THE PRINCIPAL HAS OR CLAIMS TO HAVE AUTHORITY DESCRIBED IN THIS SECTION

(___) APPLY FOR AND PROCURE A BENEFIT OR ASSISTANCE UNDER A STATUTE OR REGULATION TO GUARANTEE OR PAY PREMIUMS OF A CONTRACT OF INSURANCE ON THE LIFE OF THE PRINCIPAL

(___) COLLECT, SELL, ASSIGN, HYPOTHECATE, BORROW AGAINST, OR PLEDGE THE INTEREST OF THE PRINCIPAL IN A CONTRACT OF INSURANCE OR ANNUITY

(___) SELECT THE FORM AND TIMING OF THE PAYMENT OF PROCEEDS FROM A CONTRACT OF INSURANCE OR ANNUITY

(___) PAY, FROM PROCEEDS OR OTHERWISE, COMPROMISE OR CONTEST, AND APPLY FOR REFUNDS IN CONNECTION WITH A TAX OR ASSESSMENT LEVIED BY A TAXING AUTHORITY WITH RESPECT TO A CONTRACT OF INSURANCE OR ANNUITY OR THE PROCEEDS OR LIABILITY FROM THE CONTRACT OF INSURANCE OR ANNUITY ACCRUING BY REASON OF THE TAX OR ASSESSMENT

(___) ALL OF THE ABOVE

H. ESTATES, TRUSTS, AND OTHER BENEFICIAL INTERESTS (INCLUDING TRUSTS, PROBATE ESTATES, GUARDIANSHIPS, CONSERVATORSHIPS, ESCROWS, OR CUSTODIANSHIPS OR FUNDS FROM WHICH THE PRINCIPAL IS, MAY BECOME, OR CLAIMS TO BE ENTITLED TO A SHARE OR PAYMENT) – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO:

(___) ACCEPT, RECEIVE, RECEIPT FOR, SELL, ASSIGN, PLEDGE, OR EXCHANGE A SHARE IN OR PAYMENT FROM THE FUND DESCRIBED ABOVE

(___) DEMAND OR OBTAIN MONEY OR ANOTHER THING OF VALUE TO WHICH THE PRINCIPAL IS, MAY BECOME, OR CLAIMS TO BE ENTITLED BY REASON OF THE FUND DESCRIBED ABOVE, BY LITIGATION OR OTHERWISE

(___) EXERCISE FOR THE BENEFIT OF THE PRINCIPAL A PRESENTLY EXERCISABLE GENERAL POWER OF APPOINTMENT HELD BY THE PRINCIPAL

(___) INITIATE, PARTICIPATE IN, SUBMIT TO ALTERNATIVE DISPUTE RESOLUTION, SETTLE, OPPOSE, OR PROPOSE OR ACCEPT A COMPROMISE WITH RESPECT TO LITIGATION TO ASCERTAIN THE MEANING, VALIDITY, OR EFFECT OF A DEED, WILL, DECLARATION OF TRUST, OR OTHER INSTRUMENT OR TRANSACTION AFFECTING THE INTEREST OF THE PRINCIPAL

(___) INITIATE, PARTICIPATE IN, SUBMIT TO ALTERNATIVE DISPUTE RESOLUTION, SETTLE, OPPOSE, OR PROPOSE OR ACCEPT A COMPROMISE WITH RESPECT TO LITIGATION TO REMOVE, SUBSTITUTE, OR SURCHARGE A FIDUCIARY

(___) CONSERVE, INVEST, DISBURSE, OR USE ANYTHING RECEIVED FOR AN AUTHORIZED PURPOSE

(___) TRANSFER AN INTEREST OF THE PRINCIPAL IN REAL PROPERTY, STOCKS AND BONDS, ACCOUNTS WITH FINANCIAL INSTITUTIONS OR SECURITIES INTERMEDIARIES, INSURANCE, ANNUITIES, AND OTHER PROPERTY TO THE TRUSTEE OF A REVOCABLE TRUST CREATED BY THE PRINCIPAL AS SETTLOR

(___) REJECT, RENOUNCE, DISCLAIM, RELEASE, OR CONSENT TO A REDUCTION IN OR MODIFICATION OF A SHARE IN OR PAYMENT FROM THE FUND DESCRIBED ABOVE

(___) ALL OF THE ABOVE

I. CLAIMS AND LITIGATION – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO:

(___) ASSERT AND MAINTAIN BEFORE A COURT OR ADMINISTRATIVE AGENCY A CLAIM, CLAIM FOR RELIEF, CAUSE OF ACTION, COUNTERCLAIM, OFFSET, RECOUPMENT, OR DEFENSE, INCLUDING AN ACTION TO RECOVER PROPERTY OR OTHER THING OF VALUE, RECOVER DAMAGES SUSTAINED BY THE PRINCIPAL, ELIMINATE OR MODIFY TAX LIABILITY, OR SEEK AN INJUNCTION, SPECIFIC PERFORMANCE, OR OTHER RELIEF

(___) BRING AN ACTION TO DETERMINE ADVERSE CLAIMS OR INTERVENE OR OTHERWISE PARTICIPATE IN LITIGATION

(___) SEEK AN ATTACHMENT, GARNISHMENT, ORDER OF ARREST, OR OTHER PRELIMINARY, PROVISIONAL, OR INTERMEDIATE RELIEF AND USE AN AVAILABLE PROCEDURE TO EFFECT OR SATISFY A JUDGMENT, ORDER, OR DECREE

(___) MAKE OR ACCEPT A TENDER, OFFER OF JUDGMENT, OR ADMISSION OF FACTS, SUBMIT A CONTROVERSY ON AN AGREED STATEMENT OF FACTS, CONSENT TO EXAMINATION, AND BIND THE PRINCIPAL IN LITIGATION

(___) SUBMIT TO ALTERNATIVE DISPUTE RESOLUTION, SETTLE, AND PROPOSE OR ACCEPT A COMPROMISE

(___) WAIVE THE ISSUANCE AND SERVICE OF PROCESS ON THE PRINCIPAL, ACCEPT SERVICE OF PROCESS, APPEAR FOR THE PRINCIPAL, DESIGNATE PERSONS ON WHICH PROCESS DIRECTED TO THE PRINCIPAL MAY BE SERVED, EXECUTE AND FILE OR DELIVER STIPULATIONS ON THE PRINCIPAL'S BEHALF, VERIFY PLEADINGS, SEEK APPELLATE REVIEW, PROCURE AND GIVE SURETY AND INDEMNITY BONDS, CONTRACT AND PAY FOR THE PREPARATION AND PRINTING OF RECORDS AND BRIEFS, RECEIVE, EXECUTE, AND FILE OR DELIVER A CONSENT, WAIVER, RELEASE, CONFESSION OF JUDGMENT, SATISFACTION OF JUDGMENT, NOTICE, AGREEMENT, OR OTHER INSTRUMENT IN CONNECTION WITH THE PROSECUTION, SETTLEMENT, OR DEFENSE OF A CLAIM OR LITIGATION

(___) ACT FOR THE PRINCIPAL WITH RESPECT TO BANKRUPTCY OR INSOLVENCY, WHETHER VOLUNTARY OR INVOLUNTARY, CONCERNING THE PRINCIPAL OR SOME OTHER PERSON, OR WITH RESPECT TO A REORGANIZATION, RECEIVERSHIP, OR APPLICATION FOR THE APPOINTMENT OF A RECEIVER OR TRUSTEE THAT AFFECTS AN INTEREST OF THE PRINCIPAL IN PROPERTY OR OTHER THING OF VALUE

(___) PAY A JUDGMENT, AWARD, OR ORDER AGAINST THE PRINCIPAL OR A SETTLEMENT MADE IN CONNECTION WITH A CLAIM OR LITIGATION

(___) RECEIVE MONEY OR OTHER THING OF VALUE PAID IN SETTLEMENT OF OR AS PROCEEDS OF A CLAIM OR LITIGATION

(___) ALL OF THE ABOVE

J. PERSONAL AND FAMILY MAINTENANCE – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO:

(___) PERFORM THE ACTS NECESSARY TO MAINTAIN THE CUSTOMARY STANDARD OF LIVING OF THE PRINCIPAL, THE PRINCIPAL'S SPOUSE, AND THE FOLLOWING INDIVIDUALS, WHETHER LIVING WHEN THIS POWER OF ATTORNEY IS EXECUTED OR LATER BORN:

(1) THE PRINCIPAL'S CHILDREN;

(2) OTHER INDIVIDUALS LEGALLY ENTITLED TO BE SUPPORTED BY THE PRINCIPAL; AND

(3) THE INDIVIDUALS WHOM THE PRINCIPAL HAS CUSTOMARILY SUPPORTED OR INDICATED THE INTENT TO SUPPORT;

(___) MAKE PERIODIC PAYMENTS OF CHILD SUPPORT AND OTHER FAMILY MAINTENANCE REQUIRED BY A COURT OR GOVERNMENTAL AGENCY OR AN AGREEMENT TO WHICH THE PRINCIPAL IS A PARTY

(___) PROVIDE LIVING QUARTERS FOR THE INDIVIDUALS DESCRIBED ABOVE BY:

(1) PURCHASE, LEASE, OR OTHER CONTRACT; OR

(2) PAYING THE OPERATING COSTS, INCLUDING INTEREST, AMORTIZATION PAYMENTS, REPAIRS, IMPROVEMENTS, AND TAXES, FOR PREMISES OWNED BY THE PRINCIPAL OR OCCUPIED BY THOSE INDIVIDUALS

(___) PROVIDE NORMAL DOMESTIC HELP, USUAL VACATIONS AND TRAVEL EXPENSES, AND FUNDS FOR SHELTER, CLOTHING, FOOD, APPROPRIATE EDUCATION, INCLUDING POSTSECONDARY AND VOCATIONAL EDUCATION, AND OTHER CURRENT LIVING COSTS FOR THE INDIVIDUALS DESCRIBED ABOVE

(___) PAY EXPENSES FOR NECESSARY HEALTH CARE AND CUSTODIAL CARE ON BEHALF OF THE INDIVIDUALS DESCRIBED ABOVE

(___) ACT AS THE PRINCIPAL'S PERSONAL REPRESENTATIVE IN ACCORDANCE WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT, §§ 1171 THROUGH 1179 OF THE SOCIAL SECURITY ACT, 42 U.S.C. § 1320D, AND APPLICABLE REGULATIONS IN MAKING DECISIONS RELATED TO THE PAST, PRESENT, OR FUTURE PAYMENT FOR THE PROVISION OF HEALTH CARE CONSENTED TO BY THE PRINCIPAL OR ANYONE AUTHORIZED UNDER THE LAW OF THIS STATE TO CONSENT TO HEALTH CARE ON BEHALF OF THE PRINCIPAL

(___) CONTINUE PROVISIONS MADE BY THE PRINCIPAL FOR AUTOMOBILES OR OTHER MEANS OF TRANSPORTATION, INCLUDING REGISTERING, LICENSING, INSURING, AND REPLACING THE MEANS OF TRANSPORTATION, FOR THE INDIVIDUALS DESCRIBED ABOVE

(___) MAINTAIN CREDIT AND DEBIT ACCOUNTS FOR THE CONVENIENCE OF THE INDIVIDUALS DESCRIBED ABOVE AND OPEN NEW ACCOUNTS

(___) CONTINUE PAYMENTS INCIDENTAL TO THE MEMBERSHIP OR AFFILIATION OF THE PRINCIPAL IN A RELIGIOUS INSTITUTION, CLUB, SOCIETY, ORDER, OR OTHER ORGANIZATION OR TO CONTINUE CONTRIBUTIONS TO THOSE ORGANIZATIONS

(NOTE: AUTHORITY WITH RESPECT TO PERSONAL AND FAMILY MAINTENANCE IS NEITHER DEPENDENT ON, NOR LIMITED BY, AUTHORITY THAT AN AGENT MAY OR MAY NOT HAVE WITH RESPECT TO GIFTS UNDER THIS POWER OF ATTORNEY.)

(___) ALL OF THE ABOVE

K. BENEFITS FROM GOVERNMENTAL PROGRAMS OR CIVIL OR MILITARY SERVICE (INCLUDING ANY BENEFIT, PROGRAM, OR ASSISTANCE PROVIDED UNDER A STATUTE OR REGULATION INCLUDING SOCIAL SECURITY, MEDICARE, AND MEDICAID) – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO:

(___) EXECUTE VOUCHERS IN THE NAME OF THE PRINCIPAL FOR ALLOWANCES AND REIMBURSEMENTS PAYABLE BY THE UNITED STATES OR A FOREIGN GOVERNMENT OR BY A STATE OR SUBDIVISION OF A STATE TO THE PRINCIPAL, INCLUDING ALLOWANCES AND REIMBURSEMENTS FOR TRANSPORTATION OF THE INDIVIDUALS DESCRIBED IN "J. PERSONAL AND FAMILY MAINTENANCE" ABOVE, AND FOR SHIPMENT OF THE HOUSEHOLD EFFECTS OF THOSE INDIVIDUALS

(___) TAKE POSSESSION AND ORDER THE REMOVAL AND SHIPMENT OF PROPERTY OF THE PRINCIPAL FROM A POST, WAREHOUSE, DEPOT, DOCK, OR OTHER PLACE OF STORAGE OR SAFEKEEPING, EITHER GOVERNMENTAL OR PRIVATE, AND EXECUTE AND DELIVER A RELEASE, VOUCHER, RECEIPT, BILL OF LADING, SHIPPING TICKET, CERTIFICATE, OR OTHER INSTRUMENT FOR THAT PURPOSE

(___) ENROLL IN, APPLY FOR, SELECT, REJECT, CHANGE, AMEND, OR DISCONTINUE, ON THE PRINCIPAL'S BEHALF, A BENEFIT OR PROGRAM

(___) PREPARE, FILE, AND MAINTAIN A CLAIM OF THE PRINCIPAL FOR A BENEFIT OR ASSISTANCE, FINANCIAL OR OTHERWISE, TO WHICH THE PRINCIPAL MAY BE ENTITLED UNDER A STATUTE OR REGULATION

(___) INITIATE, PARTICIPATE IN, SUBMIT TO ALTERNATIVE DISPUTE RESOLUTION, SETTLE, OPPOSE, OR PROPOSE OR ACCEPT A COMPROMISE WITH RESPECT TO LITIGATION CONCERNING A BENEFIT OR ASSISTANCE THE PRINCIPAL MAY BE ENTITLED TO RECEIVE UNDER A STATUTE OR REGULATION

(___) RECEIVE THE FINANCIAL PROCEEDS OF A CLAIM DESCRIBED ABOVE AND CONSERVE, INVEST, DISBURSE, OR USE FOR A LAWFUL PURPOSE ANYTHING SO RECEIVED

(___) ALL OF THE ABOVE

L. RETIREMENT PLANS (INCLUDING A PLAN OR ACCOUNT CREATED BY AN EMPLOYER, THE PRINCIPAL, OR ANOTHER INDIVIDUAL TO PROVIDE RETIREMENT BENEFITS OR DEFERRED COMPENSATION OF WHICH THE PRINCIPAL IS A PARTICIPANT, BENEFICIARY, OR OWNER, INCLUDING A PLAN OR ACCOUNT UNDER THE FOLLOWING SECTIONS OF THE INTERNAL REVENUE CODE:

(1) AN INDIVIDUAL RETIREMENT ACCOUNT UNDER INTERNAL REVENUE CODE SECTION 408, 26 U.S.C. § 408;

(2) A ROTH INDIVIDUAL RETIREMENT ACCOUNT UNDER INTERNAL REVENUE CODE SECTION 408A, 26 U.S.C. § 408A;

(3) A DEEMED INDIVIDUAL RETIREMENT ACCOUNT UNDER INTERNAL REVENUE CODE SECTION 408(Q), 26 U.S.C. § 408(Q);

(4) AN ANNUITY OR MUTUAL FUND CUSTODIAL ACCOUNT UNDER INTERNAL REVENUE CODE SECTION 403(B), 26 U.S.C. § 403(B);

(5) A PENSION, PROFIT–SHARING, STOCK BONUS, OR OTHER RETIREMENT PLAN QUALIFIED UNDER INTERNAL REVENUE CODE SECTION 401(A), 26 U.S.C. § 401(A);

(6) A PLAN UNDER INTERNAL REVENUE CODE SECTION 457(B), 26 U.S.C. § 457(B); AND

(7) A NONQUALIFIED DEFERRED COMPENSATION PLAN UNDER INTERNAL REVENUE CODE SECTION 409A, 26 U.S.C. § 409A) – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO:

(___) SELECT THE FORM AND TIMING OF PAYMENTS UNDER A RETIREMENT PLAN AND WITHDRAW BENEFITS FROM A PLAN

(___) MAKE A ROLLOVER, INCLUDING A DIRECT TRUSTEE–TO–TRUSTEE ROLLOVER, OF BENEFITS FROM ONE RETIREMENT PLAN TO ANOTHER

(___) ESTABLISH A RETIREMENT PLAN IN THE PRINCIPAL'S NAME

(___) MAKE CONTRIBUTIONS TO A RETIREMENT PLAN

(___) EXERCISE INVESTMENT POWERS AVAILABLE UNDER A RETIREMENT PLAN

(___) BORROW FROM, SELL ASSETS TO, OR PURCHASE ASSETS FROM A RETIREMENT PLAN

(___) ALL OF THE ABOVE

M. TAXES – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO:

(___) PREPARE, SIGN, AND FILE FEDERAL, STATE, LOCAL, AND FOREIGN INCOME, GIFT, PAYROLL, PROPERTY, FEDERAL INSURANCE CONTRIBUTIONS ACT, AND OTHER TAX RETURNS, CLAIMS FOR REFUNDS,

REQUESTS FOR EXTENSION OF TIME, PETITIONS REGARDING TAX MATTERS, AND OTHER TAX–RELATED DOCUMENTS, INCLUDING RECEIPTS, OFFERS, WAIVERS, CONSENTS, INCLUDING CONSENTS AND AGREEMENTS UNDER INTERNAL REVENUE CODE SECTION 2032A, 26 U.S.C. § 2032A, CLOSING AGREEMENTS, AND OTHER POWERS OF ATTORNEY REQUIRED BY THE INTERNAL REVENUE SERVICE OR OTHER TAXING AUTHORITY WITH RESPECT TO A TAX YEAR ON WHICH THE STATUTE OF LIMITATIONS HAS NOT RUN AND THE FOLLOWING 25 TAX YEARS

(___) PAY TAXES DUE, COLLECT REFUNDS, POST BONDS, RECEIVE CONFIDENTIAL INFORMATION, AND CONTEST DEFICIENCIES DETERMINED BY THE INTERNAL REVENUE SERVICE OR OTHER TAXING AUTHORITY

(___) EXERCISE ELECTIONS AVAILABLE TO THE PRINCIPAL UNDER FEDERAL, STATE, LOCAL, OR FOREIGN TAX LAW

(___) ACT FOR THE PRINCIPAL IN ALL TAX MATTERS FOR ALL PERIODS BEFORE THE INTERNAL REVENUE SERVICE, OR OTHER TAXING AUTHORITY

(___) ALL OF THE ABOVE

N. GIFTS (INCLUDING GIFTS TO A TRUST, AN ACCOUNT UNDER THE UNIFORM TRANSFERS TO MINORS ACT, AND A TUITION SAVINGS ACCOUNT OR PREPAID TUITION PLAN AS DEFINED UNDER INTERNAL REVENUE CODE SECTION 529, 26 U.S.C. § 529) – WITH RESPECT TO THIS SUBJECT, I AUTHORIZE MY AGENT TO:

(___) MAKE OUTRIGHT TO, OR FOR THE BENEFIT OF, A PERSON, A GIFT OF PART OR ALL OF THE PRINCIPAL'S PROPERTY, INCLUDING BY THE EXERCISE OF A PRESENTLY EXERCISABLE GENERAL POWER OF APPOINTMENT HELD BY THE PRINCIPAL, IN AN AMOUNT FOR EACH DONEE NOT TO EXCEED THE ANNUAL DOLLAR LIMITS OF THE FEDERAL GIFT TAX EXCLUSION UNDER INTERNAL REVENUE CODE SECTION 2503(B), 26 U.S.C. § 2503(B), WITHOUT REGARD TO WHETHER THE FEDERAL GIFT TAX EXCLUSION APPLIES TO THE GIFT, OR IF THE PRINCIPAL'S SPOUSE AGREES TO CONSENT TO A SPLIT GIFT

PURSUANT TO INTERNAL REVENUE CODE SECTION 2513, 26 U.S.C. § 2513, IN AN AMOUNT FOR EACH DONEE NOT TO EXCEED TWICE THE ANNUAL FEDERAL GIFT TAX EXCLUSION LIMIT

(___) CONSENT, PURSUANT TO INTERNAL REVENUE CODE SECTION 2513, 26 U.S.C. § 2513, TO THE SPLITTING OF A GIFT MADE BY THE PRINCIPAL'S SPOUSE IN AN AMOUNT FOR EACH DONEE NOT TO EXCEED THE AGGREGATE ANNUAL GIFT TAX EXCLUSIONS FOR BOTH SPOUSES

(NOTE: AN AGENT MAY ONLY MAKE A GIFT OF THE PRINCIPAL'S PROPERTY AS THE AGENT DETERMINES IS CONSISTENT WITH THE PRINCIPAL'S OBJECTIVES IF ACTUALLY KNOWN BY THE AGENT AND, IF UNKNOWN, AS THE AGENT DETERMINES IS CONSISTENT WITH THE PRINCIPAL'S BEST INTEREST BASED ON ALL RELEVANT FACTORS, INCLUDING:

(1) THE VALUE AND NATURE OF THE PRINCIPAL'S PROPERTY;

(2) THE PRINCIPAL'S FORESEEABLE OBLIGATIONS AND NEED FOR MAINTENANCE;

(3) MINIMIZATION OF TAXES, INCLUDING INCOME, ESTATE, INHERITANCE, GENERATION–SKIPPING TRANSFER, AND GIFT TAXES;

(4) ELIGIBILITY FOR A BENEFIT, A PROGRAM, OR ASSISTANCE UNDER A STATUTE OR REGULATION; AND

(5) THE PRINCIPAL'S PERSONAL HISTORY OF MAKING OR JOINING IN MAKING GIFTS.)

(___) ALL OF THE ABOVE

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

MY AGENT MAY NOT DO ANY OF THE FOLLOWING SPECIFIC ACTS FOR ME UNLESS I HAVE INITIALED THE SPECIFIC AUTHORITY LISTED BELOW:

(CAUTION: GRANTING ANY OF THE FOLLOWING WILL GIVE YOUR AGENT THE AUTHORITY TO TAKE ACTIONS THAT COULD SIGNIFICANTLY REDUCE YOUR PROPERTY OR CHANGE HOW YOUR PROPERTY IS DISTRIBUTED AT YOUR DEATH. INITIAL ONLY THE SPECIFIC AUTHORITY YOU WANT TO GIVE YOUR AGENT.)

(___) CREATE, AMEND, REVOKE, OR TERMINATE AN INTER VIVOS TRUST
(___) MAKE A GIFT, SUBJECT TO ANY SPECIAL INSTRUCTIONS IN THIS POWER OF ATTORNEY
(___) CREATE OR CHANGE RIGHTS OF SURVIVORSHIP
(___) CREATE OR CHANGE A BENEFICIARY DESIGNATION
(___) AUTHORIZE ANOTHER PERSON TO EXERCISE THE AUTHORITY GRANTED UNDER THIS POWER OF ATTORNEY
(___) WAIVE THE PRINCIPAL'S RIGHT TO BE A BENEFICIARY OF A JOINT AND SURVIVOR ANNUITY, INCLUDING A SURVIVOR BENEFIT UNDER A RETIREMENT PLAN
(___) EXERCISE FIDUCIARY POWERS THAT THE PRINCIPAL HAS AUTHORITY TO DELEGATE
(___) DISCLAIM OR REFUSE AN INTEREST IN PROPERTY, INCLUDING A POWER OF APPOINTMENT

LIMITATION ON AGENT'S AUTHORITY

AN AGENT THAT IS NOT MY ANCESTOR, SPOUSE, OR DESCENDANT MAY NOT USE MY PROPERTY TO BENEFIT THE AGENT OR A PERSON TO WHOM THE AGENT OWES AN OBLIGATION OF SUPPORT UNLESS I HAVE INCLUDED THAT AUTHORITY IN THE SPECIAL INSTRUCTIONS.

SPECIAL INSTRUCTIONS (OPTIONAL)

YOU MAY GIVE SPECIAL INSTRUCTIONS ON THE FOLLOWING LINES:

_____

_____

_____

_____

_____

_____

_____

EFFECTIVE DATE

THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY UNLESS I HAVE STATED OTHERWISE IN THE SPECIAL INSTRUCTIONS.

TERMINATION DATE (OPTIONAL)

THIS POWER OF ATTORNEY SHALL TERMINATE ON _____, 20__. (USE A SPECIFIC CALENDAR DATE)

NOMINATION OF GUARDIAN (OPTIONAL)

IF IT BECOMES NECESSARY FOR A COURT TO APPOINT A GUARDIAN OF MY PROPERTY OR GUARDIAN OF MY PERSON, I NOMINATE THE FOLLOWING PERSON(S) FOR APPOINTMENT:

NAME OF NOMINEE FOR GUARDIAN OF MY PROPERTY:

_____

NOMINEE'S ADDRESS:_____

NOMINEE'S TELEPHONE NUMBER:_____

NAME OF NOMINEE FOR GUARDIAN OF MY PERSON:

_____

NOMINEE'S ADDRESS:_____

NOMINEE'S TELEPHONE NUMBER:_____

SIGNATURE AND ACKNOWLEDGMENT

_____ _____

YOUR SIGNATURE DATE

_____

YOUR NAME PRINTED

_____

_____

YOUR ADDRESS

_____

YOUR TELEPHONE NUMBER

STATE OF MARYLAND
(COUNTY) OF_____

THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME ON

_____,
(DATE)

BY_____.
(NAME OF PRINCIPAL)

_____ (SEAL, IF ANY)
SIGNATURE OF NOTARY
MY COMMISSION EXPIRES: _____

WITNESS ATTESTATION

THE FOREGOING POWER OF ATTORNEY WAS, ON THE DATE WRITTEN ABOVE, PUBLISHED AND DECLARED BY _____
(NAME OF PRINCIPAL)
IN OUR PRESENCE TO BE HIS/HER POWER OF ATTORNEY. WE, IN HIS/HER PRESENCE AND AT HIS/HER REQUEST, AND IN THE PRESENCE OF EACH OTHER, HAVE ATTESTED TO THE SAME AND HAVE SIGNED OUR NAMES AS ATTESTING WITNESSES.

_____

WITNESS #1 SIGNATURE

_____

WITNESS #1 NAME PRINTED

_____

_____

WITNESS #1 ADDRESS

_____

WITNESS #1 TELEPHONE NUMBER

_____

WITNESS #2 SIGNATURE

_____

WITNESS #2 NAME PRINTED

_____

_____

WITNESS #2 ADDRESS

_____

WITNESS #2 TELEPHONE NUMBER

THIS DOCUMENT PREPARED BY:

_____

_____

IMPORTANT INFORMATION FOR AGENT

AGENT'S DUTIES

WHEN YOU ACCEPT THE AUTHORITY GRANTED UNDER THIS POWER OF ATTORNEY, A SPECIAL LEGAL RELATIONSHIP IS CREATED BETWEEN YOU AND THE PRINCIPAL. THIS RELATIONSHIP IMPOSES ON YOU LEGAL DUTIES THAT CONTINUE UNTIL YOU RESIGN OR POWER OF ATTORNEY IS TERMINATED OR REVOKED. YOU MUST:

(1) DO WHAT YOU KNOW THE PRINCIPAL REASONABLY EXPECTS YOU TO DO WITH THE PRINCIPAL'S PROPERTY OR, IF YOU DO NOT KNOW THE PRINCIPAL'S EXPECTATIONS, ACT IN THE PRINCIPAL'S BEST INTEREST;

(2) ACT WITH CARE, COMPETENCE, AND DILIGENCE FOR THE BEST INTEREST OF THE PRINCIPAL;

(3) DO NOTHING BEYOND THE AUTHORITY GRANTED IN THIS POWER OF ATTORNEY; AND

(4) DISCLOSE YOUR IDENTITY AS AN AGENT WHENEVER YOU ACT FOR THE PRINCIPAL BY WRITING OR PRINTING THE NAME OF THE PRINCIPAL AND SIGNING YOUR OWN NAME AS "AGENT" IN THE FOLLOWING MANNER:

_____ _____

(PRINCIPAL'S NAME) BY (YOUR SIGNATURE) AS AGENT

UNLESS THE SPECIAL INSTRUCTIONS IN THIS POWER OF ATTORNEY STATE OTHERWISE, YOU MUST ALSO:

(1) ACT LOYALLY FOR THE PRINCIPAL'S BENEFIT;
(2) AVOID CONFLICTS THAT WOULD IMPAIR YOUR ABILITY TO ACT IN THE PRINCIPAL'S BEST INTEREST;
(3) KEEP A RECORD OF ALL RECEIPTS, DISBURSEMENTS, AND TRANSACTIONS MADE ON BEHALF OF THE PRINCIPAL;
(4) COOPERATE WITH ANY PERSON THAT HAS AUTHORITY TO MAKE HEALTH CARE DECISIONS FOR THE PRINCIPAL TO DO WHAT YOU KNOW THE PRINCIPAL REASONABLY EXPECTS OR, IF YOU DO NOT KNOW THE PRINCIPAL'S EXPECTATIONS, TO ACT IN THE PRINCIPAL'S BEST INTEREST; AND
(5) ATTEMPT TO PRESERVE THE PRINCIPAL'S ESTATE PLAN IF YOU KNOW THE PLAN AND PRESERVING THE PLAN IS CONSISTENT WITH THE PRINCIPAL'S BEST INTEREST.

TERMINATION OF AGENT'S AUTHORITY

YOU MUST STOP ACTING ON BEHALF OF THE PRINCIPAL IF YOU LEARN OF ANY EVENT THAT TERMINATES THIS POWER OF ATTORNEY OR YOUR AUTHORITY UNDER THIS POWER OF ATTORNEY. EVENTS THAT TERMINATE A POWER OF ATTORNEY OR YOUR AUTHORITY TO ACT UNDER A POWER OF ATTORNEY INCLUDE:

(1) DEATH OF THE PRINCIPAL;
(2) THE PRINCIPAL'S REVOCATION OF THE POWER OF ATTORNEY OR YOUR AUTHORITY;

(3) THE OCCURRENCE OF A TERMINATION EVENT STATED IN THE POWER OF ATTORNEY;

(4) THE PURPOSE OF THE POWER OF ATTORNEY IS FULLY ACCOMPLISHED; OR

(5) IF YOU ARE MARRIED TO THE PRINCIPAL, A LEGAL ACTION IS FILED WITH A COURT TO END YOUR MARRIAGE, OR FOR YOUR LEGAL SEPARATION, UNLESS THE SPECIAL INSTRUCTIONS IN THIS POWER OF ATTORNEY STATE THAT SUCH AN ACTION WILL NOT TERMINATE YOUR AUTHORITY.

LIABILITY OF AGENT

THE MEANING OF THE AUTHORITY GRANTED TO YOU IS DEFINED IN THE MARYLAND POWER OF ATTORNEY ACT, TITLE 17 OF THE ESTATES AND TRUSTS ARTICLE. IF YOU VIOLATE THE MARYLAND POWER OF ATTORNEY ACT, TITLE 17 OF THE ESTATES AND TRUSTS ARTICLE, OR ACT OUTSIDE THE AUTHORITY GRANTED, YOU MAY BE LIABLE FOR ANY DAMAGES CAUSED BY YOUR VIOLATION.

IF THERE IS ANYTHING ABOUT THIS DOCUMENT OR YOUR DUTIES THAT YOU DO NOT UNDERSTAND, YOU SHOULD SEEK LEGAL ADVICE."

17–204.

"AGENT'S CERTIFICATION AS TO THE VALIDITY OF POWER OF ATTORNEY AND AGENT'S AUTHORITY

STATE OF MARYLAND
(COUNTY) OF _____

I, _____ (NAME OF AGENT), CERTIFY UNDER PENALTY OF PERJURY THAT _____ (NAME OF PRINCIPAL) GRANTED ME AUTHORITY AS AN AGENT OR SUCCESSOR AGENT IN A POWER OF ATTORNEY DATED _____.

I FURTHER CERTIFY THAT TO MY KNOWLEDGE:

(1) THE PRINCIPAL IS ALIVE AND HAS NOT REVOKED THE POWER OF ATTORNEY OR MY AUTHORITY TO ACT UNDER THE POWER OF ATTORNEY AND THE POWER OF ATTORNEY AND MY AUTHORITY TO ACT UNDER THE POWER OF ATTORNEY HAVE NOT TERMINATED;

(2) IF THE POWER OF ATTORNEY WAS DRAFTED TO BECOME EFFECTIVE ON THE HAPPENING OF AN EVENT OR CONTINGENCY, THE EVENT OR CONTINGENCY HAS OCCURRED;

(3) IF I WAS NAMED AS A SUCCESSOR AGENT, THE PRIOR AGENT IS NO LONGER ABLE OR WILLING TO SERVE; AND

(4) _____

_____

_____

_____

(INSERT OTHER RELEVANT STATEMENTS)

SIGNATURE AND ACKNOWLEDGMENT

_____ _____

AGENT'S SIGNATURE DATE

_____

AGENT'S NAME PRINTED

_____

_____

AGENT'S ADDRESS

_____

AGENT'S TELEPHONE NUMBER

THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME ON _____,

(DATE)

BY _____.

(NAME OF AGENT)

_____ (SEAL, IF ANY)

SIGNATURE OF NOTARY

MY COMMISSION EXPIRES: _____

THIS DOCUMENT PREPARED BY:

_____.”” .

AMENDMENT NO. 3

On pages 4 through 48, strike in their entirety the lines beginning with line 36 on page 4 through line 21 on page 48, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 940 – Senators DeGrange, Jacobs, Muse, and Stone

AN ACT concerning

Vehicle Laws – Parking for Individuals with Disabilities – Zoning

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1416 – Delegate Frush

AN ACT concerning

Vehicle Laws – Parking for Individuals with Disabilities – Zoning

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #27

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

Senate Bill 776 – Senators Kramer, Forehand, Jacobs, King, Klausmeier, Madaleno, Muse, Peters, Raskin, Rosapepe, and Stone

AN ACT concerning

Assisted Living and Nursing Home Residents Protection Act of 2010

SB0776/588476/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 776
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 3 down through "circumstances;" in line 15 and substitute "expanding the duties of the Sexual Offender Advisory Board to include reviewing certain policies, procedures, and laws and making certain recommendations relating to protecting residents and employees of nursing homes and assisted living facilities and the family members of the residents from convicted sexual offenders; requiring the Sexual Offender Advisory Board to submit a certain report on or before a certain date; providing for the termination of this Act;"; and strike in their entirety lines 17 through 28, inclusive, and substitute:

"BY repealing and reenacting, without amendments,
Article – Public Safety
Section 1–401(a)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 1–401(g)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)".

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 3 on page 2 through line 18 on page 5, inclusive, and substitute:

"Article – Public Safety

1–401.

(a) There is a Sexual Offender Advisory Board in the Department of Public Safety and Correctional Services.

(g) The Board shall:

(1) review technology for the tracking of offenders;

(2) review the effectiveness of the State's laws concerning sexual offenders;

(3) review the laws of other states and jurisdictions concerning sexual offenders;

(4) review practices and procedures of the Maryland Parole Commission and the Division of Parole and Probation concerning supervision and monitoring of sexual offenders;

(5) review developments in the treatment and assessment of sexual offenders;

(6) develop standards for sexual offender treatment based on current and evolving best practices;

(7) certify State sexual offender treatment programs that are in compliance with the Board's standards; **[**and**]**

(8) provide training for sexual offender management teams**; AND**

(9) (I) REVIEW THE POLICIES AND PROCEDURES RELATING TO:

1. ENSURING THE PROTECTION OF RESIDENTS OF NURSING HOMES AND ASSISTED LIVING FACILITIES WHERE CONVICTED SEXUAL OFFENDERS RESIDE OR MAY RESIDE;

2. NOTIFYING RESIDENTS AND EMPLOYEES OF NURSING HOMES AND ASSISTED LIVING FACILITIES AND FAMILY MEMBERS OF RESIDENTS OF THE PRESENCE OF CONVICTED SEXUAL OFFENDERS WHO RESIDE IN THE NURSING HOME OR ASSISTED LIVING FACILITY;

3. EMPLOYING SEXUAL OFFENDERS IN NURSING HOMES OR ASSISTED LIVING FACILITIES; AND

4. REQUIRING LAW ENFORCEMENT NOTIFICATION TO NURSING HOMES AND ASSISTED LIVING FACILITIES IF A SEXUAL OFFENDER RESIDES IN THE NURSING HOME OR ASSISTED LIVING FACILITY;

(II) REVIEW THE LAWS OF OTHER STATES AND JURISDICTIONS CONCERNING PROTECTING RESIDENTS OF NURSING HOMES AND ASSISTED LIVING FACILITIES FROM SEXUAL OFFENDERS; AND

(III) MAKE RECOMMENDATIONS FOR PROTECTING RESIDENTS AND EMPLOYEES OF NURSING HOMES AND ASSISTED LIVING FACILITIES AND THE FAMILY MEMBERS OF RESIDENTS FROM CONVICTED SEXUAL OFFENDERS.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2011, the Sexual Offender Advisory Board shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the Board's findings and recommendations related to the protection of residents and employees of nursing homes and assisted living facilities from convicted sexual offenders.".

On page 5, in line 19, strike "2." and substitute "3."; and in line 20, after the period insert "It shall remain effective for a period 1 year and 3 months and, at the

end of December 31, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #22

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

Senate Bill 1012 – Senator Stoltzfus

AN ACT concerning

Employees' Pension System – Eligibility Service Credit – Early Service Retirement Allowance

SB1012/739838/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 1012
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Employees' Pension System – Eligibility Service Credit" and substitute "State Retirement and Health Benefits"; in line 3, after "Allowance" insert "and Health Insurance Benefits – Eligibility"; in line 4, strike beginning with "requiring" in line 4 down through "allowance;" in line 8 and substitute "authorizing certain individuals to purchase certain service credit in the Employees' Pension System; requiring certain individuals who choose to purchase certain service credit, to pay to the Board of Trustees of the State Retirement and Pension System a certain amount for a certain service credit; requiring certain individuals to complete certain claims and make certain payments to the Board of Trustees on or before a certain date; providing that certain individuals may enroll and participate in the health insurance benefit options established under the State Employee and Retiree Health and Welfare Benefits Program under certain circumstances; requiring certain

individuals to complete a certain enrollment form and be entitled to a certain subsidy;"; in line 9, strike "service credit"; and in line 10, strike "in the Employees' Pension System" and substitute "and health insurance benefits under the State Retirement and Pension System and the State Employee and Retiree Health and Welfare Benefits Program".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 4 on page 2, inclusive, and substitute:

"(b) An individual described under subsection (a) of this section may elect to purchase service credit in the Employees' Pension System under Title 23 of the State Personnel and Pensions Article for the period of time the individual was employed by the Wicomico County Health Department as a contractual employee that is necessary to qualify for early retirement.

(c) An individual who elects to purchase service credit in the Employees' Pension System under subsection (b) of this section shall pay to the Board of Trustees of the State Retirement and Pension System an amount equal to one–half of the annuity reserve and one–half of the pension reserve required to fund the additional allowance.

(d) To purchase contractual service credit under subsection (b) of this section, on or before December 31, 2010, an individual shall:

(1) complete a claim for the service credit and file it with the Board of Trustees on a form that the Board of Trustees provides; and

(2) pay to the Board of Trustees an amount equal to the amount determined under subsection (c) of this section.

(e) Notwithstanding the provisions of § 2–508(b)(1) of the State Personnel and Pensions Article, an individual described under subsection (a) of this section may enroll and participate in the health insurance benefit options established under the State Employee and Retiree Health and Welfare Benefits Program for so long as the individual is receiving a retirement allowance from the State.

(f) To enroll and participate in the State Employee and Retiree Health and Welfare Benefits Program under subsection (e) of this section, on or before December 31, 2010, an individual shall:

(1) complete an enrollment form and submit it to the Department of Budget and Management; and

(2) be entitled to the State subsidy allowed a State employee for each year of the retiree's creditable service, as provided under § 2–508(c)(2) of the State Personnel and Pensions Article.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 304 – Delegates Jones, Conway, Hixson, Holmes, McIntosh, O'Donnell, Ross, ande3 Schuh

EMERGENCY BILL

AN ACT concerning

Education – Maintenance of Effort Requirement – Process and Factors

HB0304/999134/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 304
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "provisions" in line 3 down through "and" in line 5; in line 6, after "request" insert "to the State Board of Education"; in line 9, strike "Superintendent of Schools" and substitute "Board of Education"; in line 11, strike "Superintendent" and substitute "Board of Education"; strike beginning with "authorizing" in line 12 down through "date;" in line 21; and in line 22, strike "providing for the termination of this Act;".

On page 2, in line 3, strike "and 5–213".

AMENDMENT NO. 2

On page 3, in lines 16 and 17, strike "**STATE SUPERINTENDENT**" and substitute "State Board of Education"; in line 24, strike "**STATE SUPERINTENDENT**" and substitute "State Board of Education"; in lines 25 and 26, strike "**APRIL 20**" and substitute "**MAY 1**"; in line 27, strike "**SUPERINTENDENT**" and substitute "**BOARD OF EDUCATION**"; in line 29, strike "**THE**" and substitute "**ITS**"; in line 30, strike "**OF THE DEPARTMENT**"; and in line 34, strike "**SUPERINTENDENT**" and substitute "**BOARD OF EDUCATION**".

On page 4, in lines 18 and 19, strike "**STATE SUPERINTENDENT**" and substitute "State Board of Education"; in line 19, strike "**IN WRITING**"; in line 21, strike "**30**" and substitute "**45**"; in line 22, strike "**MAY 20**" and substitute "**JUNE 1**"; and in lines 23 and 24, strike "**STATE SUPERINTENDENT**" and substitute "State Board of Education".

On pages 4 through 6, strike in their entirety the lines beginning with line 30 on page 4 through line 7 on page 6, inclusive.

AMENDMENT NO. 3

On page 6, in line 8, strike "3." and substitute "2."; and strike beginning with "It" in line 12 down through "effect." in line 14.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 590 – Delegates Ross ~~and Ivey~~, Ivey, Bartlett, Murphy, and Rice

~~EMERGENCY BILL~~

AN ACT concerning

Recordation Taxes and State and County Transfer Tax – Debt Forgiven in "Short Sale"

HB0590/359330/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 590
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Tax" and substitute "Taxes".

On page 3, in line 2, strike "**TRUSTS**" and substitute "**TRUST**".

AMENDMENT NO. 2

On page 1, at the top of the page, insert "EMERGENCY BILL"; and in line 10, after "trust;" insert "making this Act an emergency measure;".

On page 3, in line 12, after "Act" insert "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"; and in line 16, strike "shall take effect June 1, 2010".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 734 – Washington County Delegation

AN ACT concerning

Washington County – Advisory School Design Review Committee

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 768 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Bates, Branch, Haynes, Heller, James, and Levy

AN ACT concerning

Employees' Retirement and Pension Systems – Maryland School for the Deaf Retirees – Overpayment of Benefits

HB0768/849030/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 768
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the first "the" in line 4 down through "requiring" in line 7.

On page 2, in line 3, strike "21–113(c)" and substitute "29–402".

AMENDMENT NO. 2

On page 2, in line 11, strike "**SUBSECTION (C) OF THIS SECTION**" and substitute "**§ 29–402 OF THIS ARTICLE**"; and after line 17, insert:

"**29–402.**

(A) THIS SECTION APPLIES TO A RETIREE OF THE EMPLOYEES' RETIREMENT SYSTEM OR EMPLOYEES' PENSION SYSTEM WHO:

(1) RETIRED FROM THE EMPLOYEES' RETIREMENT SYSTEM OR EMPLOYEES' PENSION SYSTEM ON OR BEFORE JUNE 30, 2009;

(2) BEFORE RETIREMENT WAS AN EMPLOYEE OF THE MARYLAND SCHOOL FOR THE DEAF; AND

(3) BEFORE RETIREMENT, AS AN EMPLOYEE FOR THE MARYLAND SCHOOL FOR THE DEAF, WAS A 10–MONTH EMPLOYEE INCORRECTLY CLASSIFIED AS A 12–MONTH EMPLOYEE.

(B) (1) IF A RETIREE IS RECEIVING A BENEFIT THAT DIFFERS FROM THE BENEFIT THE RETIREE IS ENTITLED TO RECEIVE, THE BOARD OF TRUSTEES SHALL, BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT JULY 1, SUSPEND ANY ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THE RETIREE MAY RECEIVE UNDER THIS SUBTITLE.

(2) BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT JULY 1, ANY ADJUSTMENT TO THE RETIREE'S ANNUAL RETIREMENT ALLOWANCE DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CALCULATED USING:

(I) FOR ANY ADJUSTMENT CALCULATED UNDER PART II OR PART III OF THIS SUBTITLE, THE INITIAL ALLOWANCE THE RETIREE WAS ENTITLED TO RECEIVE AND NOT THE INITIAL ALLOWANCE THE RETIREE DID RECEIVE;

(II) FOR ANY ADJUSTMENT CALCULATED UNDER PART IV AND PART VI OF THIS SUBTITLE, THE CURRENT RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE AND NOT THE CURRENT RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING; OR

(III) FOR ANY ADJUSTMENT CALCULATED UNDER PART V OF THIS SUBTITLE, BOTH THE INITIAL ALLOWANCE THE RETIREE WAS ENTITLED TO RECEIVE AND NOT THE INITIAL ALLOWANCE THE RETIREE DID RECEIVE AND THE CURRENT RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE AND NOT THE CURRENT RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING.

(3) THE BOARD OF TRUSTEES SHALL SUSPEND ANY ANNUAL RETIREMENT ADJUSTMENT UNDER THIS SUBSECTION UNTIL THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE, INCLUDING ANY SUSPENDED ANNUAL RETIREMENT ALLOWANCE ADJUSTMENTS, EQUALS THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING ON JULY 1, 2010.

(4) WHEN THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE, INCLUDING ANY SUSPENDED ANNUAL RETIREMENT ALLOWANCE ADJUSTMENTS, EQUALS THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING ON JULY 1, 2010, THE BOARD OF TRUSTEES SHALL RESUME ADJUSTING THE RETIREE'S ANNUAL ALLOWANCE ON JULY 1 OF EACH YEAR IN ACCORDANCE WITH THIS SUBTITLE.

(C) IF A RETIREE DIES BEFORE THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE WAS ENTITLED TO RECEIVE, INCLUDING ANY SUSPENDED ANNUAL RETIREMENT ALLOWANCE ADJUSTMENTS, EQUALS THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE WAS RECEIVING ON JULY 1, 2010, AND THE RETIREE HAS SELECTED AN OPTIONAL FORM OF ALLOWANCE UNDER TITLE 21, SUBTITLE 4 OF THIS ARTICLE, THE DECEASED RETIREE'S BENEFICIARY SHALL RECEIVE A BENEFIT CALCULATED ON THE RETIREMENT ALLOWANCE THE DECEASED RETIREE WAS ENTITLED TO RECEIVE AT THE TIME OF THE RETIREE'S DEATH AND NOT WHAT THE RETIREE WAS RECEIVING AT THE TIME OF THE RETIREE'S DEATH.".

AMENDMENT NO. 3

On pages 2 through 4, strike in their entirety the lines beginning with line 19 on page 2 through line 35 on page 4, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 775 – Delegates Griffith, Branch, Bronrott, Conway, Gaines, Guzzone, Haynes, Heller, James, Jones, Levy, and Proctor

EMERGENCY BILL

AN ACT concerning

State Retirement and Pension System – Retirees and Beneficiaries of Retirees – Annual Retirement Allowance Adjustments

HB0775/759038/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 775
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 5 down through "circumstances;" in line 7; and strike beginning with "certain" in line 12 down through "of" in line 13.

AMENDMENT NO. 2

On pages 1 through 9, strike in their entirety the lines beginning with line 16 on page 1 through line 30 on page 9, inclusive.

AMENDMENT NO. 3

On page 9, after line 30, insert:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, notwithstanding any other provision of law:

(a) (1) In this section the following words have the meanings indicated.

(2) "Adjustment" means the dollar amount by which either the current allowance or initial allowance of an individual is adjusted on July 1 of each year under § 24–401(e) and Title 29, Subtitle 4 of the State Personnel and Pensions Article.

(3) "Current allowance" means the retirement allowance that an individual is receiving on June 30, 2010.

(4) "Individual" means a former member, retiree, or surviving beneficiary of a deceased member, former member or retiree of the several systems of the State Retirement and Pension System.

(5) "Initial allowance" means:

(i) the retirement allowance computed at the time of a retirement of a former member or retiree of the several systems of the State Retirement and Pension System, including any modifications to the retirement allowance to reflect a retiree's election to receive an optional form of allowance as provided under § 21–403 of the State Personnel and Pensions Article; or

(ii) the retirement allowance for a surviving beneficiary of a deceased member, former member, or retiree of the several systems of the State Retirement and Pension System computed at the time of death of the member, former member, or retiree.

(b) (1) This subsection applies to any individual who is subject to an annual retirement allowance adjustment under § 24–401(e) of the State Personnel and Pensions Article.

(2) If the fraction described under § 24–401(e)(2) of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's current allowance on July 1, 2010, is less than the fraction used to adjust an allowance on July 1, 2009, the adjustment to the current allowance shall equal $0.00 on July 1, 2010.

(c) (1) This subsection applies to any individual who is subject to an annual retirement allowance adjustment under Title 29, Subtitle 4, Part II of the State Personnel and Pensions Article.

(2) If the fraction calculated under § 29–406 of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's initial allowance on July 1, 2010, is determined to be a negative fraction, the adjustment under § 29–406 of the State Personnel and Pensions Article to the current allowance shall equal $0.00 on July 1, 2010.

(d) (1) This subsection applies to any individual who is subject to an annual retirement allowance adjustment under Title 29, Subtitle 4, Part III of the State Personnel and Pensions Article.

(2) If the fraction calculated under § 29–412 of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's initial

allowance on July 1, 2010, is less than the fraction used to adjust an allowance on July 1, 2009, the adjustment under § 29–412 of the State Personnel and Pensions Article to the current allowance shall equal $0.00 on July 1, 2010.

(e) (1) This subsection applies to any individual who is subject to an annual retirement allowance adjustment under Title 29, Subtitle 4, Part IV of the State Personnel and Pensions Article.

(2) If the fraction used to determine the rate under § 29–418 of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's current allowance on July 1, 2010, is less than one, the adjustment to the current allowance shall equal $0.00 on July 1, 2010.

(f) (1) This subsection applies to any individual who is subject to an annual retirement allowance adjustment under Title 29, Subtitle 4, Part V of the State Personnel and Pensions Article.

(2) (i) If the fraction calculated under § 29–422(b)(1) of the State Personnel and Pensions Article that is used to adjust an individual's initial allowance on July 1, 2010, is less than the fraction used to adjust an allowance on July 1, 2009, the adjustment to the current allowance for creditable service earned prior to the date that the retiree elected Selection C, as defined under § 22–221 of the State Personnel and Pensions Article, shall equal $0.00 on July 1, 2010.

(ii) If the fraction used to determine the rate under § 29–422(b)(2) of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's current allowance on July 1, 2010, is less than one, the adjustment to the current allowance for creditable service earned on or after the date that the retiree elected Selection C, as defined under § 22–221 of the State Personnel and Pensions Article, shall equal $0.00 on July 1, 2010.

(3) (i) If the fraction used to determine the rate under § 29–422(c)(1) of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's current allowance on July 1, 2010, is less than one, the adjustment to the current allowance for creditable service earned prior to the date that the retiree elected Selection C, as defined under § 22–221 of the State Personnel and Pensions Article, shall equal $0.00 on July 1, 2010.

(ii) If the fraction used to determine the rate under § 29–422(c)(2) of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's current allowance on July 1, 2010, is less than one, the adjustment to the current allowance for creditable service earned on or after the date that the retiree elected Selection C, as defined under § 22–221 of the State Personnel and Pensions Article, shall equal $0.00 on July 1, 2010.

(g) (1) This subsection applies to any individual who is subject to an annual retirement allowance adjustment under Title 29, Subtitle 4, Part VI of the State Personnel and Pensions Article.

(2) If the fraction used to determine the rate under § 29–427 of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's current allowance on July 1, 2010, is less than one, the adjustment to the current allowance shall equal $0.00 on July 1, 2010.

(h) (1) The Board of Trustees for the State Retirement and Pension System shall study:

(i) the effects that the Consumer Price Index (All Urban Consumers – United States City Average – All Items) as of December 31, 2009, as published by the United States Department of Labor Bureau of Labor Statistics, had on the annual retirement allowance adjustments applied to retirees of other public state pension plans; and

(ii) the actions other public state pension plans have taken in response to the effects that the Consumer Price Index (All Urban Consumers – United States City Average – All Items) as of December 31, 2009, as published by the United States Department of Labor Bureau of Labor Statistics, has had on the retirees and beneficiaries of deceased retirees of these plans.

(2) On or before October 1, 2010, the Board of Trustees shall submit a report in accordance with § 2–1246 of the State Government Article to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the Joint Committee on Pensions that provides:

(i) a summary of its findings under paragraph (1) of this subsection; and

(ii) recommendations to avoid benefit reductions to retirees of the several systems when the annual Consumer Price Index results in a decrease in annual retirement allowances for retirees and beneficiaries of deceased retirees of the several systems of the State Retirement and Pension System.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective through June 30, 2011, and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 855 – Montgomery County Delegation

AN ACT concerning

Sales and Use Tax – Exemption – Lodging at a Corporate Training Center ~~in Montgomery County~~
~~MC 22–10~~

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 892 – ~~Delegate Niemann~~ Delegates Niemann, Ross, Barnes, Benson, Braveboy, Davis, Frush, Gaines, Griffith, Healey, Holmes, Howard, Hubbard, Ivey, Levi, Pena–Melnyk, Proctor, Ramirez, V. Turner, Valderrama, Vallario, Vaughn, and Walker

AN ACT concerning

Property Taxes – ~~Homestead Property Tax Credit~~ Bicounty Commissions

HB0892/899139/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 892
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "term;" insert "altering a certain definition; providing for the calculation of the homestead property tax credit for a certain taxable year for property tax imposed for certain bicounty commissions;".

On page 2, in line 5, strike "9–105(b), (e)(2)" and substitute "9–105(a)(5), (b), (e)(1) and (2)".

AMENDMENT NO. 2

On page 2, after line 12, insert:

"(5) "Taxable assessment" means the assessment on which the [State, county, or municipal corporation] property tax rate was imposed in the preceding taxable year, adjusted by the phased–in assessment increase resulting from a revaluation under § 8–104(c)(1)(iii) of this article, less the amount of any assessment on which a property tax credit under this section is authorized.".

On page 3, in line 1, after "(e)" insert "(1) For each taxable year, the property tax credit under this section is calculated by:

(i) multiplying the prior year's taxable assessment by the homestead credit percentage as provided under paragraph (2) of this subsection;

(ii) subtracting that amount from the current year's assessment; and

(iii) if the difference is a positive number, multiplying the difference by the applicable [State, county, or municipal corporation] property tax rate for the current year.".

On page 4, after line 4, insert:

"(c) For the purpose of calculating the homestead tax credit under § 9–105 of the Tax – Property Article, as enacted by Section 1 of this Act, for the tax year beginning July 1, 2010, the prior year's taxable assessment used for purposes of calculating the credit for property tax imposed for a bicounty commission shall be the prior year's taxable assessment used for calculating the credit for the State property tax.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1044 – Delegates Bronrott, Ali, Aumann, Barkley, Barnes, Bartlett, Barve, Beidle, Beitzel, Bobo, Cardin, Carr, G. Clagett, Conway, Dumais, Eckardt, Feldman, Frick, Frush, Gaines, Griffith, Gutierrez, Guzzone, Hammen, Haynes, Healey, Hecht, Hixson, Hubbard, Hucker, Ivey, Jones, Kaiser, Kipke, Krysiak, Lafferty, Lee, Manno, McIntosh, Mizeur, Montgomery, Morhaim, Niemann, Pena–Melnyk, Pendergrass, Proctor, Ramirez, Reznik, Rice, Robinson, Ross, Stein, Taylor, F. Turner, and V. Turner

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:

House Bill 1219 – Allegany County Delegation

AN ACT concerning

Allegany County – Property Tax Credit – WMHS Braddock Hospital Facility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #23

CONSENT CALENDAR #65

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 516	FAV	Del Malone	Hazardous Matl Response Team Empls Death Benefits and Funeral Expenses – Loc Govt Agencies
HB 619	FAV	Del James	State Contributory Law Enforcement Officers' Pension System – Transfer of Service Credit
HB 766	FAV	Del Heller (Chr JtCMPF), et al	Capital Debt Affordability
HB 770	FAV	Del Griffith (Chr Jt Com on Pnsns), et al	State Police Retirement System – Deferred Vested Members – Survivor Benefits
HB 772	FAV	Del Griffith (Chr Jt Com on Pnsns), et al	State Ret and Pension System – Noncontributory Former Vested Mbrs – Vested Ret Allowance
HB 773	FAV	Del Griffith (Chr Jt Com on Pnsns), et al	Law Enforcement Officers' Pension System – Deferred Retirement Option Program – Participation
HB 830	FAV	Del Kramer, et al	Income Tax Checkoff for Developmental Disabilities
HB 839	FAV	Del Heller (Chr JtCMPF), et al	Political Subdivisions – Financial Reports
HB 1134	FAV	Del Griffith (Chr Jt Com on Pnsns), et al	State Retirement and Pension System – Eligible Governmental Units

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #25

CONSENT CALENDAR #66

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

House Bill 214 – Delegates Pena–Melnyk, Barnes, and Frush

AN ACT concerning

Labor and Employment – Wage Payment and Collection Law – Definition of Wage

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 494 – Delegates Hubbard, Costa, King, Kirk, Kullen, Levy, Love, Minnick, Montgomery, Oaks, and Stein

AN ACT concerning

~~Infant Formula and Baby Food~~ Food and Cosmetics – Auction Sales – Prohibition – Exception

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 854 – Delegates Stein, Barkley, Cardin, Manno, and Minnick

AN ACT concerning

Homeowner's, Farmowner's, and Dwelling Insurance Policies – Claims for Additional Payments

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 880 – Delegates Kramer, Conaway, Ivey, McConkey, Montgomery, Ramirez, Shank, Simmons, ~~and Smigiel~~ Smigiel, Hecht, Manno, Mathias, and Taylor

AN ACT concerning

Telephone ~~Companies and Resellers~~ Bills – Third–Party Vendor Billing

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 900 – Delegates Montgomery, Benson, Bobo, Bohanan, Bronrott, Carr, Costa, Gaines, Guzzone, Heller, Hubbard, Kaiser, Kullen, Love, Manno, Mizeur, Niemann, Pena–Melnyk, Robinson, and Waldstreicher

AN ACT concerning

Developmental Disabilities Administration – Recipient ~~Reevaluations~~ Appeals

HB0900/897579/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 900
(Third Reading File Bill)

On page 3, in line 4, after the comma insert "**AN**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 981 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County Board of Education – Inclusion of Employees in Bargaining Unit

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 990 – Delegates Olszewski, Cardin, DeBoy, Frick, and Shewell

AN ACT concerning

Financial Institutions – Credit Unions – Authority to Conduct Savings Promotion Raffles

HB0990/617679/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 990
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Unions" insert "and Depository Institutions"; in line 6, after "union;" insert "authorizing a depository institution to conduct a savings promotion raffle for the exclusive benefit of eligible customers of the depository institution;"; in line 7, after "union" insert "and a depository institution"; in line 8, strike "a" and substitute "certain"; in the same line, strike "raffle" and substitute "raffles"; in line 10, after "union" insert "and a certain depository institution"; in line 12, after "terms;" insert "making this Act subject to a certain contingency; requiring the Commissioner to monitor certain federal action and give certain notice to the Department of Legislative Services at a certain time; providing for the termination of this Act under certain circumstances;"; and in lines 12 and 13, strike "credit unions and".

On page 2, in line 3, after "Section" insert "1–211 and".

AMENDMENT NO. 2

On page 2, in line 21, after "**ARTICLE**" insert "**OR BY A DEPOSITORY INSTITUTION UNDER § 1–211 OF THE FINANCIAL INSTITUTIONS ARTICLE**".

On page 5, in line 23, after "**(C)**" insert "**(1)**"; after line 26, insert:

"**(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A DEPOSITORY INSTITUTION, AS DEFINED IN § 1–211 OF THE FINANCIAL**

INSTITUTIONS ARTICLE, MAY CONDUCT A SAVINGS PROMOTION RAFFLE UNDER § 1–211 OF THE FINANCIAL INSTITUTIONS ARTICLE.";

and after line 27, insert:

"**1–211.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "DEPOSITORY INSTITUTION" MEANS ANY STATE–CHARTERED OR FEDERALLY CHARTERED FINANCIAL INSTITUTION, OTHER–STATE BANK, OR FOREIGN BANK THAT:

(I) IS LOCATED IN THIS STATE OR MAINTAINS A BRANCH IN THIS STATE; AND

(II) IS AUTHORIZED TO MAINTAIN QUALIFYING DEPOSIT ACCOUNTS.

(3) "ELIGIBLE CUSTOMER" MEANS AN INDIVIDUAL CUSTOMER OF A DEPOSITORY INSTITUTION WHO:

(I) MAINTAINS A QUALIFYING DEPOSIT ACCOUNT AT A DEPOSITORY INSTITUTION PARTICIPATING IN A SAVINGS PROMOTION RAFFLE;

(II) IS AN ADULT; AND

(III) IS A RESIDENT OF THIS STATE.

(4) "QUALIFYING DEPOSIT ACCOUNT" MEANS A SAVINGS ACCOUNT, SAVINGS PROGRAM, OR OTHER TIME DEPOSIT OFFERED TO AN ELIGIBLE CUSTOMER FOR A SAVINGS PROMOTION RAFFLE.

(5) "SAVINGS PROMOTION RAFFLE" MEANS A PRIZE–LINKED SAVINGS PRODUCT OFFERED BY A PARTICIPATING DEPOSITORY INSTITUTION TO AN ELIGIBLE CUSTOMER.

(B) (1) A DEPOSITORY INSTITUTION MAY CONDUCT A SAVINGS PROMOTION RAFFLE FOR THE EXCLUSIVE BENEFIT OF ELIGIBLE CUSTOMERS IF:

(I) THE SOLE CONSIDERATION REQUIRED FOR A CHANCE TO WIN A SPECIFIED PRIZE IS THE DEPOSIT OF A MINIMUM SPECIFIED AMOUNT OF MONEY IN A QUALIFYING DEPOSIT ACCOUNT;

(II) EACH TICKET OR ENTRY IN THE SAVINGS PROMOTION RAFFLE HAS AN EQUAL CHANCE OF BEING DRAWN;

(III) THE DEPOSITORY INSTITUTION MAINTAINS BOOKS AND RECORDS RELATING TO THE SAVINGS PROMOTION RAFFLE; AND

(IV) THE SAVINGS PROMOTION RAFFLE WILL NOT:

1. HARM THE DEPOSITORY INSTITUTION'S ABILITY TO OPERATE IN A SAFE AND SOUND MANNER; OR

2. MISLEAD THE DEPOSITORY INSTITUTION'S CUSTOMERS.

(2) IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION, A SAVINGS PROMOTION RAFFLE CONDUCTED BY A BANKING INSTITUTION MUST BE APPROVED BY THE COMMISSIONER.

(C) EXCEPT AS PREEMPTED BY FEDERAL LAW, THE COMMISSIONER MAY:

(1) EXAMINE THE CONDUCT OF A SAVINGS PROMOTION RAFFLE; AND

(2) ISSUE A CEASE AND DESIST ORDER UNDER § 5–808 OF THIS ARTICLE FOR A VIOLATION OF THIS SECTION.".

On page 7, after line 2, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010, contingent on depository institutions that are subject to regulation by the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, or the Federal Reserve Board being allowed to provide prize–linked savings products such as a savings promotion raffle authorized by this Act. The Commissioner of Financial Regulation shall monitor federal regulatory and legislative action relating to the authorization of depository institutions to provide prize–linked savings products such as savings promotion raffles, and shall notify the Department of Legislative Services within 30 days after learning that federal action has been taken to allow depository institutions to provide prize–linked products such as a savings promotion raffle authorized by this Act. If notice from the Commissioner is not received by the Department on or before October 1, 2014, this Act shall be null and void without the necessity of further action by the General Assembly.";

in line 3, strike "2." and substitute "3."; and in the same line, after "That" insert ", subject to Section 2 of this Act,".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1025 – Delegates Tarrant, Anderson, Branch, Carter, Conaway, Glenn, Hammen, Harrison, Haynes, Kirk, McHale, McIntosh, Oaks, Robinson, Rosenberg, and Stukes

AN ACT concerning

Baltimore City – Sale of Motor Fuel for Dirt Bikes – Prohibition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1167 – Carroll County Delegation

AN ACT concerning

Carroll County – Homemade Food Sales – County Parks and Facilities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1206 – Delegates Frick, Barkley, Barve, Bobo, Bronrott, Cardin, Carr, G. Clagett, Doory, Dumais, Feldman, Frush, George, Hecht, Hixson, Howard, Kramer, Lee, Miller, Mizeur, Montgomery, Morhaim, Murphy, Niemann, Olszewski, Reznik, Rice, Taylor, F. Turner, and Waldstreicher

AN ACT concerning

Commercial Law – Consumer Protection – Refund Anticipation Loans and Checks

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1226 – ~~Delegate Hubbard~~ Delegates Hubbard, Hammen, Pendergrass, Benson, Costa, Donoghue, Elliott, Kach, Kipke, Krebs, Kullen, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Developmental Disabilities Administration – Low Intensity Support Services

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1254 – Delegates Vaughn and Miller

AN ACT concerning

Credit Regulation – Mortgage Brokers – Charges

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1470 – Delegates Rudolph, Miller, and Niemann

AN ACT concerning

Title Insurance – Title Insurers and Title Insurance Producers – Regulation and Reports

HB1470/567376/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1470
(Third Reading File Bill)

On page 5, in line 9, after "**TRUST**" insert "**IS**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1471 – Delegates Rudolph, Miller, and Niemann

AN ACT concerning

Residential Real Property – Real Estate Settlements – Disclosures

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1564 – Chair, Health and Government Operations Committee (By Request – Departmental – Health Insurance Plan) and Delegates Benson, Donoghue, Hammen, Hubbard, Kullen, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

EMERGENCY BILL

AN ACT concerning

Maryland Health Insurance Plan – Administration of National High Risk Pool Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 908 – Delegates Feldman, Hecht, ~~and Rice~~ Rice, Stein, and Bronrott

AN ACT concerning

Maryland Clean Energy Center – Miscellaneous Provisions

HB0908/357871/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 908
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "Act;" insert "subjecting the Maryland Clean Energy Center to the procurement procedures relating to minority business participation;"; and in line 15, after "10–809" insert "and 10–814".

AMENDMENT NO. 2

On page 2, strike beginning with "**EXCEPT**" in line 26 down through "**A**" in line 27 and substitute "**A**"; strike beginning with "**NO**" in line 29 down through "**THE**" in line 31 and substitute "**THE**"; strike in their entirety lines 34 and 35; and after line 35, insert:

"10–814.

(a) Except as provided in subsections (b), (c), and (e) of this section, the Center is exempt from:

(1) Title 10 and Division II of the State Finance and Procurement Article; and

(2) §§ 10–505 and 10–507 of the State Government Article.

(b) The Center is subject to the Public Information Act.

(c) The Board and the officers and employees of the Center are subject to the Public Ethics Law.

(d) The officers and employees of the Center are not subject to the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.

(e) The Center, its Board, and employees are subject to Title 12, Subtitle 4 **AND TITLE 14, SUBTITLE 3** of the State Finance and Procurement Article.

(f) The Center is a public body under Title 5, Subtitle 4 of this article, the Maryland Industrial Development Financing Authority Act, for purposes of applying for, receiving, and making agreements in connection with:

(1) a loan;

(2) a grant;

(3) insurance; or

(4) any other form of financial assistance.".

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 #26

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 275 – Chair, Appropriations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

State Employees – Employee Performance Appraisals – Revisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 418 – Delegate Beitzel

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:

House Bill 453 – Washington County Delegation

AN ACT concerning

Washington County – Emergency Communications Center – Polygraph Examinations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 536 – Chair, Health and Government Operations Committee (By Request – Departmental – Aging) and Delegates Hubbard, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Kach, Kipke, Krebs, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Department of Aging – Long–Term Care Ombudsman Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 849 – ~~Delegate Hubbard~~ Delegates Hubbard, Kipke, Benson, Krebs, Kullen, McDonough, Montgomery, Nathan–Pulliam, Pena–Melnyk, Pendergrass, and V. Turner

AN ACT concerning

Department of Health and Mental Hygiene – Home– and Community–Based Services Waiver – Denial of Access Prohibited

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 899 – ~~Delegate Hubbard~~ Delegates Hubbard, Benson, Kach, Kullen, McDonough, Montgomery, Pena–Melnyk, and V. Turner

AN ACT concerning

Nursing Facility Residents – Home–Based and Community Services – Access Assistance

HB0899/807573/1
BY: Finance Committee

AMENDMENTS TO HOUSE BILL 899
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "facility;" insert "requiring the Department of Health and Mental Hygiene to provide certain assistance to certain residents within certain time frames;"; and in line 15, after "agencies;" insert "prohibiting a nursing facility from denying certain representatives access to certain nursing facility residents without good cause;".

AMENDMENT NO. 2

On page 3, in line 26, after "needed" insert "**, WITHIN 10 DAYS AFTER THE RESIDENT'S CONTACT WITH THE DEPARTMENT OR THE DESIGNEE OF THE DEPARTMENT**"; and in line 29, after "wishes" insert "**WITH REASONABLE PROMPTNESS**".

On page 4, after line 12, insert:

"**(G) A NURSING FACILITY MAY NOT DENY REPRESENTATIVES OF A DESIGNATED PROTECTION AND ADVOCACY SYSTEMS AGENCY ACCESS TO RESIDENTS OF A NURSING FACILITY WITHOUT GOOD CAUSE.**";

and in line 22, strike "(g)" and substitute "**(H)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 948 – Delegates Olszewski, Aumann, Cardin, DeBoy, Lafferty, Malone, Minnick, and Schuler

AN ACT concerning

Baltimore County – Bargaining Unit for Public School Employees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1032 – Delegates Kirk, Harrison, Haynes, King, Love, McHale, Minnick, Stukes, and Vaughn

AN ACT concerning

Motor Fuel ~~Refiner or Supplier~~ Suppliers – Games of Chance ~~– Repeal of Prohibition~~

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1033 – ~~Delegate C. Clagett~~ Frederick County Delegation

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 reported favorably with amendments:

House Bill 1100 – Delegates Braveboy, Ali, Anderson, Barkley, Barnes, Benson, Bobo, Burns, Carr, Davis, Feldman, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Harrison, Haynes, Healey, Holmes, Howard, Hubbard, Hucker, Ivey, Jones, Kirk, Krysiak, Kullen, Lee, Levi, Malone, Manno, McHale, Mizeur, Montgomery, Niemann, Olszewski, Pena–Melnyk, Ramirez, Reznik, Rice, Ross, Schuler, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, and Walker

AN ACT concerning

Prevailing Wage Rates – Public Works Contracts – Suits by Employees

HB1100/497875/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1100
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "investigation" in line 5 down through "enforcement" in line 6; and in line 7, strike "internally or issue a certain order under certain circumstances;" and substitute "informally; requiring the Commissioner to issue an order for a hearing under certain circumstances; requiring the Commissioner to take certain actions if an employee is found to be entitled to restitution;".

AMENDMENT NO. 2

On page 2, in line 17, strike "A" and substitute "**EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A**"; in line 20, strike "**INVESTIGATION AND ENFORCEMENT PROCEDURES UNDER**" and substitute "**PROVISIONS OF**"; strike beginning with the colon in line 24 down through the second "**SUBTITLE**" in line 27 and substitute "**TRY TO RESOLVE THE ISSUE INFORMALLY**"; after line 27, insert:

"**(4) (I) IF THE COMMISSIONER IS UNABLE TO RESOLVE THE MATTER INFORMALLY, THE COMMISSIONER SHALL ISSUE AN ORDER FOR A HEARING IN ACCORDANCE WITH § 17–221 OF THIS SUBTITLE.**

(II) IF, AT THE CONCLUSION OF A HEARING ORDERED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSIONER DETERMINES THAT THE EMPLOYEE IS ENTITLED TO RESTITUTION UNDER THIS SUBTITLE, THE COMMISSIONER SHALL ISSUE AN ORDER IN ACCORDANCE WITH § 17–221 OF THIS SUBTITLE.

(III) IF AN EMPLOYER OF AN EMPLOYEE FOUND TO BE ENTITLED TO RESTITUTION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH IS NO LONGER WORKING UNDER A CONTRACT WITH A PUBLIC BODY, THE COMMISSIONER MAY ORDER THAT RESTITUTION BE PAID DIRECTLY BY THE EMPLOYER TO THE EMPLOYEE WITHIN A REASONABLE PERIOD OF TIME, AS DETERMINED BY THE COMMISSIONER.";

in line 28, strike "**(4)**" and substitute "**(5)**"; in the same line, strike "**THE**" and substitute "**AN**"; and strike beginning with "**ISSUED**" in line 28 down through "**(3)(II)**" in line 29 and substitute "**TO PAY RESTITUTION TO AN EMPLOYEE UNDER PARAGRAPH (4)(III)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1152 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Commissioner of Financial Regulation – Applicant and Staff Criminal Background Checks

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #29

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

House Bill 825 – Delegates Barkley, Barnes, Davis, Feldman, Harrison, Hecht, Impallaria, King, Kirk, Krysiak, Love, Manno, McHale, Minnick, Schuler, Stifler, Taylor, and Vaughn

AN ACT concerning

Vehicle Laws – Required Security – Minimum Amounts

Favorable report adopted.

FLOOR AMENDMENT

HB0825/853021/1

BY: Senator Kittleman

AMENDMENT TO HOUSE BILL 825
(Third Reading File Bill)

On page 2, in line 12, strike "**$30,000**" and substitute "**$25,000**"; and in the same line, strike "**$60,000**" and substitute "**$50,000**".

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

Affirmative – 18 Negative – 27 (See Roll Call No. 894)

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 695 – Delegate Hecht

AN ACT concerning

~~Real Property –~~ Homeowners Association – Annual Budget – Notice, Information, and Adoption

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

Favorable report adopted.

Read the second time and ordered for Third Reading.

CONCURRENCE CALENDAR #4

AMENDED IN THE HOUSE

Senate Bill 429 – Senators Kelley and Conway

AN ACT concerning

Maryland Medical Assistance Program – Medical Eligibility for Nursing Facility Level of Care – Report

Senator Middleton moved that the Senate concur in the House amendment.

SB0429/686986/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 429
(Third Reading File Bill)

On page 3, in line 29, strike "**INCLUDE**" and substitute "**INCLUDES**".

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 895)

AMENDED IN THE HOUSE

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

Senator Middleton moved that the Senate concur in the House amendment.

SB0527/456389/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 527
(Third Reading File Bill)

On page 8, in line 16, after "**EVALUATE**" insert "**THE PERFORMANCE OF EACH**"; and in the same line, strike "**CENTERS**" and substitute "**CENTER;**

(5) MAKE RECOMMENDATIONS TO 2–1–1 MARYLAND REGARDING THE QUALITY OF SERVICE PROVIDED BY CALL CENTERS OR THE PERFORMANCE OF CALL CENTERS WHEN ISSUES RELATED TO SERVICE QUALITY AND PERFORMANCE ARE PRESENTED TO THE BOARD;

(6) MAKE RECOMMENDATIONS REGARDING CORRECTIVE ACTION TO BE TAKEN BY A CALL CENTER, AS APPROPRIATE; AND

(7) DEVELOP POLICIES AND PROCEDURES GOVERNING CONFLICT OF INTEREST STANDARDS FOR BOARD MEMBERS".

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 896)

CONCURRENCE CALENDAR #3

AMENDED IN THE HOUSE

Senate Bill 231 – Senators Kelley and Forehand

AN ACT concerning

Maryland Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

Senator Frosh moved that the Senate concur in the House amendments.

SB0231/972610/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 231
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "applying" insert "certain provisions of"; and in line 7, after "Act;" insert "prohibiting a court of this State from treating a foreign country as if the country were a state for the purposes of applying certain provisions of this Act unless a court of this State makes a certain finding;".

AMENDMENT NO. 2

On page 27, in line 14, strike "**A**" and substitute "**(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A**"; and after line 16, insert:

"**(B) UNLESS A COURT OF THIS STATE FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT A FOREIGN COUNTRY APPLIES AND FOLLOWS SUBSTANTIVE AND PROCEDURAL DUE PROCESS CONSISTENT WITH THE PRACTICES AND POLICIES OF THE STATE OF MARYLAND, THE COURT:**

(1) MAY NOT REQUEST A COURT IN THE FOREIGN COUNTRY TO ISSUE AN ORDER OR HOLD A HEARING;

(2) MAY NOT DECLINE TO EXERCISE JURISDICTION IF, BY DECLINING JURISDICTION IN THIS STATE, A COURT IN THE FOREIGN COUNTRY MAY OBTAIN JURISDICTION;

(3) MAY NOT DISMISS OR STAY A PROCEEDING IN THIS STATE REQUESTED OR ORDERED BY A COURT IN THE FOREIGN COUNTRY;

(4) MAY NOT DETERMINE THAT A COURT IN THE FOREIGN COUNTRY IS AN APPROPRIATE FORUM;

(5) MAY DECLINE TO COMPLY WITH NOTICE REQUIREMENTS OF THE FOREIGN COUNTRY OR THIS TITLE;

(6) MAY PROCEED WITH THE CASE IF THIS STATE IS OTHERWISE AN APPROPRIATE FORUM;

(7) MAY NOT ISSUE AN ORDER OR PROVISIONAL ORDER TO TRANSFER A GUARDIANSHIP OR CONSERVATORSHIP TO THE FOREIGN COUNTRY; AND

(8) MAY NOT RECOGNIZE UNDER ANY PROVISION OF LAW A GUARDIANSHIP OR CONSERVATORSHIP ORDER FROM THE FOREIGN COUNTRY.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 897)

SPECIAL ORDERS

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

House Bill 1263 – The Speaker (By Request – Administration) and Delegates Busch, Hixson, Kaiser, and Rosenberg

AN ACT concerning

Education Reform Act of 2010

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

Senator Mooney moved, duly seconded, to make the Bill a Special Order for April 6, 2010.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 898)

ADJOURNMENT

At 10:15 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day April 2, 2010, Calendar Day, Tuesday, April 6, 2010.

Annapolis, Maryland
Legislative Day: April 2, 2010
Calendar Day: Tuesday, April 6, 2010
10:00 A.M. Session

The Senate met at 10:16 A.M.

Prayer by Bishop Larry Lee Thomas, Empowering Believers Church, guest of Senator DeGrange.

(See Exhibit A of Appendix III)

The Journal of April 1, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 900)

SPECIAL ORDERS

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

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #8

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

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #8
April 1, 2010

Arts Council, Maryland State

1. Margaret M. Footner District 5
18329 Peters Avenue
White Hall, MD 21161

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2010

Blind Industries and Services of Maryland, Board of Trustees of

2. James R. Berens District 13
12920 Wexford Park
Clarksville, MD 21029

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

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

3. David A.C. Carroll District 41
4507 Prospect Circle
Baltimore, MD 21216

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve a term of four years from July 1, 2010

Economic Development Commission, Maryland

4. Sagar Patel District 35
1219 Sparrow Mill Way
Bel Air, MD 21015

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

Education, State Board of

5. Luisa Montero–Diaz District 20
432 Lincoln Avenue
Takoma Park, MD 20912

Member of the State Board of Education; appointed to serve remainder of a term of four years from July 1, 2007

6. Sayed M. Naved District 15
14617 Snapdragon Circle
N. Potomac, MD 20878

Member of the State Board of Education; appointed to serve remainder of a term of four years from July 1, 2007

Elevator Safety Review Board

7. Debra D. Wylie District 18
2445 Lyttonsville Road, Apt. 105
Silver Spring, MD 20910

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

Environmental Sanitarian Registration, State Board of

8. Veronica S. Moore District 44
774 Yale Avenue
Baltimore, MD 21229

Member of the State Board of Environmental Sanitarian Registration; appointed to serve a term of five years from July 1, 2010

Higher Education Commission, Maryland

9. Sandra L. Jimenez District 23
8807 Orwood Lane
Laurel, MD 20708

Member of the Maryland Higher Education Commission; appointed to serve remainder of a term of five years from July 1, 2007

Historic St. Mary's City Commission

10. Laura J. Cripps, Ph.D. District 9
3742 College Avenue
Ellicott City, MD 21043

Member of the Historic St. Mary's City Commission; appointed to serve a term of four years from July 1, 2009

11. Martin E. Sullivan, Ph.D. District 29
44572 Bellview Court
Tall Timbers, MD 20690

Member of the Historic St. Mary's City Commission; appointed to serve a term of four years from July 1, 2009

Human Relations Commission

12. Kanan Hamed Hudhud, M.D. District 3
6816 Running Springs Court
Frederick, MD 21703

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

Indian Affairs, Commission on

13. Sherry L. Majors District 38
27499 Mt. Vernon Road
Princess Anne, MD 21853

Member of the Commission on Indian Affairs; appointed to serve remainder of a term of three years from July 1, 2007

Morgan State University Board of Regents

14. Larry R. Ellis, (Ret.) District 99
520 Corondelette Cove, SW
Atlanta, GA 30331

Member of the Morgan State University Board of Regents; appointed to serve remainder of a six year term from July 1, 2007

Patuxent River Commission

15. Kelton L. Clark District 30
103 First Street
Annapolis, MD 21401

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 2009

16. Luis F. Dieguez District 29
30120 Dudley Road
Mechanicsville, MD 20659

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 2009

17. John W. Fringer, Jr. District 29
13386 Rousby Hall Road
Lusby, MD 20657

Member of the Patuxent River Commission; appointed to serve a term of four years from October 1, 2009

18. Pamela B. King District 29
26648 Tin Top School Road
Mechanicsville, MD 20659

Member of the Patuxent River Commission; reappointed to serve a term of four years from October 1, 2009

Professional Engineers, State Board for

19. Sandra J. Murphy District 25
9602 Merikern Lane
Largo, MD 20774

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2010

University System of Maryland Board of Regents

20. Louise M. Gonzales, Esq. District 41
2221 Foxbane Square
Baltimore, MD 21209

Member of the University System of Maryland Board of Regents; appointed to serve a term of five years from July 1, 2009

21. Leslie Donald Hall District 24
6136 Central Avenue
Capitol Heights, MD 20743

Member of the University System of Maryland Board of Regents; appointed to serve a term of one year from July 1, 2010

22. Paul L. Vance, Ed.D. District 15
20625 Hazelnut Court
Germantown, MD 20874

Member of the University System of Maryland Board of Regents; appointed to serve a term of five years from July 1, 2010

Workforce Corporation Board of Directors, Maryland

23. Stuart M. Bounds District 37
28694 Emanuel Street
Easton, MD 21601

Member of the Maryland Workforce Corporation Board of Directors; reappointed to serve a term to expire June 30, 2010 and a term of four years from July 1, 2010

24. Irene M. Zoppi Rodriguez, Ph.D. District 33
2309 Westport Lane
Crofton, MD 21114

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2010

25. Francis Jack Russell District 29
16127 Piney Point Road, P.O. Box 134
Piney Point, MD 20674

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2012

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.

Atlantic States Marine Fisheries Commission

S–1. William J. Goldsborough District 30
1355 Moyer Road
Annapolis, MD 21403

Member of the Atlantic States Marine Fisheries Commission; reappointed to serve a term of three years from June 1, 2010

Blind Industries and Services of Maryland, Board of Trustees of

S–2. James R. Berens District 13
12920 Wexford Park
Clarksville, MD 21029

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–3. George H. Littrell, Jr. District 3
5209 Reel's Mill Road
Frederick, MD 21704

Member of the Board of Trustees of Blind Industries and Services of Maryland; appointed to serve a term of three years from July 1, 2007

S–4. George H. Littrell, Jr. District 3
5209 Reel's Mill Road
Frederick, MD 21704

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

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

S–5. Sadara B. Barrow District 47
4313 Newton Street
Colmar Manor, MD 20722

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2010

S–6. Worall Reed Carter, III District 36
14272 Drapers Mill Road
Greensboro, MD 21639

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2010

S–7. Judith M. Cox District 34
P.O.Box 460
Rising Sun, MD 21911

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2010

S–8. C. Peter Gutwald District 35
2113 Arden Drive
Fallston, MD 21047

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2010

Hart–Miller–Pleasure Island Citizens Oversight Committee

S–9. Fred Thiess District 6
4102 Beachwood Road
Baltimore, MD 21222

Alternate Member of the Hart–Miller–Pleasure Island Citizens Oversight Committee; appointed to serve a term of two years from July 1, 2009

Patuxent River Commission

S–10. C. Bernard Fowler District 27
P.O. Box 459
Prince Frederick, MD 20678

Member of the Patuxent River Commission; appointed to serve remainder of a term of four years from October 1, 2005, and a term of four years from October 1, 2009

Technology Development Corporation Board of Directors, Maryland

S–11. Dorothy E. Brunson District 41
3419 Bancroft Road
Baltimore, MD 21215

Member of the Maryland Technology Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

Workforce Corporation Board of Directors, Maryland

S–12. Irene M. Zoppi Rodriguez, Ph.D. District 33
2309 Westport Lane
Crofton, MD 21114

Member of the Maryland Workforce Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

Local Nominees

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

Allegany College Board of Trustees

L–1. Victor Raul Felipa, M.D. District 1
925 Bishop Walsh Road
Cumberland, MD 21502

Member of the Allegany College Board of Trustees; reappointed to serve a term of six years from July 1, 2009

L–2. Kim B. Leonard District 1
801 Nemacolin Road
Cumberland, MD 21502

Member of the Allegany College Board of Trustees; reappointed to serve a term of six years from July 1, 2010

Anne Arundel Community College Board of Trustees

L–3. Arthur D. Ebersberger District 33
51 Boone Trail
Severna Park, MD 21146

Member of the Anne Arundel Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2010

L–4. Morgan O'Brien District 30
1100 Broadview Drive
Annapolis, MD 21409

Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of one year from July 1, 2010

Baltimore County Community College, Board of Trustees

L–5. James G. Gresham District 10
4 Plum Tree Court
Randallstown, MD 21133

Member of the Board of Trustees of Baltimore County Community College; appointed to serve a term of five years from July 1, 2010

L–6. Warren C. Hayman, Ed.D. District 10
3603 1/2 Patterson Avenue
Baltimore, MD 21207

Member of the Board of Trustees of Baltimore County Community College; appointed to serve a term of five years from July 1, 2010

L–7. Barbara Kerr Howe District 10
8 Hampshire Woods Court
Towson, MD 21204

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve a term of five years from July 1, 2010

L–8. Patricia Reed Norman District 6
8809 Cedar Grove Road
Baltimore, MD 21221

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2006

College of Southern Maryland, Board of Trustees of the

L–9. Theodore L. Harwood District 29
26415 Jones Wharf Road
Hollywood, MD 20636

Member of the Board of Trustees of the College of Southern Maryland; appointed to serve a term of five years from July 1, 2010

L–10. MacArthur Jones District 27
155 MacArthur Drive
Huntington, MD 20639

Member of the Board of Trustees of the College of Southern Maryland; reappointed to serve a term of five years from July 1, 2010

L–11. Janice T. Walthour District 29
20493 Partin's Lane
Lexington Park, MD 20653

Member of the Board of Trustees of the College of Southern Maryland; reappointed to serve a term of five years from July 1, 2010

Frederick Community College Board of Trustees

L–12. Doris J. White District 3
6004 Lundgren Drive
Frederick, MD 21701

Member of the Frederick Community College Board of Trustees; reappointed to serve a term of five years from July 1, 2010

Hagerstown Community College Board of Trustees

L–13. Merle S. Elliott District 2
13237 Fountain Head Road
Hagerstown, MD 21742

Member of the Hagerstown Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2010

Howard Community College Board of Trustees

L–14. Edmund Starr Coale, III District 13
6636 Prestwick Dr.
Highland, MD 20777

Member of the Howard Community College Board of Trustees; appointed to serve a term of six years from July 1, 2010

Montgomery Community College Board of Trustees

L–15. Kenneth J. Hoffman, M.D. District 17
1511 Auburn Avenue
Rockville, MD 20850

Member of the Montgomery Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2005

L–16. Marsha S. Smith District 14
2204 Eaglesham Court
Olney, MD 20832

Member of the Montgomery Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2010

Prince George's Community College Board of Trustees

L–17. Lynn Loughlin Skerpon District 23
2101 Bermondsey Drive
Mitchellville, MD 20721

Member of the Prince George's Community College Board of Trustees; appointed to serve remainder of a term of five 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. 901)

House Bill 60 – ~~Delegate Smigiel~~ Delegates Smigiel, Ramirez, Vallario, Barnes, Levi, and Walker

AN ACT concerning

Criminal Procedure – Violation by Child Sexual Offender of Pretrial or Posttrial Release No Contact Order ~~– Expedited Hearing~~ ("Alexis's Law")

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 902)

The Bill was then sent to the House of Delegates.

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

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 903)

The Bill was then sent to the House of Delegates.

House Bill 1263 – The Speaker (By Request – Administration) and Delegates Busch, Hixson, Kaiser, and Rosenberg

AN ACT concerning

Education Reform Act of 2010

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

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

The motion was adopted.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 2	Sen. Conway	Task Force on the Minority Business Enterprise Program and Equity Investment Capital
SB 54	Ch., Finance Com.	Business and Economic Development – Maryland Economic Adjustment Fund
SB 55	Ch., Finance Com.	Business and Econ Dev – Md Military Installation Council – Sunset Repeal, Mbrshp, and Terms
SB 103	The President	State Board of Examiners of Landscape Architects – Sunset Extension and Program Evaluation
SB 147	The President	State Board for Professional Land Surveyors – Sunset Extension and Program Evaluation

SB 148	The President	State Board of Pilots – Sunset Extension and Program Evaluation
SB 149	The President	State Board of Plumbing – Sunset Extension and Program Evaluation
SB 204	Sen. Pinsky	Student Stigma Act
SB 208	Sen. V. Jones	State Treasurer – Permissible Investments – Linked Deposit Program
SB 230	Sen. Conway	Education – Instruction of Blind and Visually Impaired Students – Use of Braille
SB 476	Sen. King	Maintenance of Effort – Penalty
SB 477	Sen. Frosh	State Highways – Mobile Produce Vendors – Required State Lease
SB 483	Sen. Dyson	St. Mary's County Board of Education – Inclusion of Employees in Bargaining Unit
SB 493	Sen. Astle	Vehicle Laws – Equipment on Motorcycles – Auxiliary Lighting
SB 501	Sen. Raskin	Real Estate Investment Trusts – Miscellaneous Provisions
SB 512	Sen. Conway	Maryland Locksmiths Act – Revisions – Definitions and Records Inspection
SB 523	Sen. Pugh	Credit Card Blacklisting Prevention Act
SB 552	Sen. Edwards	Allegany County – Property Tax Credit – Memorial Hilltop Centre
SB 555	Sen. Conway	Business Occupations and Professions – Individual Tax Preparers – Examination Requirements
SB 652	Sen. DeGrange	Property Tax Credit – Habitat for Humanity
SB 694	Sen. Lenett	Labor and Employment – Wage Payment and Collection Law – Definition of Wage

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

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #36

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

Senate Bill 987 – Senator Astle

AN ACT concerning

Natural Resources – Conservation Law Enforcement Act of 2010

SB0987/224039/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 987
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 7 down through "regulations;" in line 21; and strike beginning with "authorizing" in line 22 down through "Act;" in line 24.

On page 2, in line 7, strike "defining a certain term;"; in line 16, strike the first comma and substitute "and"; in the same line, strike ", 4–206, 4–1201(f), and 4–1207"; and in line 21, strike "and 10–1106.1".

AMENDMENT NO. 2

On pages 5 through 7, strike in their entirety the lines beginning with line 15 on page 5 through line 24 on page 7, inclusive.

AMENDMENT NO. 3

On page 8, strike in their entirety lines 6 through 28, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 62 – ~~Delegate V. Turner~~ Delegates V. Turner and Beidle

AN ACT concerning

Environment – Payment of Cost Differential – Nitrogen Removal Technology

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF RESOLUTIONS

A Maryland General Assembly Resolution for Cornelia C. Watson offers its sincerest congratulations in recognition of 41 years of dedicated and outstanding service to the Maryland General Assembly.

The roll call vote resulted as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 904)

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #36

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 72 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Department of the Environment – Oil and Gas Production Permits – Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #37

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

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

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 250
(Third Reading File Bill)

On page 1, in line 7, strike "State" and substitute "State's"; in line 9, before "county" insert "a"; in the same line, strike "government"; and in line 10, strike "certification" and substitute "qualification".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0251/464432/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 251
(Third Reading File Bill)

On page 1, in line 7, after "of" insert "all or part of".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0474/204537/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 474
(Third Reading File Bill)

On page 7, after line 2, insert:

"**8.** **ONE REPRESENTATIVE OF A RURAL COMMUNITY;**

9. **ONE REPRESENTATIVE OF THE HERITAGE TOURISM INDUSTRY;**

10. **ONE SCIENTIST OR TECHNICAL EXPERT WITH DEMONSTRATED EXPERTISE IN THE CONNECTION BETWEEN WATER QUALITY AND LAND USE; AND**

11. **ONE REPRESENTATIVE OF THE LAND CONSERVATION COMMUNITY;**";

and in lines 3, 5, 7, 9, and 11, strike "**8.**", "**9.**", "**10.**", "**11.**", and "**12.**", respectively, and substitute "**12.**", "**13.**", "**14.**", "**15.**", and "**16.**", respectively.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 923 – Delegates Levi, Benson, Haynes, Howard, Nathan–Pulliam, Oaks, Pena–Melnyk, Ramirez, Rice, Robinson, Stukes, Tarrant, Taylor, Valderrama, ~~and Vaughn~~ Vaughn, Hubbard, Kullen, Montgomery, Morhaim, Pendergrass, Reznik, and V. Turner

AN ACT concerning

Procurement – Minority Business Enterprises – Review of Application for Certification and Notice to Applicant

Senator Peters moved, duly seconded, to make the Bill and Report a Special Order for April 8, 2010.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #38

CONSENT CALENDAR #67

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 400	FAV	Del Beitzel	Garrett County – Wine Festival License – Qualifications – Hearing and Notice
HB 535	FAV	Cecil County Delegation	Cecil County – Alcoholic Beverages – Entertainment Facility License
HB 559	FAV	Prince George's Count Delegation	Prince George's County – Winery Special Event Permits – Farmers' Markets PG 304–10
HB 567	FAV	Prince George's Count Delegation	Prince George's County – Alcoholic Beverages – License Fees and Salaries of Inspectors PG 305–10

HB 570	FAV	Prince George's Count Delegation	Prince George's County – Alcoholic Beverages – Extinguishment of Licenses PG 306–10
HB 573	FAV	Prince George's Count Delegation	Prince George's County – Alcoholic Beverages – Class A/Class 4 Light Wine Licenses PG 312–10
HB 574	FAV	Prince George's Count Delegation	Prince George's Co – National Harbor – Alc Bevs – Restriction on License Holder PG 308–10
HB 582	FAV	PG Co Deleg and Mont Co Deleg	Prince George's Co – Issuance of Alc Bevs Licenses and Park Permits – Notif PG/MC 112–10
HB 717	FAV	Howard County Delegation	Howard County – Alcoholic Beverages – Class A Licenses – Findings Ho. Co. 7–10
HB 730	FAV	Howard County Delegation	Howard County – Alcoholic Beverages Act of 2010 Ho. Co. 3–10
HB 823	FAV	Montgomery County Delegation	Montgomery County – Winery Special Event Permits – Farmers' Markets MC 9–10
HB 1205	FAV	Montgomery County Delegation	Montgomery County – Alcoholic Beverages License Fees – Repeal of Sunset MC 24–10
HB 1309	FAV	Del Mathias, et al	Somerset and Worcester Counties – Liquor Control Boards – Ethics
HB 1496	FAV	Del Aumann	Baltimore County – Alcoholic Beverages – Tasting Licenses – Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #27

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

Senate Bill 701 – Senators Pugh, Lenett, Conway, Currie, Della, Exum, Forehand, Harrington, Kelley, King, Kramer, Madaleno, McFadden, Muse, Peters, Rosapepe, and Stone

AN ACT concerning

Commercial Law – Debt Settlement Services

SB0701/137076/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 701
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Services" insert "– Study"; strike beginning with "prohibiting" in line 3 down through "terms;" in line 21 and substitute "requiring the Office of the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation, in consultation with the Consumer Protection Division of the Office of the Attorney General, to conduct a study of the debt settlement services industry; requiring the study to determine how best to regulate the debt settlement services industry in the State; requiring the Office, in consultation with the Division, to establish a workgroup comprised of certain representatives; requiring the Office, in consultation with the Division, to report certain findings and recommendations on or before a certain date to certain committees of the General Assembly;".

On pages 1 and 2, strike in their entirety the lines beginning with line 23 on page 1 through line 11 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 13, strike "the Laws of Maryland read as follows"; after line 13, insert:

"(a) (1) The Office of the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation, in consultation with the Consumer Protection Division of the Office of the Attorney General, shall conduct a study of the debt settlement services industry.

(2) The study shall determine how the debt settlement services industry would best be regulated in the State, including the option of establishing a licensure requirement, and the fiscal impact of regulating the industry if licensure were required.

(b) In conducting its study, the Office of the Commissioner of Financial Regulation, in consultation with the Consumer Protection Division, shall establish a workgroup that is comprised of representatives of relevant stakeholders, including:

(1) representatives of:

(i) the Office of the Commissioner of Financial Regulation;

(ii) the Consumer Protection Division;

(iii) the debt settlement services industry, including representatives of the various debt settlement services providers with differing models of debt settlement services practices;

(iv) the Maryland Consumer Rights Coalition; and

(v) the debt management industry; and

(2) any other person that the Office of the Commissioner of Financial Regulation or the Consumer Protection Division considers appropriate.

(c) On or before December 1, 2010, the Office of the Commissioner of Financial Regulation, in consultation with the Consumer Protection Division, shall report, in accordance with § 2–1246 of the State Government Article, its findings and recommendations, including draft legislation, if any, to the Senate Finance Committee and the House Economic Matters Committee.".

On pages 2 through 8, strike in their entirety the lines beginning with line 14 on page 2 through line 14 on page 8, inclusive.

On page 8, in line 16, strike "October" and substitute "July".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 703 – Senators Garagiola, Forehand, Kelley, King, Lenett, Madaleno, Muse, Pinsky, and Robey

AN ACT concerning

Tobacco–Related Products – Definitions and Distribution to Minors

SB0703/357376/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 703
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Definitions and"; strike beginning with "altering" in line 3 down through "cigarettes;" in line 7; in line 14, after "products;" insert "repealing certain prohibitions, procedures, and dispositions relating to the possession or use of tobacco products by minors rendered inconsistent with this Act;"; in line 16, after "Carroll County," insert "Cecil County,"; and in line 18, after "products;" insert "defining certain terms; providing for the application of this Act; stating the intent of the General Assembly as to certain provisions of this Act;".

On page 2, strike in their entirety lines 2 through 11, inclusive; and strike in their entirety lines 18 through 27, inclusive.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 35 on page 2 through line 7 on page 5, inclusive.

On page 6, in line 17, strike "**28**" and substitute "**27**".

On page 7, in line 12, after "**OF**" insert "**UP TO**"; in line 14, after "**FOR**" insert "**A SECOND VIOLATION WITHIN A 24–MONTH PERIOD FROM THE PREVIOUS CITATION; AND**

(3) $750 FOR".

On pages 7 and 8, strike in their entirety the lines beginning with line 28 on page 7 through line 19 on page 8, inclusive.

On page 8, in line 22, after "That" insert "it is the intent of the General Assembly that the provisions of § 24–1704(b) of the Health – General Article, as enacted by Section 3 of this Act, shall be construed as conforming to the Federal Smoking Prevention and Control Act and any regulations promulgated under it.

SECTION 6. AND BE IT FURTHER ENACTED, That".

The preceding 2 amendments were read only.

Senator Haines moved, duly seconded, to make the Bill and Amendments a Special Order for April 7, 2010.

The motion was adopted.

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

Senate Bill 906 – Senator Stone

AN ACT concerning

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

SB0906/637870/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 906
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Offer of"; in line 3, after "Water" insert "– Study"; strike beginning with "certain" in line 4 down through "provide" in line 5 and substitute "the Maryland Insurance Administration to conduct a certain study relating to"; strike beginning with "requiring" in line 6 down through "Administration" in line 13 and substitute "requiring the Administration to consult with certain stakeholders; requiring the Administration to report its findings and recommendations on or before a certain date to certain committees of the General Assembly"; in line 14, strike "and offers of"; and strike in their entirety lines 16 through 20, inclusive.

AMENDMENT NO. 2

On page 1, in line 22, strike "the Laws of Maryland read as follows".

On pages 1 and 2, strike in their entirety the lines beginning with line 23 on page 1 through line 34 on page 2, inclusive, and substitute:

"(a) The Maryland Insurance Administration shall conduct a study of how best to inform consumers about how to determine the existence and scope of homeowner's insurance coverage for loss from the discharge of water from a plumbing system or plumbing source, including a discharge from a water main break, whether the plumbing system or source is located on or off the insured premises.

(b) In conducting its study, the Administration shall consult with relevant stakeholders, as determined by the Administration, including representatives of the homeowner's insurance industry and the People's Insurance Counsel.

(c) On or before December 1, 2010, the Administration shall report, in accordance with § 2–1246 of the State Government Article, its findings and recommendations, including draft legislation, if any, to the Senate Finance Committee and the House Economic Matters Committee.".

On page 3, in line 1, strike "4." and substitute "2."; and in line 2, 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.

THE COMMITTEE ON FINANCE REPORT #28

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

House Bill 402 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Collection Agencies – Application and Renewal Fees

HB0402/567078/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 402
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "authorizing" and substitute "requiring"; and in line 5, after the third "fees" insert ", subject to certain limitations".

AMENDMENT NO. 2

On page 2, in line 8, after "(a)" insert "**(1)**"; in line 9, strike "(1)" and substitute "**(I)**"; in line 11, strike "(2)" and substitute "**(II)**"; in line 12, strike "**(I)**" and substitute "**1.**"; in line 14, strike "**(II)**" and substitute "**2.**"; after line 15, insert:

"**(2) THE FEES AUTHORIZED UNDER THIS SUBSECTION MAY NOT EXCEED A TOTAL OF $900 FOR A 2–YEAR TERM.**";

in line 24, strike "**THE**" and substitute "**AN**"; and in the same line, after "**AMOUNT**" insert "**, NOT EXCEEDING $900,**".

On page 3, in line 2, strike "**THE**" and substitute "**SUBJECT TO § 7–302(A)(2) AND (E)(2) OF THIS SUBTITLE, THE**"; and strike beginning with ", notwithstanding" in line 11 down through "Act," in line 12.

The preceding 2 amendments were read only.

Senator Harris moved, duly seconded, to make the Bill and Amendments a Special Order for April 7, 2010.

The motion was adopted.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

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.

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

House Bill 1136 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Supervision and Reorganization

HB1136/727470/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1136
(Third Reading File Bill)

On page 5, in line 1, strike "**(D)**" and substitute "**(E)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1151 – Chair, Economic Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Commercial Motor Vehicles – Minimum Security Requirements

HB1151/327376/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1151
(Third Reading File Bill)

On page 3, strike beginning with "**FOR–HIRE**" in line 6 down through "**(2)**" in line 9; and in line 15, strike "**(3)**" and substitute "**(2)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE SENATE

BILL: **SB 0140**
SPONSOR: The Pres (Admin)
SUBJECT: Budget Bill (Fiscal Year 2011)

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

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed: Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange

Senator Madaleno
Senator Brinkley

In addition, the Senate has appointed in advisory capacity: Senators McFadden, V. Jones and Edwards.

The House appoints: Delegate Conway, Chair
Delegate G. Clagett
Delegate Gaines
Delegate Bohanan
Delegate Beitzel

In addition, the House has appointed in advisory capacity: Delegates James, Branch and Griffith.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0141**
SPONSOR: The Pres (Admin)
SUBJECT: Budget Reconciliation and Financing Act of 2010

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

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed: Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange
Senator Madaleno
Senator Brinkley

In addition, the Senate has appointed in advisory capacity: Senators McFadden, V. Jones and Edwards.

The House appoints: Delegate Conway, Chair
Delegate Gaines
Delegate Bohanan
Delegate Hixson
Delegate Beitzel

In addition, the House has appointed in advisory capacity: Delegates Griffith, James and DeBoy.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

QUORUM CALL

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

(See Roll Call No. 905)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #70

Senate Bill 309 – Senators ~~Kelley,~~ Kelley and Simonaire and Senators Astle, Conway, Currie, DeGrange, Della, Exum, Forehand, Garagiola, Haines, Harrington, Jacobs, Jones, Kasemeyer, Klausmeier, McFadden, Middleton, Muse, Peters, Pipkin, Pugh, Raskin, Robey, Rosapepe, and Stone

AN ACT concerning

~~Uniform Power of Attorney Act~~
Maryland General and Limited Power of Attorney Act (Loretta's Law)

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

Affirmative – 46 Negative – 0 (See Roll Call No. 906)

The Bill was then sent to the House of Delegates.

Senate Bill 776 – Senators Kramer, Forehand, Jacobs, King, Klausmeier, Madaleno, Muse, Peters, Raskin, Rosapepe, and Stone

AN ACT concerning

Assisted Living and Nursing Home Residents Protection Act of 2010

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

Affirmative – 47 Negative – 0 (See Roll Call No. 907)

The Bill was then sent to the House of Delegates.

Senate Bill 940 – Senators DeGrange, Jacobs, Muse, and Stone

AN ACT concerning

Vehicle Laws – Parking for Individuals with Disabilities – Zoning

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

Affirmative – 47 Negative – 0 (See Roll Call No. 908)

The Bill was then sent to the House of Delegates.

Senate Bill 1012 – Senator Stoltzfus

AN ACT concerning

~~Employees' Pension System – Eligibility Service Credit~~ State Retirement and Health Benefits – Early Service Retirement Allowance and Health Insurance Benefits – Eligibility

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

Affirmative – 47 Negative – 0 (See Roll Call No. 909)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #11
CONSENT CALENDAR #12

BILL NO.	SPONSOR	CONTENT	COMMITTEE

HB 89	Del. O'Donnell	Environment – Wetlands and Waterways Program Fees – Aquaculture	EHE
HB 110	Del. Eckardt	Dorchester County – Alcoholic Beverages – Clubs – Membership	EHE
HB 113	Del. Eckardt	Dorchester County – Membership of Sanitary Commission	EHE
HB 130	The Speaker	State Board for Professional Land Surveyors – Sunset Extension and Program Evaluation	EHE
HB 131	The Speaker	State Board of Physical Therapy Examiners – Sunset Extension and Program Evaluation	EHE
HB 133	The Speaker	State Board of Pilots – Sunset Extension and Program Evaluation	EHE
HB 134	The Speaker	State Board of Examiners of Landscape Architects – Sunset Extension and Program Evaluation	EHE
HB 135	The Speaker	St Bd of Chiropractic and Massage Thrpy Exmrs – Sunset Ext and Program Evaluation	EHE
HB 136	The Speaker	State Board of Plumbing – Sunset Extension and Program Evaluation	EHE
HB 162	Del. Anderson	Expedited Partner Therapy Pilot Program – Extension	EHE
HB 215	Del. Nathan–Pulliam	State Bd of Nursing – Changes to the Electrology Practice Committee and Licensing Requirements	EHE

HB 226	Del. Anderson	Baltimore City Police Department Death Relief Fund – Procedures and Benefit Amount	EHE
HB 245	Allegany County Del.	Allegany County and Garrett County – Turkey Hunting – Sundays	EHE
HB 279	Del. Robinson	Baltimore City – Park Heights Redevelopment Area – Alcoholic Beverages – Store Opening Hours	EHE
HB 291	Del. King	Maryland Locksmiths Act – Revisions – Definitions and Records Inspection	EHE
HB 302	Del. Nathan–Pulliam	St Bd of Nursing and Certd Nursing Asst Advry Com – Mbrshp – Noms for Vacancies	EHE
HB 340	Cecil County Del.	Cecil County – Board of Electrical Examiners and Licensing of Electricians	EHE
HB 459	Del. Healey	St Licensing Agencies – Justification Statements Required for Fee Increases Proposed by Regs	EHE
HB 487	Del. McIntosh	Environment – State Board of Waterworks and Waste Systems Operators – Sunset Extension and Revisions	EHE
HB 631	Del. Niemann	Natural Resources – Park Advisory Commission – Membership	EHE
HB 668	Harford County Del.	Harford County – Liquor Control Board Membership – Nomination Process	EHE
HB 733	Del. Beitzel	Garrett County – Volunteer Fire Departments and Rescue Squads – Emergency Services	EHE

		Board	
HB 1059	Del. Eckardt	Dorchester County – Choptank River – Soft–Shell Clam Harvesting	EHE
HB 1114	Carroll County Del.	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. 12 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 910)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #12
CONSENT CALENDAR #13

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 854	Del. Stein	Homeowner's, Farmowner's, and Dwelling Insurance Policies – Claims for Additional Payments	FIN
HB 880	Del. Kramer	Telephone Bills – Third–Party Vendor Billing	FIN
HB 900 (AMENDED)	Del. Montgomery	Developmental Disabilities Administration – Recipient Appeals	FIN
HB 990 (AMENDED)	Del. Olszewski	Financial Institutions – Credit Unions – Authority to Conduct Savings Promotion Raffles	FIN
HB 1025	Del. Tarrant	Baltimore City – Sale of Motor Fuel for Dirt Bikes – Prohibition	FIN
HB 1167	Carroll County Del.	Carroll County – Homemade Food Sales – County Parks and Facilities	FIN

HB 1206	Del. Frick	Commercial Law – Consumer Protection – Refund Anticipation Loans and Checks	FIN
HB 1226	Del. Hubbard	Developmental Disabilities Administration – Low Intensity Support Services	FIN
HB 1254	Del. Vaughn	Credit Regulation – Mortgage Brokers – Charges	FIN
HB 1471	Del. Rudolph	Residential Real Property – Real Estate Settlements – Disclosures	FIN

All of the above listed bills on the Third Reading Consent Calendar No. 13 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 911)

The Bills were then sent to the House of Delegates.

House Bill 214 – Delegates Pena–Melnyk, Barnes, and Frush

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 – 35 Negative – 12 (See Roll Call No. 912)

The Bill was then sent to the House of Delegates.

House Bill 494 – Delegates Hubbard, Costa, King, Kirk, Kullen, Levy, Love, Minnick, Montgomery, Oaks, and Stein

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 – 47 Negative – 0 (See Roll Call No. 913)

The Bill was then sent to the House of Delegates.

House Bill 981 – St. Mary's County Delegation

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 – 45 Negative – 2 (See Roll Call No. 914)

The Bill was then sent to the House of Delegates.

House Bill 1470 – Delegates Rudolph, Miller, and Niemann

AN ACT concerning

Title Insurance – Title Insurers and Title Insurance Producers – Regulation and Reports

Senator Dyson moved, duly seconded, to make the Bill a Special Order for April 7, 2010.

The motion was adopted.

House Bill 1564 – Chair, Health and Government Operations Committee (By Request – Departmental – Health Insurance Plan) and Delegates Benson, Donoghue, Hammen, Hubbard, Kullen, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

EMERGENCY BILL

AN ACT concerning

Maryland Health Insurance Plan – Administration of National High Risk Pool Program

FLOOR AMENDMENT

HB1564/863126/1

BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 1564
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Maryland Health Insurance Plan" and substitute "Health Insurance"; in line 3, after "Program" insert "and Participation in Health Insurance Systems and Plans"; in line 13, after "standards;" insert "establishing that, notwithstanding certain provisions of law, a person has the right to choose to participate in a private health insurance system or private health insurance plan; establishing that, notwithstanding certain provisions of law and subject to a certain exception, a person has the right to pay for lawful medical services without interference, and a penalty, tax, fee, or fine of any type may not be imposed on a person who declines to contract for health insurance coverage or to participate in a particular health insurance system or plan; providing for the construction of certain provisions of this Act;"; in line 16, after "of" insert "certain provisions of"; and strike beginning with "the" in line 17 down through "Plan" in line 18 and substitute "health insurance".

On page 2, in line 13, strike "and" and substitute a comma; and in the same line, after "14–508(d)" insert ", and 15–134".

AMENDMENT NO. 2

On page 5, after line 17, insert:

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

Article – Insurance

15–134.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A PERSON HAS THE RIGHT TO CHOOSE TO PARTICIPATE IN A PRIVATE HEALTH INSURANCE SYSTEM OR A PRIVATE HEALTH INSURANCE PLAN.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AND EXCEPT AS REQUIRED BY A COURT FOR A NAMED PARTY IN A LEGAL DISPUTE, A PERSON HAS THE RIGHT TO PAY FOR LAWFUL MEDICAL SERVICES WITHOUT INTERFERENCE, AND A PENALTY, TAX, FEE, OR FINE OF ANY TYPE MAY NOT BE IMPOSED ON A PERSON WHO DECLINES TO CONTRACT FOR HEALTH INSURANCE COVERAGE OR TO PARTICIPATE IN A PARTICULAR HEALTH INSURANCE SYSTEM OR PLAN.

(C) THIS SECTION MAY NOT BE CONSTRUED TO EXPAND, LIMIT, OR OTHERWISE MODIFY A LEGAL DETERMINATION OF WHAT CONSTITUTES LAWFUL MEDICAL SERVICES IN THE STATE.";

in lines 18, 25, and 34, strike "2.", "3.", and "4.", respectively, and substitute "3.", "4.", and "5.", respectively; and in line 30, strike "This" and substitute "Section 1 of this".

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

Affirmative – 20 Negative – 27 (See Roll Call No. 915)

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

Affirmative – 47 Negative – 0 (See Roll Call No. 916)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #13

House Bill 45 – Delegate Cane

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. 917)

The Bill was then sent to the House of Delegates.

House Bill 80 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board for Professional Engineers

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

Affirmative – 46 Negative – 0 (See Roll Call No. 918)

The Bill was then sent to the House of Delegates.

House Bill 82 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Pilots – Limited Licenses

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

Affirmative – 47 Negative – 0 (See Roll Call No. 919)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 42 Negative – 5 (See Roll Call No. 920)

The Bill was then sent to the House of Delegates.

House Bill 84 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 921)

The Bill was then sent to the House of Delegates.

House Bill 87 – Chair, Economic Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

State Fire Marshal – Nongovernmental Electrical Inspectors

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

Affirmative – 47 Negative – 0 (See Roll Call No. 922)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 25 Negative – 22 (See Roll Call No. 923)

The Bill was then sent to the House of Delegates.

House Bill 179 – Delegates Elliott and Krebs

AN ACT concerning

State Board of Nursing – Temporary License – Issuance

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

Affirmative – 47 Negative – 0 (See Roll Call No. 924)

The Bill was then sent to the House of Delegates.

House Bill 200 – Delegates Rosenberg, Ali, Carter, Donoghue, and Oaks

AN ACT concerning

Health Occupations – Morticians and Funeral Directors – Licenses

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

Affirmative – 47 Negative – 0 (See Roll Call No. 925)

The Bill was then sent to the House of Delegates.

House Bill 246 – Allegany County Delegation and Garrett County Delegation

AN ACT concerning

Allegany County and Garrett County – Deer Hunting on Private Property – Sundays

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

Affirmative – 45 Negative – 1 (See Roll Call No. 926)

The Bill was then sent to the House of Delegates.

House Bill 346 – Delegate Hucker

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. 927)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 928)

The Bill was then sent to the House of Delegates.

House Bill 606 – Delegates Love, Beidle, Costa, George, King, Kipke, McConkey, Schuh, and Sophocleus

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 – 47 Negative – 0 (See Roll Call No. 929)

The Bill was then sent to the House of Delegates.

House Bill 1416 – Delegate Frush

AN ACT concerning

Vehicle Laws – Parking for Individuals with Disabilities – Zoning

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

Affirmative – 47 Negative – 0 (See Roll Call No. 930)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #14
CONSENT CALENDAR #14

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 516	Del. Malone	Hazardous Matl Response Team Empls – Death Benefits and Funeral Expenses – Loc Govt Agencies	B&T
HB 619	Del. James	State Contributory Law Enforcement Officers' Pension System – Transfer of Service Credit	B&T
HB 766	Del. Heller	Capital Debt Affordability	B&T
HB 770	Del. Griffith	State Police Retirement System – Deferred Vested	B&T

		Members – Survivor Benefits	
HB 772	Del. Griffith	State Ret and Pension System – Noncontributory Former Vested Mbrs – Vested Ret Allowance	B&T
HB 773	Del. Griffith	Law Enforcement Officers' Pension System – Deferred Retirement Option Program – Participation	B&T
HB 830	Del. Kramer	Income Tax Checkoff for Developmental Disabilities	B&T
HB 839	Del. Heller	Political Subdivisions – Financial Reports	B&T
HB 1134	Del. Griffith	State Retirement and Pension System – Eligible Governmental Units	B&T

All of the above listed bills on the Third Reading Consent Calendar No. 14 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 931)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #15

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 932)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 933)

The Bill was then sent to the House of Delegates.

House Bill 304 – Delegates Jones, Conway, Hixson, Holmes, McIntosh, O'Donnell, Ross, and Schuh

EMERGENCY BILL

AN ACT concerning

Education – Maintenance of Effort Requirement – Process and Factors

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

Affirmative – 47 Negative – 0 (See Roll Call No. 934)

The Bill was then sent to the House of Delegates.

House Bill 590 – Delegates Ross ~~and Ivey~~, Ivey, Bartlett, Murphy, and Rice

~~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. 935)

The Bill was then sent to the House of Delegates.

House Bill 734 – Washington County Delegation

AN ACT concerning

Washington County – Advisory School Design Review Committee

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

Affirmative – 47 Negative – 0 (See Roll Call No. 936)

The Bill was then sent to the House of Delegates.

House Bill 768 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Bates, Branch, Haynes, Heller, James, and Levy

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. 937)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 39 Negative – 8 (See Roll Call No. 938)

The Bill was then sent to the House of Delegates.

House Bill 775 – Delegates Griffith, Branch, Bronrott, Conway, Gaines, Guzzone, Haynes, Heller, James, Jones, Levy, and Proctor

EMERGENCY BILL

AN ACT concerning

State Retirement and Pension System – Retirees and Beneficiaries of Retirees – Annual Retirement Allowance Adjustments

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

Affirmative – 39 Negative – 8 (See Roll Call No. 939)

The Bill was then sent to the House of Delegates.

House Bill 855 – Montgomery County Delegation

AN ACT concerning

Sales and Use Tax – Exemption – Lodging at a Corporate Training Center ~~in Montgomery County~~
~~MC 22–10~~

FLOOR AMENDMENT

HB0855/583925/1
BY: Senator Simonaire

AMENDMENT TO HOUSE BILL 855
(Third Reading File Bill)

On page 2, in line 8, after "**CONTRACTORS,**" insert "**AND**"; and in the same line, strike "**, AND OTHER INVITEES**".

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

Affirmative – 12 Negative – 34 (See Roll Call No. 940)

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

Affirmative – 40 Negative – 6 (See Roll Call No. 941)

The Bill was then sent to the House of Delegates.

House Bill 892 – ~~Delegate Niemann~~ Delegates Niemann, Ross, Barnes, Benson, Braveboy, Davis, Frush, Gaines, Griffith, Healey, Holmes, Howard, Hubbard, Ivey, Levi, Pena–Melnyk, Proctor, Ramirez, V. Turner, Valderrama, Vallario, Vaughn, and Walker

AN ACT concerning

Property Taxes – ~~Homestead Property Tax Credit~~ Bicounty Commissions

Senator Peters moved, duly seconded, to make the Bill a Special Order for April 8, 2010.

The motion was adopted.

House Bill 1044 – Delegates Bronrott, Ali, Aumann, Barkley, Barnes, Bartlett, Barve, Beidle, Beitzel, Bobo, Cardin, Carr, G. Clagett, Conway, Dumais, Eckardt, Feldman, Frick, Frush, Gaines, Griffith, Gutierrez, Guzzone, Hammen, Haynes, Healey, Hecht, Hixson, Hubbard, Hucker, Ivey, Jones, Kaiser, Kipke, Krysiak, Lafferty, Lee, Manno, McIntosh, Mizeur, Montgomery, Morhaim, Niemann, Pena–Melnyk, Pendergrass, Proctor, Ramirez, Reznik, Rice, Robinson, Ross, Stein, Taylor, F. Turner, and V. Turner

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. 942)

The Bill was then sent to the House of Delegates.

House Bill 1219 – Allegany County Delegation

AN ACT concerning

Allegany County – Property Tax Credit – WMHS Braddock Hospital Facility

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

Affirmative – 47 Negative – 0 (See Roll Call No. 943)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #16

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 944)

The Bill was then sent to the House of Delegates.

House Bill 275 – Chair, Appropriations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

State Employees – Employee Performance Appraisals – Revisions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 945)

The Bill was then sent to the House of Delegates.

House Bill 418 – Delegate Beitzel

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 – 4 (See Roll Call No. 946)

The Bill was then sent to the House of Delegates.

House Bill 453 – Washington County Delegation

AN ACT concerning

Washington County – Emergency Communications Center – Polygraph Examinations

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

Affirmative – 47 Negative – 0 (See Roll Call No. 947)

The Bill was then sent to the House of Delegates.

House Bill 536 – Chair, Health and Government Operations Committee (By Request – Departmental – Aging) and Delegates Hubbard, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Kach, Kipke, Krebs, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Department of Aging – Long–Term Care Ombudsman Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 948)

The Bill was then sent to the House of Delegates.

House Bill 849 – ~~Delegate Hubbard~~ Delegates Hubbard, Kipke, Benson, Krebs, Kullen, McDonough, Montgomery, Nathan–Pulliam, Pena–Melnyk, Pendergrass, and V. Turner

AN ACT concerning

Department of Health and Mental Hygiene – Home– and Community–Based Services Waiver – Denial of Access Prohibited

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

Affirmative – 47 Negative – 0 (See Roll Call No. 949)

The Bill was then sent to the House of Delegates.

House Bill 899 – ~~Delegate Hubbard~~ Delegates Hubbard, Benson, Kach, Kullen, McDonough, Montgomery, Pena–Melnyk, and V. Turner

AN ACT concerning

Nursing Facility Residents – Home–Based and Community Services – Access Assistance

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

Affirmative – 47 Negative – 0 (See Roll Call No. 950)

The Bill was then sent to the House of Delegates.

House Bill 908 – Delegates Feldman, Hecht, ~~and Rice~~ Rice, Stein, and Bronrott

AN ACT concerning

Maryland Clean Energy Center – Miscellaneous Provisions

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

Affirmative – 43 Negative – 3 (See Roll Call No. 951)

The Bill was then sent to the House of Delegates.

House Bill 948 – Delegates Olszewski, Aumann, Cardin, DeBoy, Lafferty, Malone, Minnick, and Schuler

AN ACT concerning

Baltimore County – Bargaining Unit for Public School Employees

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

Affirmative – 44 Negative – 3 (See Roll Call No. 952)

The Bill was then sent to the House of Delegates.

House Bill 1032 – Delegates Kirk, Harrison, Haynes, King, Love, McHale, Minnick, Stukes, and Vaughn

AN ACT concerning

Motor Fuel ~~Refiner or Supplier~~ Suppliers – Games of Chance ~~– Repeal of Prohibition~~

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

Affirmative – 44 Negative – 2 (See Roll Call No. 953)

The Bill was then sent to the House of Delegates.

House Bill 1033 – ~~Delegate C. Clagett~~ Frederick County Delegation

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 – 46 Negative – 0 (See Roll Call No. 954)

The Bill was then sent to the House of Delegates.

House Bill 1100 – Delegates Braveboy, Ali, Anderson, Barkley, Barnes, Benson, Bobo, Burns, Carr, Davis, Feldman, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Harrison, Haynes, Healey, Holmes, Howard, Hubbard, Hucker, Ivey, Jones, Kirk, Krysiak, Kullen, Lee, Levi, Malone, Manno, McHale, Mizeur, Montgomery, Niemann, Olszewski, Pena–Melnyk, Ramirez, Reznik, Rice, Ross, Schuler, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, and Walker

AN ACT concerning

Prevailing Wage Rates – Public Works Contracts – Suits by Employees

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

Affirmative – 33 Negative – 14 (See Roll Call No. 955)

The Bill was then sent to the House of Delegates.

House Bill 1152 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Commissioner of Financial Regulation – Applicant and Staff Criminal Background Checks

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

Affirmative – 47 Negative – 0 (See Roll Call No. 956)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #17

House Bill 695 – Delegate Hecht

AN ACT concerning

~~Real Property –~~ Homeowners Association – Annual Budget – Notice, Information, and Adoption

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

Affirmative – 46 Negative – 0 (See Roll Call No. 957)

The Bill was then sent to the House of Delegates.

House Bill 825 – Delegates Barkley, Barnes, Davis, Feldman, Harrison, Hecht, Impallaria, King, Kirk, Krysiak, Love, Manno, McHale, Minnick, Schuler, Stifler, Taylor, and Vaughn

AN ACT concerning

Vehicle Laws – Required Security – Minimum Amounts

FLOOR AMENDMENT

HB0825/683620/1

BY: Senator Glassman

AMENDMENT TO HOUSE BILL 825
(Third Reading File Bill)

On page 2, in lines 22 and 24, in each instance, strike "2011" and substitute "2013".

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

Affirmative – 16 Negative – 28 (See Roll Call No. 958)

FLOOR AMENDMENT

HB0825/103527/1

BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 825
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute:

"Maryland Insurance Administration – Vehicle Liability Insurance – Study";

strike beginning with "increasing" in line 3 down through "date" in line 6 and substitute "requiring the Maryland Insurance Administration to conduct a study of the feasibility of increasing the amount of the security required for certain claims in a vehicle liability insurance policy; requiring the Administration to submit a certain report to the General Assembly on or before a certain date"; and strike in their entirety lines 8 through 12, inclusive.

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with "Laws" in line 14 on page 1 down through "2011." in line 22 on page 2 and substitute "Maryland Insurance Administration shall study the feasibility of increasing the amount of the security required for claims for bodily injury or death in a vehicle liability insurance policy under § 17–103(b)(1) of the Transportation Article.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2011, the Maryland Insurance Administration shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the findings of its study under this Act.".

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

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

Affirmative – 14 Negative – 32 (See Roll Call No. 959)

FLOOR AMENDMENT

HB0825/783826/1

BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 825
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "increasing" insert ", in certain circumstances,".

AMENDMENT NO. 2

On page 2, in line 10, strike "The" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE**"; and after line 19, insert:

"**(C) IF THE COST TO A MOTOR VEHICLE OWNER FOR THE MINIMUM SECURITY REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION IS GREATER THAN THAT CHARGED ON DECEMBER 31, 2010, FOR THE MINIMUM SECURITY THAT WAS REQUIRED BY LAW ON THAT DATE, INSTEAD OF THE MINIMUM SECURITY REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION, THE SECURITY REQUIRED UNDER THIS SUBTITLE SHALL PROVIDE FOR AT LEAST THE PAYMENT OF CLAIMS FOR BODILY INJURY OR DEATH ARISING FROM AN ACCIDENT OF UP TO $20,000 FOR ANY ONE PERSON AND UP TO $40,000 FOR ANY TWO OR MORE PERSONS.**".

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

Affirmative – 13 Negative – 31 (See Roll Call No. 960)

FLOOR AMENDMENT

HB0825/393824/1

BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 825
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "date;" insert "requiring the Motor Vehicle Administration to monitor the impact of this Act during a certain period; providing for the termination of this Act under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 24, after "2011." insert "The Motor Vehicle Administration shall monitor the impact of this Act on the number of reports of terminated or lapsed motor vehicle security provided to the Administration under § 17–106 of the Transportation Article. If the Administration determines that by January 1, 2012, the number of reports of terminated or lapsed motor vehicle security has significantly

increased over the number of reports provided in the year before the effective date of this Act, the Administration shall certify that fact to the General Assembly and, on the date of the certification, this Act shall be null and void and of no further force and effect. The Motor Vehicle Administration shall send a copy of the certification to the Department of Legislative Services.".

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

Affirmative – 17 Negative – 27 (See Roll Call No. 961)

FLOOR AMENDMENT

HB0825/763822/1

BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 825
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 5 and 6, strike "providing for a delayed effective date;".

AMENDMENT NO. 2

On page 2, in line 24, strike "January" and substitute "October"; and in the same line, strike "2011" and substitute "2010".

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

Affirmative – 14 Negative – 31 (See Roll Call No. 962)

FLOOR AMENDMENT

HB0825/583523/1

BY: Senator Kittleman

AMENDMENT TO HOUSE BILL 825
(Third Reading File Bill)

On page 1, in line 5, after "accident;" insert "establishing a certain exception;".

On page 2, in line 10, after "(b)" insert "**(1)**"; in lines 11, 14, 16, and 18, strike "(1)", "(2)", "(3)", and "(4)", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; in line 10, strike "The" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE**"; and after line 19, insert:

"**(2) THE SECURITY REQUIRED UNDER THIS SUBTITLE FOR A POLICYHOLDER OF THE MARYLAND AUTOMOBILE INSURANCE FUND SHALL PROVIDE FOR AT LEAST THE PAYMENT OF CLAIMS FOR BODILY INJURY OR DEATH ARISING FROM AN ACCIDENT OF UP TO $20,000 FOR ANY ONE PERSON AND UP TO $40,000 FOR ANY TWO OR MORE PERSONS, IN ADDITION TO INTEREST AND COSTS.**".

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

Affirmative – 18 Negative – 27 (See Roll Call No. 963)

FLOOR AMENDMENT

HB0825/393024/1

BY: Senator Kittleman

AMENDMENT TO HOUSE BILL 825
(Third Reading File Bill)

On page 1, in line 5, after "accident;" insert "providing that certain attorney's fees may be collected on a certain claim only up to certain amounts under certain circumstances;".

On page 2, after line 19, insert:

"**(C) IF THE SECURITY PROVIDED UNDER A VEHICLE LIABILITY INSURANCE POLICY IS IN THE MINIMUM AMOUNTS SPECIFIED IN SUBSECTION (B)(1) OF THIS SECTION, ATTORNEY'S FEES THAT ARE CONTINGENT ON THE AMOUNT OF RECOVERY MAY BE COLLECTED ON THE PAYMENT OF A CLAIM FOR BODILY INJURY OR DEATH ARISING FROM AN ACCIDENT ONLY UP TO:**

(1) $20,000 FOR ANY ONE PERSON; AND

(2) $40,000 FOR ANY TWO OR MORE PERSONS.".

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

Affirmative – 14 Negative – 28 (See Roll Call No. 964)

FLOOR AMENDMENT

HB0825/943925/1
BY: Senator Pipkin

AMENDMENT TO HOUSE BILL 825
(Third Reading File Bill)

On page 1, strike line 2 in its entirety and substitute "Trial Lawyers Relief Act of 2010".

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

Affirmative – 11 Negative – 32 (See Roll Call No. 965)

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

The motion was adopted.

SPECIAL ORDERS

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

House Bill 1263 – The Speaker (By Request – Administration) and Delegates Busch, Hixson, Kaiser, and Rosenberg

AN ACT concerning

Education Reform Act of 2010

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

FLOOR AMENDMENT

HB1263/723729/1

BY: Senator Mooney

AMENDMENTS TO HOUSE BILL 1263, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (HB1263/924137/1), in lines 8 and 9 of Amendment No. 1, strike "that are mutually agreed upon by certain local school systems and" and substitute "after conferring with".

AMENDMENT NO. 2

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 4, strike beginning with "**THAT**" in line 12 down through "**AND**" in line 13 and substitute "**AFTER CONFERRING WITH**".

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

Affirmative – 13 Negative – 34 (See Roll Call No. 966)

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

Affirmative – 42 Negative – 5 (See Roll Call No. 967)

The Bill was then sent to the House of Delegates.

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

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.

House Bill 825 – Delegates Barkley, Barnes, Davis, Feldman, Harrison, Hecht, Impallaria, King, Kirk, Krysiak, Love, Manno, McHale, Minnick, Schuler, Stifler, Taylor, and Vaughn

AN ACT concerning

Vehicle Laws – Required Security – Minimum Amounts

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

Senator Gladden moved, duly seconded, to make the Bill a Special Order for April 7, 2010.

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

Affirmative – 32 Negative – 15 (See Roll Call No. 968)

QUORUM CALL

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

(See Roll Call No. 969)

ADJOURNMENT

At 1:52 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day April 3, 2010, Calendar Day, Wednesday, April 7, 2010, in memory of Senator Thomas Yeager and the miners in West Virginia.

Annapolis, Maryland
Legislative Day: April 3, 2010
Calendar Day: Wednesday, April 7, 2010
10:00 A.M. Session

The Senate met at 10:13 A.M.

Prayer by Reverend Liz Lerner, Unitarian Universalist Church, guest of Senator Raskin.

(See Exhibit A of Appendix III)

The Journal of April 2, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 971)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 666 – Senator Barry Glassman:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Baird Tipson, Ph.D.
in recognition of
your retirement from Washington College after serving as its
26th President. Your commitment to transform the
campus facilities at this historic institution and
to enhance its visibility is admirable.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 7th day of April 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 972)

Senate Resolution No. 444 – Senator J. Lowell Stoltzfus:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
A.J. King
in recognition of
being named 2010 Maryland Tree Farmer of the Year. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 7th day of April 2010.

Read and adopted by a roll call vote as follow:

Affirmative – 47 Negative – 0 (See Roll Call No. 973)

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 202	The President	Creation of a State Debt – Aging School Program – Qualified Zone Academy Bonds
SB 255	Sen. Stone	Criminal Law – Assault – Law Enforcement Officers and Parole and Probation Agents
SB 337 (Emergency Bill)	Sen. Frosh	Estes and Trusts – Constr of Refs in Will or Trust to Fed Este Tax or Generation–Skipping Transf Tax
SB 338	Sen. Frosh	Estates and Trusts – Elective Share – Extension of Time for Making Election
SB 339	Sen. Frosh	Estates and Trusts – Guardianship – Payment of Expenses After Death of Ward
SB 341	Sen. Frosh	Real Property – Effect of

		Deed Granting Property from Trust or Estate
SB 442	Sen. Raskin	Criminal Injuries Compensation Board – Right to Hearing
SB 629	Sen. Muse	Law Enforcement Officers – Unsubstantiated Complaints – Admissibility
SB 897	Ch., Budget & Tax	Academic Facilities Bonding Authority

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 318 – Delegates Sophocleus, Dwyer, and McConkey

AN ACT concerning

Business Regulation – Secondhand Precious Metal Object Dealers

FOR the purpose of repealing a certain provision of law authorizing a secondhand precious metal object dealer to transact business for a certain period of time at a certain event; providing that a license to do business as a dealer may be used only to benefit the licensee; authorizing only licensed dealers to make certain advertisements; requiring a certain advertisement to include certain information; requiring dealers to retain the original copy of a certain record at a certain location; authorizing a dealer to request a certain extension; requiring the Secretary of Labor, Licensing, and Regulation to distribute certain information to licensed dealers or post the information on the Department of Labor, Licensing, and Regulation website; and generally relating to regulation of secondhand precious metal object dealers.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–206, 12–207(f), 12–208, 12–301(a), and 12–304(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 12–303
Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

BY adding to
Article – Business Regulation
Section 12–401(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

House Bill 756 – Delegates Levi, James, Anderson, Beidle, Bohanan, Dumais, Dwyer, Feldman, Frank, Jameson, Jennings, Kelly, Kramer, Mathias, McComas, McHale, Morhaim, Rice, Riley, Tarrant, Valderrama, Vaughn, ~~and Walker~~ Walker, Waldstreicher, Simmons, Barnes, Carter, Lee, McConkey, Rosenberg, Love, Costa, George, King, Kipke, Schuh, Sophocleus, and Smigiel

AN ACT concerning

Maryland Gang Prosecution Act of 2010

FOR the purpose of altering the definition of criminal gang to repeal the requirement that an association of a certain number of persons whose members meet certain criteria be ongoing; altering ~~a~~ certain ~~list of~~ factors that persons can have in common to be considered a criminal gang; ~~defining "criminal gang member" for certain purposes;~~ altering the list of underlying crimes for criminal gang activity; altering a certain prohibition concerning participation in criminal gang activity to ~~provide that a person may not actively participate in a criminal gang under certain circumstances; altering a provision of law to require that a certain sentence for a violation of the prohibition against participation in a criminal gang under certain conditions be separate from and consecutive to a sentence for the underlying crime~~ repeal the requirement that a pattern of criminal gang activity be ongoing; requiring a sentence imposed for a second or subsequent offense of participation in criminal gang activity to be separate from and consecutive to a certain other sentence; requiring a sentence imposed for participation in criminal gang activity that results in the death of a victim to be separate from and consecutive to a sentence for a certain other sentence; specifying that a certain consecutive sentence shall not be mandatory unless the State makes a certain notification at a certain time; prohibiting a person from organizing, supervising, financing, or managing a criminal gang; establishing penalties; requiring a certain sentence to be separate from and consecutive to a certain other sentence; providing that a certain provision of law may not be construed inconsistently with certain other provisions of law; making clarifying changes; and generally relating to criminal gangs.

BY repealing and reenacting, with amendments,
Article – Criminal Law

Section 9–801 and 9–804
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY adding to
Article – Criminal Law
Section 9–805 and 9–806
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

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

House Bill 1120 – Delegate Niemann (Task Force to Study Motor Vehicle Towing Practices) and Delegates Beidle, Frush, Gaines, Glenn, Holmes, and Stukes

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

FOR the purpose of establishing a motor vehicle towing and storage lien on a towed motor vehicle on behalf of the tower for certain towing and storage charges; prohibiting a motor vehicle towing and storage lienor from selling the motor vehicle to which the lien is attached under certain circumstances; providing that a motor vehicle towing and storage lienor may only sell a motor vehicle to which a lien is attached in a certain manner; requiring a motor vehicle towing and storage lienor to return certain motor vehicle registration plates to the Motor Vehicle Administration under certain circumstances; requiring the Motor Vehicle Administration to provide a receipt for the return of certain motor vehicle registration plates; establishing certain notice and publication requirements for the public sale of a towed vehicle; requiring the Administration to issue a salvage certificate to the purchaser of a vehicle subject to a motor vehicle towing and storage lien under certain circumstances; requiring certain motor vehicle towing and storage lienors to file a certain court action in a certain manner under certain circumstances; requiring the Motor Vehicle Administration to issue a certificate of title that contains a conspicuous "salvage" notation under certain circumstances; clarifying the application of certain security requirements for tow trucks; altering certain security requirements for tow trucks; altering certain penalties for certain violations related to tow truck vehicle registration; providing for the statewide application of certain provisions of law governing the towing or removal of vehicles from parking lots; altering the content required on certain signage related to the towing and storage of vehicles; altering the maximum distance that and locations to which a vehicle towed from a parking lot may be transported for storage, subject to a certain exception; altering certain maximum amounts that a person may charge for towing and storing a vehicle under certain circumstances; authorizing a tower to charge certain persons for the actual costs

of providing certain notice; altering the time period within which a tower is required to provide certain notice to certain police departments; requiring a tower to provide certain notice to certain persons within a certain time period after towing a vehicle from a parking lot; requiring a tower to provide certain persons with certain itemized costs; requiring a tower to obtain certain photographic evidence from the parking lot owner before towing a vehicle from a parking lot; prohibiting a tower from towing a vehicle for a certain violation within a certain time period; altering the storage facility to which a tower is required to transport a towed vehicle; prohibiting the removal of a towed vehicle from a certain storage facility for a certain time period; clarifying the required opportunity that certain persons must provide for the reclamation of a towed vehicle; requiring a tower to release a towed vehicle to certain persons under certain circumstances; requiring a storage facility for towed vehicles to accept payment in ~~a certain manner~~ certain manners under certain circumstances and to make an automatic teller machine available on the ~~premises;~~ premises under certain circumstances; requiring a storage facility that is in possession of a towed vehicle to make the vehicle available to certain persons for certain purposes; altering the persons eligible to seek certain civil damages from a tower under certain circumstances; altering certain penalties for certain towing violations; establishing certain penalties for violations relating to motor vehicle towing and storage liens; making a certain stylistic change; making a certain technical correction; altering a certain definition; and generally relating to motor vehicle towing practices and procedures.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 16–202(c) and 16–207
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 16–206
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–152, 13–507, 13–920, 21–10A–01 through 21–10A–06, and 27–101(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–506(c) and 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 Rules.

House Bill 1512 – Frederick County Delegation

AN ACT concerning

Frederick County – Archery Hunting – Safety Zone

FOR the purpose of establishing for archery hunters in Frederick County a safety zone of a certain size within which archery hunting may not take place except under certain circumstances; and generally relating to archery hunting in Frederick County.

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

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

House Bill 1558 – Delegate Benson

AN ACT concerning

Commercial Law – Sales of Unpackaged Cigarettes – Prohibitions and Penalties

FOR the purpose of prohibiting certain persons from purchasing, selling, reselling, distributing, dispensing, or giving away to any person in this State certain unpackaged cigarettes; prohibiting a person from making available for use by another person a tobacco product rolling machine to produce an unpackaged cigarette; providing that a person who possesses, sells, or attempts to sell certain cigarettes is in violation of a certain provision of law; establishing certain penalties for a violation of certain provisions of this Act; defining certain terms; and generally relating to the regulation of unpackaged cigarettes.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 11–5A–01 and 11–5A–02 to be under the amended subtitle "Subtitle 5A. Sales of Unpackaged Cigarettes"
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law

Section 11–5A–03
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

THE COMMITTEE ON RULES REPORT #13

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

Senate Bill 1076 – Senator Gladden

AN ACT concerning

Drunk and Drugged Driving – Subsequent Offenders – Prior Convictions

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 1077 – Senator Gladden

AN ACT concerning

Juvenile Law – Child Welfare and Juvenile Justice – Co–Commitment and Study

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 1078 – Senator Gladden

AN ACT concerning

Child in Need of Supervision Pilot Program – Expansion and 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 Judicial Proceedings:

Senate Bill 1102 – Senator Reilly

AN ACT concerning

Officers of the Court – Criminal Offenses – Reporting and Investigation

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:

House Bill 509 – Delegates G. Clagett and DeBoy

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 Education, Health, and Environmental Affairs:

House Bill 576 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Prince George's County ~~and Montgomery County Delegation~~ – Development Permits – Expedited Review for Qualifying Redevelopment Projects

PG/MC 115–10

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:

House Bill 639 – Delegates Burns, Benson, Bronrott, Glenn, Kelly, Minnick, Morhaim, Myers, Smigiel, ~~and Walker~~ Walker, Aumann, Cardin, Frank, Holmes, Hubbard, Jennings, Jones, Kach, Lafferty, Levi, McDonough, Nathan–Pulliam, Schuler, Stein, and Weir

AN ACT concerning

Task Force on Military Service Members, Veterans, and the Courts

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:

House Bill 982 – Delegates Niemann, Ali, Carr, Carter, Glenn, Hecht, Hucker, ~~and Montgomery~~ Montgomery, and Manno

AN ACT concerning

Solid Waste Management – Recycling and Source Reduction – ~~Requirements~~ Study

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:

House Bill 1312 – Delegates Walker, Olszewski, Rice, and Stukes

AN ACT concerning

~~Education –~~ Task Force to Study the Creation of a Maryland Center for School Safety

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:

House Bill 1330 – Delegates Conway, Bates, Cane, G. Clagett, DeBoy, Elmore, Mathias, Proctor, Robinson, Rudolph, Sophocleus, and Wood

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 Judicial Proceedings:

House Bill 1389 – Delegates Vallario, Conway, Anderson, Aumann, Bohanan, Branch, Bronrott, Cane, DeBoy, Doory, Eckardt, Elmore, Gaines,

Griffith, Gutierrez, Guzzone, Haddaway, Haynes, Heller, James, Jones, Levy, Mathias, Mizeur, Proctor, Robinson, Rosenberg, ~~and Wood~~ Wood, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kach, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Traffic Cases – ~~Funds for~~ State Police Helicopters and Ambulance, Fire, and Rescue Companies

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:

House Bill 1396 – Delegates Haynes, Carter, Conaway, Glenn, Harrison, Kirk, McHale, Oaks, Robinson, Rosenberg, Stukes, ~~and Tarrant~~ Tarrant, Hucker, Bobo, Cane, V. Clagett, Healey, and Weir

AN ACT concerning

Fire Safety – High–Rise Buildings – Mobility Impaired Individuals ~~and Senior Citizens~~

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:

House Bill 1424 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Medicaid State Plan Amendments – Effective Dates

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:

House Bill 1443 – Delegates Elmore, Cane, Conway, Eckardt, Haddaway, and Mathias

AN ACT concerning

~~Employees' Pension System – Eligibility Service Credit~~ State Retirement and Health Benefits – Early Service Retirement Allowance and Health Insurance Benefits – 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 Budget and Taxation:

House Bill 1458 – Delegates G. Clagett and DeBoy

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 Judicial Proceedings:

House Bill 1477 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Municipal Corporations – School Zones and Speed Monitoring Systems

PG 319–10

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

QUORUM CALL

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

(See Roll Call No. 974)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #71

Senate Bill 701 – Senators Pugh, Lenett, Conway, Currie, Della, Exum, Forehand, Harrington, Kelley, King, Kramer, Madaleno, McFadden, Muse, Peters, Rosapepe, and Stone

AN ACT concerning

Commercial Law – Debt Settlement Services – Study

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

Affirmative – 47 Negative – 0 (See Roll Call No. 975)

The Bill was then sent to the House of Delegates.

Senate Bill 906 – Senator Stone

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 976)

The Bill was then sent to the House of Delegates.

Senate Bill 987 – Senator Astle

AN ACT concerning

Natural Resources – Conservation Law Enforcement Act of 2010

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

Affirmative – 47 Negative – 0 (See Roll Call No. 977)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #18

House Bill 400 – Delegate Beitzel

AN ACT concerning

Garrett County – Wine Festival License – Qualifications – Hearing and Notice

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

Affirmative – 47 Negative – 0 (See Roll Call No. 978)

The Bill was then sent to the House of Delegates.

House Bill 535 – Cecil County Delegation

AN ACT concerning

Cecil County – Alcoholic Beverages – Entertainment Facility License

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

Affirmative – 47 Negative – 0 (See Roll Call No. 979)

The Bill was then sent to the House of Delegates.

House Bill 559 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Winery Special Event Permits – Farmers' Markets

PG 304–10

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

The motion was adopted.

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

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

Affirmative – 43 Negative – 3 (See Roll Call No. 980)

The Bill was then sent to the House of Delegates.

House Bill 570 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Extinguishment of Licenses

PG 306–10

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

Affirmative – 47 Negative – 0 (See Roll Call No. 981)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 982)

The Bill was then sent to the House of Delegates.

House Bill 574 – Prince George's County Delegation

AN ACT concerning

Prince George's County – National Harbor – Alcoholic Beverages – Restriction on License Holder

PG 308–10

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

Affirmative – 46 Negative – 0 (See Roll Call No. 983)

The Bill was then sent to the House of Delegates.

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

Senator Madaleno moved, duly seconded, to make the Bill a Special Order for April 9, 2010.

The motion was adopted.

House Bill 717 – Howard County Delegation

AN ACT concerning

Howard County – Alcoholic Beverages – Class A Licenses – Findings

Ho. Co. 7–10

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

Affirmative – 47 Negative – 0 (See Roll Call No. 984)

The Bill was then sent to the House of Delegates.

House Bill 730 – Howard County Delegation

AN ACT concerning

Howard County – Alcoholic Beverages Act of 2010

Ho. Co. 3–10

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

Affirmative – 44 Negative – 2 (See Roll Call No. 985)

The Bill was then sent to the House of Delegates.

House Bill 823 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Winery Special Event Permits – Farmers' Markets

MC 9–10

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

The motion was adopted.

House Bill 1205 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages License Fees – Repeal of Sunset

MC 24–10

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

Affirmative – 44 Negative – 3 (See Roll Call No. 986)

The Bill was then sent to the House of Delegates.

House Bill 1309 – Delegates Mathias ~~and Conway~~, Conway, and Elmore

AN ACT concerning

Somerset and Worcester Counties – Liquor Control Boards – Ethics

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

Affirmative – 46 Negative – 0 (See Roll Call No. 987)

The Bill was then sent to the House of Delegates.

House Bill 1496 – Delegate Aumann

AN ACT concerning

Baltimore County – Alcoholic Beverages – Tasting Licenses – Fees

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

Affirmative – 45 Negative – 2 (See Roll Call No. 988)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #19

House Bill 62 – ~~Delegate V. Turner~~ Delegates V. Turner and Beidle

AN ACT concerning

Environment – Payment of Cost Differential – Nitrogen Removal Technology

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

Affirmative – 47 Negative – 0 (See Roll Call No. 989)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 990)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 991)

The Bill was then sent to the House of Delegates.

House Bill 72 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Department of the Environment – Oil and Gas Production Permits – Fees

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

Affirmative – 42 Negative – 5 (See Roll Call No. 992)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 993)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 994)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 995)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 996)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 997)

The Bill was then sent to the House of Delegates.

House Bill 1136 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Supervision and Reorganization

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

Affirmative – 47 Negative – 0 (See Roll Call No. 998)

The Bill was then sent to the House of Delegates.

House Bill 1151 – Chair, Economic Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Commercial Motor Vehicles – Minimum Security Requirements

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

Affirmative – 46 Negative – 0 (See Roll Call No. 999)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #7

AMENDED IN THE HOUSE

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

Senator Frosh moved that the Senate concur in the House amendment.

SB0559/482916/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 559
(Third Reading File Bill)

On page 3, in line 12, strike "**AS A CHILD SEXUAL OFFENDER**" and substitute "**BASED ON THE COMMISSION OF AN OFFENSE AGAINST A CHILD**".

On page 6, in lines 4 and 9, in each instance, strike "**A CHILD SEXUAL OFFENDER**" and substitute "**AN INDIVIDUAL REGISTERED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE BASED ON THE COMMISSION OF AN OFFENSE AGAINST A CHILD**".

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1000)

AMENDED IN THE HOUSE

Senate Bill 947 – Senator Edwards

AN ACT concerning

Allegany County – Property Tax Credit – WMHS Braddock Hospital Facility

Senator Currie moved that the Senate concur in the House amendments.

SB0947/285765/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 947
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "property" insert "formerly designated and operated as a certain hospital"; in line 8, strike "certain provisions relating to the property tax" and substitute "the amount of the credit, eligibility criteria for the credit, regulations and procedures, and any other provision necessary to carry out the"; and in line 10, after the second "property" insert "formerly designated and operated as a certain hospital".

AMENDMENT NO. 2

On page 2, in line 30, 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 31, strike "**(II)**" and substitute "**(IV)**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1001)

CONCURRENCE CALENDAR #9

AMENDED IN THE HOUSE

Senate Bill 165 – Senator Conway

AN ACT concerning

Health Occupations – Therapy Management Contracts – ~~Repeal~~ Extension of Sunset

Senator Conway moved that the Senate concur in the House amendments.

SB0165/316783/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 165
(Third Reading File Bill)

AMENDMENT NO. 1

In line 2, strike "Extension" and substitute "Repeal"; and in line 4, strike "altering" and substitute "repealing".

AMENDMENT NO. 2

Strike beginning with "It" in line 16 down through "effect." in line 18.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1002)

CONCURRENCE CALENDAR #8

AMENDED IN THE HOUSE

Senate Bill 248 – Senators Frosh, Brochin, Forehand, Gladden, Haines, Muse, Raskin, and Stone

AN ACT concerning

Civil Cases – Maryland Legal Services Corporation Fund – Surcharges

Senator Frosh moved that the Senate not concur in the House amendments.

SB0248/202910/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 248
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "– Surcharges"; in line 4, after "Court;" insert "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;"; in line 5, strike "certain surcharges deposited into";

and after line 16, insert:

"BY adding to
Article – Human Services
Section 11–208
Annotated Code of Maryland

(2007 Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 2, in line 9, strike "**$70**" and substitute "**$50**"; in line 20, strike "**$10**" and substitute "**$7**"; in line 21, strike "**$20**" and substitute "**$15**"; after line 25, insert:

"Article – Human Services

11–208.

(A) THE EXECUTIVE DIRECTOR SHALL PREPARE AN ANNUAL BUDGET FOR THE CORPORATION.

(B) (1) FOR INFORMATIONAL PURPOSES ONLY, THE CORPORATION SHALL SUBMIT ITS BUDGET TO THE GENERAL ASSEMBLY IN CONJUNCTION WITH THE BUDGET REQUEST OF THE JUDICIAL BRANCH OF THE STATE GOVERNMENT ON NOVEMBER 1 OF EACH YEAR.

(2) THE INFORMATIONAL BUDGET REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE 3 YEARS OF DATA, INCLUDING THE MOST RECENTLY COMPLETED FISCAL YEAR, AN ESTIMATE FOR THE CURRENT FISCAL YEAR, AND AN ESTIMATE FOR THE NEXT FISCAL YEAR, INCLUDING:

(I) A SUMMARY OF TOTAL EXPENDITURES AND THE SOURCES OF REVENUE THAT SUPPORT THAT SPENDING;

(II) LINE ITEM EXPENDITURE DETAIL FOR PERSONNEL, OPERATING EXPENSES, AND GRANTS, INCLUDING INDIVIDUAL GRANTEES;

(III) NARRATIVE EXPLANATION OF ALL REVENUE AND SPENDING CHANGES BETWEEN THE CURRENT FISCAL YEAR AND THE NEXT FISCAL YEAR;

(IV) PERFORMANCE MEASUREMENT DATA THAT DETAILS THE USE OF FUNDS; AND

(V) DETAIL ON THE CORPORATION'S RESERVE FUND, INCLUDING ACTUAL AND ESTIMATED END OF FISCAL YEAR BALANCES, TRANSFERS TO AND FROM THE RESERVE FUND, AND THE POLICIES GOVERNING THE RESERVE FUND.";

and in line 27, strike "June 1, 2010" and substitute "July 1, 2010. It shall remain effective for a period of 3 years and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0248**
SPONSOR: Sen Frosh, et al
SUBJECT: Civil Cases – Maryland Legal Services Corporation Fund – Surcharges

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

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

Senator Frosh, Chairman
Senator Gladden
Senator Raskin.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 252 – Senators Frosh, Forehand, Garagiola, Gladden, Jacobs, Kelley, King, Muse, Raskin, and Stone

AN ACT concerning

Child Support Guidelines – Revision

Senator Frosh moved that the Senate not concur in the House amendments.

SB0252/862612/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 252
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "guidelines;" insert "repealing provisions of law establishing that the adoption or revision of the child support guidelines may be grounds for requesting a modification of a child support award based on a material change in circumstances under certain circumstances; establishing that the adoption or revision of the child support guidelines is not a material change of circumstance for the purpose of a modification of a child support award;"; in line 6, after "changes;" insert "providing for a delayed effective date;"; and in line 14, after "(k)" insert ", 12–202,".

AMENDMENT NO. 2

On page 2, after line 17, 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 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) 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.

(b) **[**(1) Subject to the provisions of paragraph (2) of this subsection, the**]** **THE** adoption or revision of the guidelines set forth in this subtitle **[**may be grounds for requesting a modification of a child support award based on a material change in circumstances**]** **IS NOT A MATERIAL CHANGE OF CIRCUMSTANCE FOR THE PURPOSE OF A MODIFICATION OF A CHILD SUPPORT AWARD**.

[(2) The adoption or revision of the guidelines set forth in this subtitle may not be grounds for requesting a modification of a child support award based on a material change in circumstances unless the use of the guidelines would result in a change in the award of 25% or more.**]**

(c) On or before January 1, 1993, and at least every 4 years after that date, the Child Support Enforcement Administration of the Department of Human Resources shall:

(1) review the guidelines set forth in this subtitle to ensure that the application of the guidelines results in the determination of appropriate child support award amounts; and

(2) report its findings and recommendations to the General Assembly, subject to § 2–1246 of the State Government Article.".

AMENDMENT NO. 3

On pages 13 through 19, strike in their entirety the lines beginning with line 6 on page 13 through line 41 on page 19, inclusive.

AMENDMENT NO. 4

On page 21, in line 19, strike "2010" and substitute "2011".

The preceding 4 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0252**
SPONSOR: Sen Frosh, et al
SUBJECT: Child Support Guidelines – Revision

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

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

Senator Frosh, Chairman
Senator Forehand
Senator Gladden.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 280 – The President (By Request – Administration) and Senators Astle, Brinkley, Brochin, Colburn, DeGrange, Della, Edwards, Exum, Forehand, Garagiola, Harrington, Jacobs, Jones, Kasemeyer, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Miller, Munson, Muse, Peters, Pugh, Raskin, Robey, Simonaire, Stone, ~~and Zirkin~~ Zirkin, Haines, and Mooney

AN ACT concerning

Criminal Procedure – Sexual Offenders – Lifetime Supervision

Senator Frosh moved that the Senate not concur in the House amendments.

SB0280/612011/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 280
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "adding" in line 4 down through "representative;" in line 7; strike beginning with "authorizing" in line 11 down through "supervision;" in line 12; and strike beginning with "requiring" in line 18 down through "circumstances;" in line 19.

On page 2, in line 1, after "circumstances;" insert "clarifying that the imposition or adjustment of special conditions of lifetime sexual offender supervision is a subsequent proceeding under a certain provision of law;"; strike beginning with "requiring" in line 3 down through "petitions;" in line 4; in line 7, after "circumstances;" insert "clarifying that certain proceedings are a subsequent proceeding under a certain provision of law;"; and in line 22, strike "11–503, 11–701," and substitute "11–701".

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 12 on page 3 down through line 21 on page 4, inclusive.

AMENDMENT NO. 3

On page 9, in line 16, strike "**OR**"; in the same line, after "**(2)**" insert "**, OR § 3–307(A)(1) OR (2)**"; in line 23, strike "**AND**"; after line 23, insert:

"**(5) A PERSON WHO IS REQUIRED TO REGISTER UNDER § 11–704(C) OF THIS SUBTITLE; AND**";

in line 24, strike "**(5)**" and substitute "**(6)**"; in line 25, strike "**ARISING OUT OF SEPARATE INCIDENTS**"; in line 27, after "**REGISTRATION**" insert "**AS A SEX OFFENDER**"; strike in their entirety lines 28 through 31, inclusive; and in line 32, strike "**(C)**" and substitute "**(B)**".

On page 10, in line 4, strike "**(D)**" and substitute "**(C)**"; strike beginning with "**FOR**" in line 4 down through "**THE**" in line 5 and substitute "**THE**"; strike beginning with the colon in line 10 down through "**(I)**" in line 11; and strike beginning with the semicolon in line 12 down through "**PROVIDER**" in line 15.

AMENDMENT NO. 4

On page 11, after line 12, insert:

"**(5) THE IMPOSITION OR ADJUSTMENT OF SPECIAL CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION IS A SUBSEQUENT PROCEEDING UNDER § 11–503(A) OF THIS ARTICLE.**".

On page 13, strike beginning with the first "**ON**" in line 1 down through "**(2)**" in line 9; in line 10, strike "**HEARING OR**"; in line 11, strike "**THE**" and substitute "**A**"; in the same line, after "**CHARGE**" insert "**OF VIOLATION OF A CONDITION OF LIFETIME SEXUAL OFFENDER SUPERVISION**"; in line 12, strike "**(3)**" and substitute "**(2)**"; in the same line, strike "**AT THE HEARING**"; in line 13, strike "**VIOLATED**" and substitute "**COMMITTED A VIOLATION OF**"; strike in their entirety lines 15 through 20, inclusive; in line 21, strike "**(G)**" and substitute "**(F)**"; and in line 25, strike "3" and substitute "**5**".

On page 14, strike beginning with "no" in line 5 down through "safety" in line 6 and substitute "**IS NO LONGER A DANGER TO SELF OR OTHERS**"; and after line 11, insert:

"**(G) PROCEEDINGS UNDER THIS SECTION ARE A SUBSEQUENT PROCEEDING UNDER § 11–503(A) OF THIS ARTICLE.**".

The preceding 4 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0280**
SPONSOR: The Pres (Admin), et al
SUBJECT: Criminal Procedure – Sexual Offenders – Lifetime Supervision

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

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

Senator Brochin, Chairman
Senator Haines
Senator Raskin.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 854 – The President (By Request – Administration) and Senators DeGrange, Haines, King, Muse, Robey, ~~and Stone~~ Stone, Brochin, Jacobs, Mooney, Raskin, Simonaire, Astle, Conway, Currie, Della, Dyson, Exum, Garagiola, Glassman, Harrington, Jones, Kasemeyer, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Peters, Pugh, and Rosapepe

AN ACT concerning

~~Criminal Procedure~~ Crimes – Sex Offenders – Notification ~~and~~, Registration, Commitment, and Court Procedures

Senator Frosh moved that the Senate not concur in the House amendments.

SB0854/482417/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 854
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Crimes" and substitute "Criminal Procedure"; strike beginning with "," in line 2 down through "Procedures" in line 3 and substitute "and Registration"; and strike beginning with "authorizing" in line 4 down through "admissible;" in line 16.

On page 2, in line 2, after "countries;" insert "altering the requirements for registration on a certain registry for a certain person granted probation before judgment;"; strike beginning with "requiring" in line 33 down through "identity;" in line 37; in line 39, after "notify" insert "a"; in the same line, strike "units" and substitute "unit"; and in line 47, strike "certain terms" and substitute "a certain term".

On pages 3 and 4, strike beginning with "prohibiting" in line 25 on page 3 down through "Act;" in line 20 on page 4 and substitute "requiring the Department, in consultation with the Department of State Police, to adopt certain regulations on or before a certain date;".

On page 4, in line 23, strike "making certain provisions of this Act subject to a certain contingency;"; strike beginning with ", commitment" in line 24 down through "procedures" in line 25; strike in their entirety lines 26 through 35, inclusive; in line 38, after "11–701" insert "11–702,"; and in line 39, strike "11–721, and 11–723" and substitute "and 11–721".

On page 5, in line 2, strike "11–702 and"; and strike in their entirety lines 10 through 20, inclusive.

AMENDMENT NO. 2

On pages 5 through 7, strike in their entirety the lines beginning with line 23 on page 5 down through line 14 on page 7.

On page 8, in line 29, after "**PERIOD**" insert "**, FOR THE PURPOSE OF LIVING OR SLEEPING**".

AMENDMENT NO. 3

On page 13, in line 6, after "**ARTICLE**" insert "**, IF THE VICTIM IS AN ADULT**"; after line 11, insert:

"**(3) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING THE COMMON LAW OFFENSE OF INDECENT EXPOSURE, IF THE VICTIM IS A MINOR AND THE COURT MAKES A SPECIFIC FINDING ON THE RECORD THAT THE DEFENDANT'S UNDERLYING INTENT WAS SEXUAL IN NATURE;**";

in lines 12, 16, and 31, strike "**(3)**", "**(4)**", and "**(5)**", respectively, and substitute "**(4)**", "**(5)**", and "**(6)**", respectively; and in line 14, strike "**(1) OR (2)**" and substitute "**(1), (2), OR (3)**".

On page 14, in lines 2, 3, and 10, strike "**(4)**", "**(6)**", and "**(5)**", respectively, and substitute "**(5)**", "**(7)**", and "**(6)**", respectively; in line 22, after "**OF**" insert "**3–308,**"; after line 24, insert:

"**(4) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING AN OFFENSE THAT WOULD REQUIRE THE PERSON TO REGISTER AS A TIER I SEX OFFENDER AFTER THE PERSON WAS ALREADY REGISTERED AS A TIER I SEX OFFENDER;**";

and in lines 25, 29, and 36, strike "**(4)**", "**(5)**", and "**(3)**", respectively, and substitute "**(5)**", "**(6)**", and "**(4)**", respectively.

AMENDMENT NO. 4

On page 15, in line 5, strike "**§ 2–201(4)(VIII)**" and substitute "**2–201(A)(4)(VIII)**"; in line 6, after "**ARTICLE;**" insert "**OR**"; strike beginning with "**OR**" in line 10 down through "**FORCE;**" in line 13; in line 15, after "**§ 3–307(A)(3),**" insert "**§ 3–308,**"; in the same line, after "**§ 3–314**" insert "**§ 3–321, § 3–322,**"; after line 20, insert:

"**(4) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING A VIOLATION OF § 3–202 OR § 3–203 OF THE CRIMINAL LAW ARTICLE, IF THE PERSON IS CHARGED WITH A VIOLATION OF § 3–303, § 3–304, § 3–305, OR § 3–306 OF THE CRIMINAL LAW ARTICLE ARISING OUT OF THE SAME INCIDENT, AND THE COURT MAKES A SPECIFIC FINDING ON THE RECORD THAT THE DEFENDANT'S UNDERLYING INTENT WAS SEXUAL IN NATURE;**

(5) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING AN OFFENSE THAT WOULD REQUIRE THE PERSON TO REGISTER AS A TIER I OR TIER II SEX OFFENDER AFTER THE PERSON WAS ALREADY REGISTERED AS A TIER II SEX OFFENDER;";

and in lines 21, 28, and 30, strike "**(4)**", "**(3)**", and "**(5)**", respectively, and substitute "**(6)**", "**(5)**", and "**(7)**", respectively.

On page 16, in lines 2, 20, and 26, strike "**(3)**", "**1993**", and "**1984**", respectively, and substitute "**(5)**", "**1995**", and "**1985**", respectively.

On page 19, in line 11, strike "**SEX OFFENDER**".

On page 21, in line 13, strike "**AN**"; in the same line, strike "**THAT**" and substitute "**WHERE**"; in line 17, strike "**OR**"; and in lines 18 and 22, in each instance, strike the bracket.

On page 22, in lines 4 and 6, in each instance, strike the bracket; in line 5, strike "7" and substitute "**3**".

On page 23, in line 11, strike "**3 DAYS**" and substitute "**24 HOURS**"; in line 13, strike "**A**" and substitute "**THE**"; and in line 29, strike "**EACH**" and substitute "**THE**".

On page 24, in lines 16, 19, and 23, in each instance, strike "**EACH**" and substitute "**THE**"; in line 27, strike "**7**" and substitute "**5**"; in line 28, strike "**A**"; and in line 33, strike "**A**" and substitute "**THE**".

On page 25, in line 7, strike "**LOCATIONS**" and substitute "**LOCATION**"; strike in their entirety lines 9 through 15, inclusive; in line 24, after the first "**OF**" insert "**EACH OF**"; in the same line, strike "**EMPLOYER**" and substitute "**EMPLOYERS**"; and in the same line, strike the second "**THE**" and substitute "**EACH**".

AMENDMENT NO. 5

On page 26, in line 11, strike "**OR**"; in line 14, strike "**ANY**" and substitute "**ALL**"; in line 19, strike "number **OR REGISTRATION NUMBER**" and substitute "**NUMBER, REGISTRATION NUMBER,**"; in line 22, strike "**ADDRESS**" and substitute "**ADDRESSES**"; in line 24, after "**(14)**" insert "**ALL LANDLINE AND CELLULAR**"; and strike beginning with the comma in line 26 down through "**NUMBERS**" in line 27.

On page 27, in line 1, strike the colon; in line 2, strike "**DATE**" and substitute "**DATES**"; and in line 3, strike "**REGISTRATION STATUS,**".

On page 28, in line 4, strike "**OR**"; in line 15, strike the period and substitute "**; OR**"; in lines 16, 19, 26, and 30, in each instance, strike the bracket; in line 16, strike

"(iii)" and substitute "**(IV)**"; in line 17, strike "11–701(c)(5)(i) of this subtitle or a person described under § 11–701(j)(3)(i)" and substitute "**11–704(C)(1)**"; and in line 25, strike "**OR**".

On page 29, in line 1, strike "**(1)**"; in lines 4, 6, 7, and 9, strike "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively, and substitute "**(1)**", "**(2)**", "**(3)**", and "**(4)**", respectively; and strike in their entirety lines 11 through 22, inclusive.

On page 30, in line 4, strike "**EACH**" and substitute "**THE**"; and in line 5, strike "**OR HABITUALLY LIVE**".

On page 31, in line 25, strike "**A**"; and in line 33, strike "**A**" and substitute "**THE**".

On page 32, in line 21, strike "**EACH**" and substitute "**THE**"; and in line 28, strike "**EACH**" and substitute "**THE**".

On page 33, in lines 10 and 15, in each instance, strike "**A**" and substitute "**THE**"; in line 17, strike "**HOME OR CELL**" and substitute "**LANDLINE OR CELLULAR**"; and in line 35, in each instance, strike "**A**" and substitute "**THE**".

On page 34, in line 2, strike "**HOME OR CELL**" and substitute "**LANDLINE OR CELLULAR**"; in line 8, strike "**EACH**" and substitute "**THE**"; and in line 11, strike "**A**".

On page 35, in line 33, after "registrants" insert "**AND A LISTING OF JUVENILE SEX OFFENDERS**".

On page 36, in line 30, after "name" insert "**, CRIME,**".

On page 37, in line 7, strike "**EACH**" and substitute "**THE**"; strike beginning with "**OR**" in line 13 down through "**ARTICLE**" in line 14; in line 16, strike the first "the" and substitute "**A**"; in line 18, strike "a" and substitute "**THE**"; in line 25, strike "**A**" and substitute "**THE**"; in the same line, strike "**LIVES**" and substitute "**RESIDES**"; and strike beginning with "**KNOWINGLY**" in line 34 down through "**SUBTITLE,**" in line 35.

On pages 38 through 44, strike in their entirety the lines beginning with line 10 on page 38 through line 33 on page 44, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 31, 2010, the Department of Public Safety and Correctional Services, in consultation with the Department of State Police, shall adopt regulations to implement the listing of juvenile sex offenders in accordance with this Act, including a definition of "law enforcement personnel" who are authorized to access the listing.".

On page 45, in line 1, strike "5." and substitute "3."; strike in their entirety lines 7 through 11, inclusive; in line 12, strike "7." and substitute "4."; and strike beginning with ", except" in line 12 down through "Act," in line 13.

The preceding 5 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0854**
SPONSOR: The Pres (Admin), et al
SUBJECT: Crimes – Sex Offenders – Notification, Registration, Commitment, and Court Procedures

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

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

Senator Brochin, Chairman
Senator Haines
Senator Raskin.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

SPECIAL ORDERS

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

Senate Bill 703 – Senators Garagiola, Forehand, Kelley, King, Lenett, Madaleno, Muse, Pinsky, and Robey

AN ACT concerning

Tobacco–Related Products – Definitions and Distribution to Minors

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

SB0703/357376/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 703
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Definitions and"; strike beginning with "altering" in line 3 down through "cigarettes;" in line 7; in line 14, after "products;" insert "repealing certain prohibitions, procedures, and dispositions relating to the possession or use of tobacco products by minors rendered inconsistent with this Act;"; in line 16, after "Carroll County," insert "Cecil County,"; and in line 18, after "products;" insert "defining certain terms; providing for the application of this Act; stating the intent of the General Assembly as to certain provisions of this Act;".

On page 2, strike in their entirety lines 2 through 11, inclusive; and strike in their entirety lines 18 through 27, inclusive.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 35 on page 2 through line 7 on page 5, inclusive.

On page 6, in line 17, strike "**28**" and substitute "**27**".

On page 7, in line 12, after "**OF**" insert "**UP TO**"; in line 14, after "**FOR**" insert "**A SECOND VIOLATION WITHIN A 24–MONTH PERIOD FROM THE PREVIOUS CITATION; AND**

(3) **$750 FOR**".

On pages 7 and 8, strike in their entirety the lines beginning with line 28 on page 7 through line 19 on page 8, inclusive.

On page 8, in line 22, after "That" insert "it is the intent of the General Assembly that the provisions of § 24–1704(b) of the Health – General Article, as enacted by Section 3 of this Act, shall be construed as conforming to the Federal Smoking Prevention and Control Act and any regulations promulgated under it.

SECTION 6. 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.

House Bill 402 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Collection Agencies – Application and Renewal Fees

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

HB0402/567078/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 402
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "authorizing" and substitute "requiring"; and in line 5, after the third "fees" insert ", subject to certain limitations".

AMENDMENT NO. 2

On page 2, in line 8, after "(a)" insert "**(1)**"; in line 9, strike "(1)" and substitute "**(I)**"; in line 11, strike "(2)" and substitute "**(II)**"; in line 12, strike "**(I)**" and substitute "**1.**"; in line 14, strike "**(II)**" and substitute "**2.**"; after line 15, insert:

"**(2) THE FEES AUTHORIZED UNDER THIS SUBSECTION MAY NOT EXCEED A TOTAL OF $900 FOR A 2–YEAR TERM.**";

in line 24, strike "**THE**" and substitute "**AN**"; and in the same line, after "**AMOUNT**" insert "**, NOT EXCEEDING $900,**".

On page 3, in line 2, strike "**THE**" and substitute "**SUBJECT TO § 7–302(A)(2) AND (E)(2) OF THIS SUBTITLE, THE**"; and strike beginning with ", notwithstanding" in line 11 down through "Act," in line 12.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 1470 – Delegates Rudolph, Miller, and Niemann

AN ACT concerning

Title Insurance – Title Insurers and Title Insurance Producers – Regulation and Reports

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1003)

The Bill was then sent to the House of Delegates.

House Bill 825 – Delegates Barkley, Barnes, Davis, Feldman, Harrison, Hecht, Impallaria, King, Kirk, Krysiak, Love, Manno, McHale, Minnick, Schuler, Stifler, Taylor, and Vaughn

AN ACT concerning

Vehicle Laws – Required Security – Minimum Amounts

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

FLOOR AMENDMENT

HB0825/693825/1

BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 825
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "Act;" insert "requiring the Maryland Insurance Administration and the Health Services Cost Review Commission to conduct a certain study and submit a certain report to certain committees of the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On page 2, after line 22, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31, 2013, the Maryland Insurance Administration and the Health Services Cost Review Commission shall study the effect of this Act on the amount of hospital uncompensated care in the State and submit a report on its findings, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee, the Senate Judicial Proceedings Committee, and the House Economic Matters Committee.";

and in line 23, strike "3." and substitute "4.".

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

Affirmative – 18 Negative – 28 (See Roll Call No. 1004)

FLOOR AMENDMENT

HB0825/153725/1

BY: Senator Mooney

AMENDMENTS TO HOUSE BILL 825
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Laws" and substitute "Insurance"; in the same line, after "Amounts" insert "and Payment of Premiums"; in line 5, after "accident;" insert "authorizing the Maryland Automobile Insurance Fund to accept premiums on an installment basis under certain circumstances;"; and after line 7, insert:

"BY repealing and reenacting, with amendments,
Article – Insurance
Section 20–507(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Insurance
Section 20–507(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 1, after line 14, insert:

"Article – Insurance

20–507.

(f) (1) The Fund may not:

(i) provide directly or indirectly for the financing of premiums; or

(ii) **EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION,** accept premiums on an installment basis.

(2) A premium may be financed only by a premium finance company registered with the Commissioner in accordance with § 23–201 of this article.

(3) If a prospective insured's initial payment to the Fund, a fund producer, or premium finance company is not honored, a policy or endorsement issued in reliance on that payment is void.

(G) (1) SUBJECT TO THE APPROVAL OF THE COMMISSIONER AND IN ACCORDANCE WITH THIS SUBSECTION, THE FUND MAY ACCEPT PREMIUMS ON AN INSTALLMENT BASIS ONLY ON 12–MONTH PERSONAL LINES POLICIES.

(2) IN APPROVING THE FUND'S PLAN FOR ACCEPTING PREMIUMS ON AN INSTALLMENT BASIS, THE COMMISSIONER SHALL ENSURE THAT THE FUND'S INSTALLMENT PAYMENT PLAN:

(I) REQUIRES AN INSURED'S INITIAL PREMIUM PAYMENT TO BE NO LESS THAN 15% OF THE TOTAL PREMIUM;

(II) IS STRUCTURED AND ADMINISTERED TO ENSURE THAT THE FUND AT NO TIME PROVIDES INSURANCE COVERAGE TO AN INSURED FOR A PERIOD DURING WHICH THE FUND HAS NOT RECEIVED THE ACTUARIALLY JUSTIFIED PREMIUM PAYMENT;

(III) OFFERS NO MORE THAN NINE INSTALLMENT PAYMENTS ON THE 12–MONTH POLICY;

(IV) ALLOWS INSUREDS TO MAKE AN INITIAL PREMIUM PAYMENT AND INSTALLMENT PAYMENTS IN ANY COMMERCIALLY ACCEPTABLE FORM, WHICH SHALL INCLUDE PAYMENT BY CHECK, CREDIT CARD, OR ELECTRONIC TRANSFER; AND

(V) ALLOWS THE FUND TO IMPOSE AN ADMINISTRATIVE PROCESSING FEE ON INSUREDS PARTICIPATING IN THE INSTALLMENT PAYMENT PLAN OF NO MORE THAN $8 PER INSTALLMENT PAYMENT.".

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

Affirmative – 14 Negative – 32 (See Roll Call No. 1005)

FLOOR AMENDMENT

HB0825/423221/1

BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 825
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "accident;" insert "requiring the Maryland Insurance Administration to monitor certain claims;"; and in the same line, after "Act;" insert "making certain provisions of this Act subject to a certain contingency;".

AMENDMENT NO. 2

On page 2, in line 22, strike "January 1, 2011" and substitute "the date Section 1 of this Act takes effect"; after line 22, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Insurance Administration shall monitor vehicle liability claims for bodily injury or death that arise from accidents that occur in the State and are paid by motor vehicle liability insurers.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) Sections 1 and 2 of this Act are contingent on a determination by the Maryland Insurance Administration that 50% or more of the claims for bodily injury or death arising from an accident result in payments of more than $20,000 for any one person and more than $40,000 for any two or more persons.

(b) The Administration shall notify the Department of Legislative Services within 5 days after the Administration makes a determination that the contingency under subsection (a) of this section has been met.

(c) Sections 1 and 2 of this Act shall take effect 5 days after the date the Department receives notification from the Administration.";

in line 23, strike "3." and substitute "5."; and in the same line, after "That" insert ", subject to Section 4 of this Act,"."

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

Affirmative – 16 Negative – 30 (See Roll Call No. 1006)

FLOOR AMENDMENT

HB0825/863328/1

BY: Senator Reilly

AMENDMENTS TO HOUSE BILL 825
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Vehicle Insurance – Payment for Bodily Injury or Death"; in line 5, after "accident;" insert "increasing the maximum amount payable from the Maryland Automobile Insurance Fund for claims for bodily injury or death;"; and after line 7, insert:

"BY repealing and reenacting, with amendments,
Article – Insurance
Section 20–602(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 1, after line 14, insert:

"Article – Insurance

20–602.

(a) The maximum amount payable from the Fund, exclusive of interest and costs, for claims filed under this subtitle arising from one accident is:

(1) **[**$20,000**] $30,000** on account of injury to or death of one individual;

(2) subject to the limit specified in item (1) of this subsection, **[**$40,000**] $60,000** on account of injury to or death of more than one individual; and

(3) $15,000 for damages to property.".

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

Affirmative – 13 Negative – 33 (See Roll Call No. 1007)

FLOOR AMENDMENT

HB0825/823924/1

BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 825
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "accident;" insert "requiring insurance providers to include notice of the provisions of this Act in any mailing to new or current policy holders concerning the renewal or issuance of a vehicle liability policy in the State;".

AMENDMENT NO. 2

On page 2, after line 22, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That insurance providers shall include notice of the provisions of this Act in any mailing to new or current policy holders concerning the renewal or issuance of a vehicle liability policy in the State.";

and in line 23, strike "3." and substitute "4.".

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

Affirmative – 18 Negative – 28 (See Roll Call No. 1008)

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

Affirmative – 27 Negative – 20 (See Roll Call No. 1009)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #39

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

House Bill 59 – ~~Delegate Pena-Melnyk~~ Delegates Hixson, Pena–Melnyk, Manno, Ali, Aumann, Barnes, Bartlett, Barve, Braveboy, Carr, Costa, Dumais, Dwyer, Feldman, Frick, Gilchrist, Glenn, Healey, Howard, Hubbard, Ivey, Kaiser, King, Lafferty, Lee, Love, Montgomery, Olszewski, Rice, Ross, Shewell, Stocksdale, Stukes, Taylor, Valderrama, and Waldstreicher

AN ACT concerning

Task Force to ~~Incorporate~~ Explore the Incorporation of the Principles of Universal Design for Learning into ~~the Policies, Practices, and Curriculum of~~ the Education Systems in Maryland

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 114 – Delegates Nathan–Pulliam, Benson, Burns, Conaway, Glenn, Gutierrez, Hubbard, Kipke, Mizeur, Morhaim, Oaks, Pena–Melnyk, Robinson, Tarrant, Taylor, and V. Turner

AN ACT concerning

Health Occupations Boards – Revisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 197 – Chair, Economic Matters Committee

AN ACT concerning

State Board of Barbers and State Board of Cosmetologists – Sunset Extension and Revisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 224 – Delegates Morhaim, Cardin, McIntosh, and Stein

AN ACT concerning

Plumbing – Greywater Recycling

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 269 – Delegates Kaiser, Boteler, Carr, Feldman, Healey, Hecht, Ivey, Manno, Montgomery, O'Donnell, Reznik, Robinson, Schuler, Shewell, Sophocleus, Stocksdale, ~~and Stukes~~ Stukes, Kramer, and Glenn

AN ACT concerning

Child with a Disability – Individualized Education Program

HB0269/624136/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 269
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 6 down through "circumstances;" in line 8; and strike beginning with "communicate" in line 9 down

through "disability" in line 10 and substitute "include certain documentation in certain records".

AMENDMENT NO. 2

On page 2, in line 23, strike "**(I)**"; in line 24, strike "**AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**"; and in line 25, strike "**3**" and substitute "**5**".

On pages 2 and 3, strike in their entirety the lines beginning with line 32 on page 2 through line 2 on page 3, inclusive.

On page 3, strike beginning with "**DOCUMENT**" in line 9 down through "**CHILD**" in line 10 and substitute "**:**

1. DOCUMENT THE EXTENUATING CIRCUMSTANCE; AND

2. INCLUDE WRITTEN DOCUMENTATION RELATING TO THE EXTENUATING CIRCUMSTANCE IN THE STUDENT'S PERMANENT RECORD".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 325 – Delegate Donoghue

AN ACT concerning

State Board of Physical Therapy Examiners – Licensure and Regulation

HB0325/244134/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 325
(Third 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 line 24, after "include" insert "using"; in line 25, strike "**TAKING**"; in line 26, strike "**USING RADIOACTIVE**" and substitute "Radioactive"; and in line 27, strike "**USING ELECTRICITY**" and substitute "Electricity".

AMENDMENT NO. 3

On page 4, in line 5, after "(b)", insert "**(1)**"; in line 6, after "**OR**" insert "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**"; strike beginning with "**TO**" in line 7 down through "**LICENSEE**" in line 8; in lines 9, 10, and 12, strike "(1)", "(2)", and "(3)", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; and after line 12, 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 with amendments:

House Bill 406 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Real Estate Licensees – Services Provided Through Teams

HB0406/164636/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 406
(Third Reading File Bill)

On page 4, in line 1, after "**NAME**" insert "**OR THE DESIGNATED NAME, AS DEFINED IN § 17–527.2 OF THIS SUBTITLE,**"; in line 3, after "**NUMBER**" insert "**THAT CONNECTS TO THE OFFICE**"; and strike in their entirety lines 5 and 6.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 407 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Public Accountancy – Disciplinary Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 439 – Delegates Kaiser, Cardin, Ivey, Olszewski, Rice, Stukes, and Walker

EMERGENCY BILL

AN ACT concerning

Education – Innovative School Scheduling Models – Low–Performing and At–Risk Public Schools

HB0439/664034/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 439
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "schools;" insert "requiring the State of Maryland to include the funding of certain scheduling models in certain schools as part of the State's application to the United States Department of Education for the Race to the Top Fund;".

AMENDMENT NO. 2

On page 2, after line 21, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the State of Maryland shall include the funding of grants, pilot programs, and other economic incentives and implementation costs of extended year, year–round, and other innovative school scheduling models that do not allow for prolonged lapses in instructional time in low–performing or at–risk public schools as part of the State's application to the United States Department of Education for the Race to the Top Fund, authorized under the American Recovery and Reinvestment Act of 2009.";

and in line 29, 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:

House Bill 496 – Delegates Pena–Melnyk, Ali, Anderson, Barnes, Barve, Benson, Bobo, Bohanan, Branch, Braveboy, Bronrott, Burns, Busch, Cane, Carr, Carter, Conaway, Costa, Davis, Dumais, Dwyer, Eckardt, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Griffith, Gutierrez, Hammen, Harrison, Haynes, Healey, Heller, Hixson, Holmes, Howard, Hubbard, Hucker, Ivey, Jones, Kach, Kaiser, Kipke, Kirk, Kramer, Krysiak, Kullen, Lee, Levi, Levy, Manno, McConkey, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Olszewski, Pendergrass, Proctor, Ramirez, Reznik, Rice, Robinson, Rosenberg, Ross, Schuh, Schuler, Simmons, Stukes, Tarrant, Taylor,

F. Turner, V. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, and Walker

AN ACT concerning

No Representation Without Population Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 856 – Montgomery County Delegation

AN ACT concerning

Election Law – Montgomery County Republican and Democratic Party Central ~~Committee~~ Committees – Membership

MC 15–10

HB0856/574935/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 856

(Third Reading File Bill)

On page 2, in line 17, strike "For" and substitute "**IN MONTGOMERY COUNTY, FOR**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1440 – Delegate Barve

AN ACT concerning

Election Law – Campaign Finance Entity – Officers Authorized to Perform Duties of Treasurer

HB1440/814838/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1440
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "entity" insert "under certain circumstances".

AMENDMENT NO. 2

On page 3, in line 28, strike "**IN ACCORDANCE WITH THIS SUBSECTION**" and substitute "**IF THE TREASURER OF A CAMPAIGN FINANCE ENTITY IS TEMPORARILY UNABLE TO PERFORM THE DUTIES OF THE OFFICE**"; in line 29, strike the first "**A**" and substitute "**THE**"; and strike beginning with "**EXCEPT**" in line 31 down through "**IF**" in line 32 and substitute "**IF**".

AMENDMENT NO. 3

On page 4, strike beginning with "**(I)**" in line 12 down through "**(4)**" in line 23.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #40

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

Senate Bill 604 – Senators Currie, Dyson, Kasemeyer, and Munson

AN ACT concerning

College and Career Readiness Act of 2010

SB0604/864434/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 604
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "agencies" insert ", in consultation with institutions of higher education,"; in line 11, strike "a certain report" and substitute "certain reports"; and in the same line, after "dates;" insert "making certain provisions of this Act contingent on the receipt of certain funds; providing that certain provisions of this Act shall be null and void under certain circumstances;".

AMENDMENT NO. 2

On page 1, in line 20, after "Commission" insert ", in consultation with institutions of higher education,".

On page 2, in line 11, strike "(1)"; strike in their entirety lines 14 and 15; in line 36, after "program" insert "for the purpose of adopting standards and assessments that prepare students to succeed in college and the workplace".

AMENDMENT NO. 3

On page 3, in line 2, strike "2010, 2011, and 2012" and substitute "2011, 2012, and 2013"; after line 5, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That on or before December 31, 2010, the State Department of Education and the Maryland Higher Education Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly, regarding the State's capacity to meet current and future demand for career and vocational training needs, and the impact of this Act, if implemented, on those needs and the State's capacity to meet them.

SECTION 5. AND BE IT FURTHER ENACTED, That Sections 1, 2, and 3 of this Act shall be contingent on the receipt of funds awarded to the State through the federal Race to the Top grant program, and if the State does not receive these funds on or before June 1, 2011, Sections 1, 2, and 3 of this Act shall be null and void without the necessity of further action by the General Assembly.";

in line 6, strike "4." and substitute "6."; and in the same line, after "That" insert ", subject to Section 5 of this Act,".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 865 – Senators Lenett and Zirkin

AN ACT concerning

Education – Student–Athletes – Concussions

SB0865/964336/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 865
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "granting" in line 12 down through "policies;" in line 14; and strike beginning with "providing" in line 16 down through "damages" in line 17 and substitute "defining certain terms".

AMENDMENT NO. 2

On page 2, strike beginning with "**HEAD**" in line 22 down through "**SKULL**" in line 24 and substitute "**TRAUMATIC INJURY TO THE BRAIN CAUSING AN IMMEDIATE AND, USUALLY, SHORT–LIVED CHANGE IN MENTAL STATUS OR AN ALTERATION OF NORMAL CONSCIOUSNESS RESULTING FROM:**

(I) A FALL;

(II) A VIOLENT BLOW TO THE HEAD OR BODY; OR

(III) THE SHAKING OR SPINNING OF THE HEAD OR BODY";

in line 25, strike "**A STUDENT**" and substitute "**AN INDIVIDUAL WHO IS 17 YEARS OLD OR YOUNGER OR WHO IS A PHYSICALLY OR MENTALLY DISABLED INDIVIDUAL OF ANY AGE**"; in line 26, after "**IN**" insert "**AN ATHLETIC ACTIVITY IN ASSOCIATION WITH**"; in line 27, strike "**INTERSCHOLASTIC ATHLETIC ACTIVITY**" and substitute "**EDUCATIONAL INSTITUTION**"; in line 29, strike "**AT**" and substitute "**:**

1. AT";

and in the same line, after "**FACILITY**" insert "**; OR**

2. BY A RECREATIONAL ATHLETIC ORGANIZATION".

AMENDMENT NO. 3

On page 3, in line 8, strike "**AND TRAINING**"; in line 14, after "**OF**" insert "**LICENSED**"; in line 17, after "**FOR**" insert "**REMOVAL FROM AND**"; in line 20, strike "**VERIFICATION**"; in the same line, after "**PROCESS**" insert "**TO VERIFY**"; in line 21, strike "**THE TRAINING REQUIRED**" and substitute "**INFORMATION RELATING TO THE PROGRAM DEVELOPED**"; and in line 23, strike "**ON AN ANNUAL BASIS, BEFORE**" and substitute "**BEFORE**".

AMENDMENT NO. 4

On page 4, in line 5, strike the colon and substitute "**HAS OBTAINED WRITTEN CLEARANCE BY A LICENSED HEALTH CARE PROFESSIONAL.**"; and strike in their entirety lines 6 through 34, inclusive.

On page 5, in line 1, strike "**(3)**" and substitute "**(D)**"; strike beginning with the colon in line 2 down through "**A**" in line 3 and substitute "**A**"; and strike beginning with the semicolon in line 5 down through "**SUBSECTION**" in line 21.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1033 – Senator Harrington

AN ACT concerning

Veterans Affairs – Military Health Care Provider Transition Plan

SB1033/644733/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1033
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike "a"; and in the same line, strike "report" and substitute "reports".

AMENDMENT NO. 2

On page 1, in line 15, after "including" insert "current and"; in line 21, strike "and"; and in line 22, after "Board" insert "; and

(5) the Maryland Higher Education Commission".

On page 2, strike beginning with the comma in line 10 down through "opportunities" in line 24; in line 25, strike "2010" and substitute "2011"; after line 25, insert:

"(g) On or before December 1, 2010, the Department shall submit an interim report on its findings to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.";

in line 26, strike "(g)" and substitute "(h)"; in the same line, strike "2011" and substitute "2012"; and in line 30, 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 1086 – Senator Munson

AN ACT concerning

Public Safety – Emergency Medical Services Board – Membership

SB1086/624938/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1086
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Emergency Medical Services Board" and substitute "Statewide Emergency Medical Services Advisory Council"; in lines 3 and 4 and 7, in each instance, strike "State Emergency Medical Services Board" and substitute "statewide Emergency Medical Services Advisory Council"; in line 4, strike "public at large" and substitute "general public"; strike beginning with "employed" in line 5 down through "Division" in line 6; in line 6, after the semicolon insert "making corrections to the names of certain organizations;"; after line 7 insert:

"BY repealing and reenacting, without amendments,
Article – Education
Section 13–511(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)";

and in line 10, strike "13–505" and substitute "13–511(b)".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 16 on page 1 through line 13 on page 3, inclusive, and substitute:

"13–511.

(a) There is a statewide Emergency Medical Services Advisory Council to advise and assist the EMS Board in performing its functions.

(b) (1) The Advisory Council consists of **[**29**] 31** members. The members shall be appointed by the Board from a list of three qualified nominees submitted to the Board by their respective organizations or associations represented on the Council. The appointments by the Board shall be subject to the approval of the Governor.

(2) Of the **[**29**] 31** members:

(i) One shall be a representative of the Maryland Chapter of the American College of Emergency Physicians;

(ii) One shall be a representative of **[**the Medical and Chirurgical Faculty of Maryland**] MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY**;

(iii) One shall be a representative of the Maryland Hospital Association;

(iv) One shall be a representative of the Maryland State Council of the Emergency Nurses Association;

(v) One shall be a representative of the Maryland Fire and Rescue Institute;

(vi) One shall be a representative of the Maryland State Firemen's Association;

(vii) One shall be a representative of the Aviation Division of the Department of State Police;

(viii) One shall be a representative of the **[**Highway Safety Division**]** **OFFICE OF TRAFFIC AND SAFETY** of the Maryland Department of Transportation;

(ix) One shall be a representative from each of the five regional emergency medical services advisory councils;

(x) One shall be a representative of the Maryland trauma net;

(xi) One shall be a representative of a Maryland commercial ambulance service;

(xii) One shall be a representative of the Board of Physicians;

(xiii) One shall be a representative of the Maryland Chapter, American College of Surgeons;

(xiv) One shall be a regional medical director;

(xv) One shall be a representative of the Maryland Chapter (Chesapeake Bay), American Association of Critical Care Nurses;

(xvi) One shall be a representative of the **[**Maryland/District of Columbia International Association of Firefighters**]** **PROFESSIONAL FIRE FIGHTERS OF MARYLAND**;

(xvii) One shall be a representative of the volunteer field providers;

(xviii) One shall be a representative of the Maryland Metropolitan Fire Chiefs;

(xix) One shall be a representative of the [State Emergency Numbers Board (911)] **EMERGENCY NUMBER SYSTEMS BOARD**;

(xx) One shall be the Director of the R Adams Cowley Shock Trauma Center;

(xxi) One shall be the Director of the National Study Center;

(xxii) [Two] **THREE** shall be members of the general public, one of whom shall reside in a county with a population of less than 175,000;

(xxiii) One shall be a representative of the Committee on Pediatric Emergency Medicine of the American Academy of Pediatrics, Maryland Chapter; [and]

(xxiv) One shall be a representative of the [Maryland–District of Columbia] **MARYLAND** Society of Anesthesiologists**; AND**

(XXV) ONE SHALL BE A HELICOPTER PILOT.".

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 #28

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

Senate Bill 627 – Senators Brinkley, Raskin, Colburn, Garagiola, Jacobs, Kittleman, Kramer, Madaleno, Miller, and Zirkin

AN ACT concerning

Public Health – Medical Marijuana

SB0627/878670/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 627
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "making marijuana a Schedule II controlled dangerous substance;"; in line 11, after "check;" insert "requiring the Department to assign a certain identification number to certain permit holders for certain purposes;"; in line 22, after "circumstances;" insert "requiring certain physicians to provide notice to certain patients and the Department regarding the withdrawal of a patient's written certification under certain circumstances; requiring the Department to send a certain notice; requiring certain patients and certain primary caregivers to send to the Department a certain registry identification card under certain circumstances and to dispose of any marijuana within the patient's possession within a certain number of days;"; and in line 30, strike "requiring a physician to provide certain written".

On page 2, strike beginning with "instructions" in line 1 down through "met;" in line 3 and substitute "requiring certain pharmacies or dispensing centers to dispense a certain amount of usable marijuana to certain individuals for a certain period of time except under certain circumstances; prohibiting certain pharmacies and dispensing centers from dispensing more than a certain amount of marijuana to certain individuals within a certain period of time except under certain circumstances; authorizing certain pharmacies or dispensing centers to dispense more than a certain amount of marijuana to certain individuals under certain circumstances; requiring certain pharmacies and dispensing centers to maintain certain records;"; in line 6, after "time;" insert "establishing procedures for a patient to change an authorized pharmacy or dispensing center;"; in line 9, strike "that" and substitute "for the construction of"; strike beginning with "may" in line 9 down through "place" in line 12; and in line 18, strike "the General Fund of" and substitute "drug rehabilitation programs throughout".

AMENDMENT NO. 2

On page 2, after line 19, insert:

"BY renumbering

Article – Criminal Law

Section 5–403(d), (e), and (f), respectively
to be Section 5–403(e), (f), and (g), respectively
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–402(d)(1)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY adding to
Article – Criminal Law
Section 5–403(d)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 26 and 27 and substitute:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 5–403(d), (e), and (f), respectively, of Article – Criminal Law of the Annotated Code of Maryland be renumbered to be Section(s) 5–403(e), (f), and (g), respectively.

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

Article – Criminal Law

5–402.

(d) (1) A material, compound, mixture, or preparation that contains any of the following hallucinogenic or hallucinogenic–like substances is a substance listed in Schedule I:

(i) bufotenine;

(ii) diethyltryptamine;

(iii) dimethyltryptamine;

(iv) 4–methyl–2, 5–dimethoxyamphetamine;

(v) ibogaine;

(vi) lysergic acid diethylamide;

[(vii) marijuana;**]**

[(viii)**]** **(VII)** mescaline;

[(ix)**]** **(VIII)** peyote;

[(x)**]** **(IX)** psilocybin;

[(xi)**]** **(X)** psilocyn;

[(xii)**]** **(XI)** tetrahydrocannabinol;

[(xiii)**]** **(XII)** thiophene analog of phencyclidine;

[(xiv)**]** **(XIII)** 2, 5–dimethoxyamphetamine;

[(xv)**]** **(XIV)** 4–bromo–2, 5–dimethoxyamphetamine;

[(xvi)**]** **(XV)** 4–methoxyamphetamine;

[(xvii)**]** **(XVI)** 3, 4–methylenedioxyamphetamine;

[(xviii)**]** **(XVII)** 3, 4–methylenedioxymethamphetamine (MDMA);

[(xix)**]** **(XVIII)** 5–methoxy–3, 4–methylenedioxyamphetamine;

[(xx)**]** **(XIX)** 3, 4, 5–trimethoxyamphetamine;

[(xxi)**]** **(XX)** N–methyl–3–piperidyl benzilate;

[(xxii)] **(XXI)** N–ethyl–3–piperidyl benzilate;

[(xxiii)] **(XXII)** N–ethyl–1–phenylcyclohexylamine;

[(xxiv)] **(XXIII)** 1–(1–phenylcyclohexyl)–pyrrolidine;

[(xxv)] **(XXIV)** 1–(1–(2–thienyl)–cyclohexyl)–piperidine;

[(xxvi)] **(XXV)** 1–methyl–4–phenyl–4–propionoxypiperidine (MPPP); and

[(xxvii)] **(XXVI)** 1–(2–phenylethyl)–4–phenyl–4–acetyloxypiperidine (PEPAP).

5–403.

(D) A MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS MARIJUANA IS A SUBSTANCE LISTED IN SCHEDULE II.".

AMENDMENT NO. 4

On page 6, in line 5, strike "**AND**"; and in line 7, after "**SCHOOLS**" insert "**; AND**

(4) THE ESTABLISHMENT OF A SYSTEM TO TRACK THE AMOUNT OF MARIJUANA DISPENSED AND TO WHOM THE MARIJUANA IS DISPENSED".

On page 8, after line 7, insert:

"**(3) (I) THE DEPARTMENT SHALL ASSIGN TO EACH INDIVIDUAL WHO HAS BEEN ISSUED A PERMIT UNDER THIS SECTION A UNIQUE DISPENSING CENTER OR PHARMACY IDENTIFICATION NUMBER.**

(II) THE IDENTIFICATION NUMBER ASSIGNED UNDER THIS PARAGRAPH SHALL:

1. BE PRINTED ON A REGISTRY IDENTIFICATION CARD ISSUED UNDER § 13–3004 OF THIS SUBTITLE; AND

2. IDENTIFY THE ONLY DISPENSING CENTER OR PHARMACY FROM WHICH THE REGISTRY IDENTIFICATION CARD HOLDER IS AUTHORIZED TO OBTAIN MARIJUANA.";

in line 8, strike "**(3)**" and substitute "**(4)**"; and in line 26, after "**CARD**" insert "**WITH A PHOTOGRAPH**".

AMENDMENT NO. 5

On page 9, in line 4, after "**PATIENT**" insert "**, INCLUDING DOCUMENTATION ESTABLISHING PROOF OF IDENTITY AND RESIDENCY TO THE SATISFACTION OF THE DEPARTMENT**"; in line 6, after "**PHYSICIAN**" insert "**WHO PREPARED THE WRITTEN CERTIFICATION SUBMITTED UNDER ITEM (I) OF THIS PARAGRAPH**"; in line 24, strike "**RECOGNIZED**" and substitute "**:**

A. RECOGNIZED";

and in line 25, after "**EFFECTIVE**" insert "**; OR**

B. OTHER TREATMENT OPTIONS HAVE MORE SERIOUS SIDE EFFECTS OR A GREATER RISK OF ADDICTION".

On page 10, in line 4, after "**PATIENT**" insert "**, INCLUDING DOCUMENTATION ESTABLISHING PROOF OF IDENTITY AND RESIDENCY TO THE SATISFACTION OF THE DEPARTMENT**"; in line 6, after "**PHYSICIAN**" insert "**WHO PREPARED THE WRITTEN CERTIFICATION SUBMITTED FOR THE PATIENT UNDER SUBSECTION (A) OF THIS SECTION**"; in line 10, strike "**VERIFY**" and substitute "**:**

(1) VERIFY";

and in line 11, after "**SECTION**" insert "**; AND**

(2) REQUIRE THE QUALIFYING PATIENT OR THE PRIMARY CAREGIVER TO CHOOSE THE DISPENSING CENTER OR PHARMACY FROM WHICH THE REGISTRANT WILL BE OBTAINING THE MARIJUANA".

On page 12, in line 5, strike "**AND**"; after line 5, insert:

"**(V)** **THE IDENTIFICATION CODE OF THE AUTHORIZED DISPENSING CENTER OR PHARMACY; AND**";

in line 6, strike "**(V)**" and substitute "**(VI)**"; after line 18, insert:

"**(III)** **1. IF THERE IS A CHANGE IN THE STATUS OF A PATIENT'S DEBILITATING MEDICAL CONDITION THAT REQUIRES A PHYSICIAN TO WITHDRAW THE PATIENT'S WRITTEN CERTIFICATION, THE PHYSICIAN SHALL PROVIDE WRITTEN NOTICE TO THE PATIENT AND THE DEPARTMENT WITHIN 10 DAYS OF THE CHANGE.**

2. ON RECEIPT OF A PHYSICIAN'S NOTICE OF WITHDRAWAL OF A PATIENT'S WRITTEN CERTIFICATION, THE DEPARTMENT SHALL:

A. REVOKE THE PATIENT'S AND, IF APPLICABLE, THE PATIENT'S PRIMARY CAREGIVER'S REGISTRY IDENTIFICATION CARD; AND

B. SEND THE PATIENT AND, IF APPLICABLE, THE PATIENT'S PRIMARY CAREGIVER A REVOCATION NOTICE REQUIRING THE IMMEDIATE RETURN OF ALL REGISTRY IDENTIFICATION CARDS.

3. ON RECEIPT OF A REVOCATION NOTICE UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A PATIENT AND, IF APPLICABLE, A PATIENT'S PRIMARY CAREGIVER SHALL:

A. IMMEDIATELY SEND THE DEPARTMENT THEIR REGISTRY IDENTIFICATION CARD; AND

B. HAVE 15 DAYS TO DISPOSE OF ANY MARIJUANA IN THE PATIENT'S POSSESSION.";

and in line 21, after "**CARDS**" insert "**AND THE AUTHORIZED DISPENSING CENTER OR PHARMACY OF EACH REGISTERED QUALIFYING PATIENT**".

AMENDMENT NO. 6

On page 13, strike beginning with "**A**" in line 5 down through "**PERSON**" in line 7 and substitute "**ANY OF THE FOLLOWING PERSONS**"; in line 9, after "**TO**" insert "**ARREST, PROSECUTION, OR**"; and in line 11, after "**MARIJUANA**" insert "**:**

(1) A QUALIFYING PATIENT OR A PATIENT'S PRIMARY CAREGIVER WHO:

(I) HOLDS A VALID REGISTRY IDENTIFICATION CARD; OR

(II) HOLDS A VALID REGISTRY IDENTIFICATION CARD AND IS IN POSSESSION OF AN AUTHORIZED AMOUNT OF USABLE MARIJUANA PURCHASED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE;

(2) AN AUTHORIZED GROWER OR AN AUTHORIZED GROWER'S EMPLOYEE;

(3) A PHARMACY THAT HOLDS A REGISTRATION PERMIT UNDER THIS SUBTITLE OR A DISPENSING CENTER OR AN EMPLOYEE OF A PHARMACY OR DISPENSING CENTER;

(4) A PHYSICIAN; OR

(5) ANY OTHER PERSON".

AMENDMENT NO. 7

On pages 13 and 14, strike in their entirety the lines beginning with line 23 on page 13 through line 10 on page 14, inclusive.

On page 14, after line 10, insert:

"**(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN AGENT OF A PHARMACY THAT HOLDS A REGISTRATION PERMIT UNDER THIS SUBTITLE OR A DISPENSING CENTER MAY DISPENSE AN AMOUNT OF USABLE MARIJUANA THAT DOES NOT EXCEED 6 OUNCES FOR A 30–DAY PERIOD TO A REGISTERED QUALIFYING PATIENT OR THE QUALIFYING PATIENT'S PRIMARY CAREGIVER IF THE INDIVIDUAL:**

(I) PRESENTS A VALID REGISTRY IDENTIFICATION CARD WITH THE IDENTIFICATION CODE OF THE PHARMACY OR DISPENSING CENTER; AND

(II) IS REGISTERED WITH THAT PHARMACY OR DISPENSING CENTER WITH THE DEPARTMENT AS THE PATIENT'S AUTHORIZED PHARMACY OR DISPENSING CENTER.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN APPROVED PHARMACY OR DISPENSING CENTER MAY NOT DISPENSE MORE THAN 6 OUNCES OF USABLE MARIJUANA TO A REGISTERED QUALIFYING PATIENT OR THE PATIENT'S REGISTERED PRIMARY CAREGIVER IN A SINGLE 30–DAY PERIOD.

(3) AN APPROVED PHARMACY OR DISPENSING CENTER MAY DISPENSE MORE THAN 6 OUNCES OF USABLE MARIJUANA TO A REGISTERED QUALIFYING PATIENT OR A PATIENT'S PRIMARY CAREGIVER IF THE PATIENT OR THE PATIENT'S PRIMARY CAREGIVER PRESENTS THE AGENT OF THE PATIENT'S DESIGNATED APPROVED PHARMACY OR DISPENSING CENTER A SIGNED, WRITTEN CERTIFICATION STATING THAT THE PATIENT NEEDS A SPECIFIED AMOUNT OF MARIJUANA THAT IS GREATER THAN 6 OUNCES FOR A SINGLE 30–DAY PERIOD.";

strike in their entirety lines 11 through 15, inclusive; in line 16, strike "**(2)**" and substitute "**(B)**"; in line 17, strike "**PARAGRAPH (1)**" and substitute "**SUBSECTION (A)**"; in the same line, strike "**SUBSECTION**" and substitute "**SECTION**"; strike in their entirety lines 19 through 21, inclusive; after line 21, insert:

"**(C) (1) EACH APPROVED PHARMACY AND DISPENSING CENTER SHALL MAINTAIN INTERNAL RECORDS OF EACH MARIJUANA DISPENSING TRANSACTION.**

(2) THE RECORDS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE AMOUNT OF MARIJUANA DISPENSED;

(II) THE REGISTRY IDENTIFICATION NUMBER OF THE INDIVIDUAL TO WHOM THE MARIJUANA WAS DISPENSED AND WHETHER THAT INDIVIDUAL WAS A QUALIFYING PATIENT OR THE QUALIFYING PATIENT'S PRIMARY CAREGIVER; AND

(III) THE DATE AND TIME OF THE TRANSACTION.

(3) A RECORD MAINTAINED UNDER THIS SUBSECTION:

(I) IS CONFIDENTIAL; AND

(II) MAY NOT INCLUDE NAMES OR OTHER PERSONAL IDENTIFYING INFORMATION.";

in line 22, strike "**(E)**" and substitute "**(D) (1)**"; after line 23, insert:

"**(2) (I) IF A REGISTERED QUALIFYING PATIENT NEEDS TO CHANGE TO A DIFFERENT AUTHORIZED PHARMACY OR DISPENSING CENTER, THE PATIENT SHALL:**

1. REGISTER THE CHANGE WITH THE DEPARTMENT; AND

2. PAY A $15 FEE TO THE DEPARTMENT.

(II) WITHIN 5 BUSINESS DAYS AFTER RECEIVING A REQUEST TO CHANGE A PATIENT'S DESIGNATED PHARMACY OR DISPENSING CENTER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL:

1. UPDATE THE REGISTERED QUALIFYING PATIENT'S RECORD AND THE PATIENT'S PRIMARY CAREGIVER RECORD, IF ANY; AND

2. NOTIFY THE PATIENT THAT THE DESIGNATION CHANGE REQUEST HAS BEEN PROCESSED.

(III) ON RECEIPT OF A PATIENT'S OLD REGISTRY IDENTIFICATION CARD, THE DEPARTMENT SHALL ISSUE A NEW REGISTRY IDENTIFICATION CARD TO A PATIENT WHO REGISTERS WITH A DIFFERENT AUTHORIZED PHARMACY OR DISPENSING CENTER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(IV) THE DEPARTMENT MAY LIMIT THE NUMBER OF TIMES A PATIENT MAY CHANGE A DESIGNATION OF A PHARMACY OR DISPENSING CENTER TO ONE TIME EVERY 30 DAYS.";

in line 25, strike "**(A)**"; and strike in their entirety lines 28 through 33, inclusive.

AMENDMENT NO. 8

On page 15, in line 5, strike "**OR**"; and in line 6, after "**PLACE**" insert "**;**

(3) SMOKE MARIJUANA IN A MOTOR VEHICLE; OR

(4) SMOKE MARIJUANA ON PRIVATE PROPERTY THAT:

(I) 1. IS RENTED FROM A LANDLORD; AND

2. IS SUBJECT TO A POLICY THAT PROHIBITS THE SMOKING OF MARIJUANA ON THE PROPERTY; OR

(II) IS SUBJECT TO A POLICY THAT PROHIBITS THE SMOKING OF MARIJUANA ON THE PROPERTY OF AN ATTACHED DWELLING ADOPTED BY ONE OF THE FOLLOWING ENTITIES:

1. THE BOARD OF DIRECTORS OF THE COUNCIL OF UNIT OWNERS OF A CONDOMINIUM REGIME; OR

2. THE GOVERNING BODY OF A HOMEOWNERS ASSOCIATION".

AMENDMENT NO. 9

On page 16, in line 29, strike "**THE GENERAL FUND OF**" and substitute "**DRUG REHABILITATION PROGRAMS THROUGHOUT**"; and in line 30, strike "2." and substitute "3.".

The preceding 9 amendments were read only.

Senator Stoltzfus moved, duly seconded, to make the Bill and Amendments a Special Order for April 8, 2010.

The motion was adopted.

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

Senate Bill 1057 – Senator Stone

AN ACT concerning

Criminal Law – Leaving Dogs Outside and Unattended by Use of Restraint – Restricted Hours and Conditions

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for April 8, 2010.

The motion was adopted.

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

Senate Bill 1091 – Senator Mooney

AN ACT concerning

Frederick County – Religious Corporations – Retention of Assets by Local Churches

SB1091/418679/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 1091
(First Reading File Bill)

AMENDMENT NO. 1

In line 2, strike "Frederick County –"; strike beginning with "Retention" in line 2 down through "Churches" in line 3 and substitute "Laws Governing Assets of United Methodist Church – Repeal"; strike beginning with "providing" in line 4 down through "church" in line 8 and substitute "repealing certain requirements for the holding of certain assets owned by a certain Methodist Church; repealing certain provisions of law providing for the effect of the absence of a trust clause in a certain deed or other conveyance executed before a certain date; repealing a certain provision of law providing for the effect of certain provisions of law on the retention of title to assets controlled by certain churches in Garrett County; and generally relating to the assets of the United Methodist Church";

after line 8, insert:

"BY repealing
Article – Corporations and Associations
Section 5–326, 5–327, and 5–328
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)";

and strike in their entirety lines 9 through 13, inclusive.

AMENDMENT NO. 2
After line 16, insert:

"**[**5–326.

All assets owned by any Methodist Church, including any former Methodist Episcopal Church, Methodist Protestant Church, Methodist Episcopal Church, South, the Washington Methodist Conference, or Evangelical United Brethren Church, whether incorporated, unincorporated, or abandoned:

(1) Shall be held by the trustees of the church in trust for the United Methodist Church; and

(2) Are subject to the discipline, usage, and ministerial appointments of the United Methodist Church, as from time to time authorized and declared by the general conference of that church.**]**

[5–327.

The absence of a trust clause in any deed or other conveyance executed before June 1, 1953, does not relieve or exclude a local church in any way from its Methodist connectional responsibilities or from the provisions of this part and does not absolve a local congregation or board of trustees of its responsibility to the United Methodist Church, if such an intent of the founders or the later congregations and boards of trustees is indicated by:

(1) The conveyance of the assets to the trustees of the local church or any of its predecessors;

(2) The use of the name, customs, and polity of the United Methodist Church in such a way as to be known to the community as part of this denomination; or

(3) The acceptance of the pastorate of ministers appointed by a bishop of the United Methodist Church or employed by the superintendent of the district in which the local church is located.**]**

[5–328.

As to any local church in Garrett County that was affiliated formerly with the Evangelical United Brethren Church and that withdraws from the West Virginia United Methodist Conference, this part does not prevent the local church from retaining title to any assets controlled by it.**]**";

and strike in their entirety lines 17 through 22, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 811 – Delegates Dumais, Conway, DeBoy, Malone, and Mathias

AN ACT concerning

~~Child Abuse and Neglect – Mandatory Reporting – Children in Contact with~~
Child Protection – Reporting of Children Living with or in the Regular Presence of Registered Child Sexual Offenders

HB0811/168074/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 811
(Third Reading File Bill)

On page 4, in line 32, strike "**AS A CHILD SEXUAL OFFENDER**" and substitute "**BASED ON THE COMMISSION OF AN OFFENSE AGAINST A CHILD**".

On page 7, in lines 23 and 30, in each instance, strike "**A CHILD SEXUAL OFFENDER**" and substitute "**AN INDIVIDUAL REGISTERED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE BASED ON THE COMMISSION OF AN OFFENSE AGAINST 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 #24

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

Senate Bill 979 – Senator Jones

AN ACT concerning

Public–Private Partnerships – Oversight

SB0979/739033/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 979
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "to" insert "the State Treasurer and"; in line 14, after "a" insert "proposed"; in the same line, strike "operating lease" and substitute "agreement"; in line 16, strike "operating lease" and substitute "agreement"; in line 17, after "Assembly" insert "within a certain time"; in line 18, strike "operating lease" and substitute "agreement"; in line 19, strike "commented" and substitute "had a certain period of time to review and comment"; in line 20, strike "lease" and substitute "agreement"; in line 22, strike "operating leases;" and substitute "agreements; requiring the Maryland Transportation Authority to submit a certain analysis of a proposed public–private partnership agreement to certain committees of the General Assembly within a certain period of time before entering into the agreement; prohibiting the Board of Public Works from approving a public–private partnership agreement that the Authority proposes to enter into until certain committees of the General Assembly have had a certain period of time to review and comment on the Authority's analysis of the agreement;"; and in line 31, strike "Maryland Transportation".

AMENDMENT NO. 2

On page 3, in line 6, strike "**LONG–TERM**"; in the same line, strike "**CONTRACTING AGENCY**" and substitute "**UNIT OF STATE GOVERNMENT**"; strike beginning with "**AND**" in line 11 down through "**COLLECT**" in line 12 and substitute "**OR A FACILITY FOR STATE USE AND WILL COLLECT FEES,**"; in line 15, after "**A**" insert "**SHORT–TERM OPERATING SPACE**"; in line 17, strike "**IF**" and substitute "**AND**"; in line 17, strike "**OR**"; in line 19, after "**ARTICLE**" insert "**; OR**

3. PUBLIC–PRIVATE PARTNERSHIP AGREEMENTS ENTERED INTO BY THE UNIVERSITY SYSTEM OF MARYLAND, WHERE NO STATE FUNDS ARE USED TO FUND OR FINANCE ANY PORTION OF A CAPITAL PROJECT";

after line 26, insert:

"**(B) THE REQUIREMENTS OF THIS TITLE DO NOT APPLY TO THE MARYLAND TRANSPORTATION AUTHORITY OR TO A PUBLIC–PRIVATE PARTNERSHIP PROPOSED OR ENTERED INTO BY THE MARYLAND TRANSPORTATION AUTHORITY.**";

and in line 27, strike "**(B)**" and substitute "**(C)**".

On page 4, in lines 6 and 22, strike "**(C)**" and "**(D)**", respectively, and substitute "**(D)**" and "**(E)**", respectively.

AMENDMENT NO. 3

On page 4, in line 8, after "**THE**" insert "**STATE TREASURER AND THE**"; in lines 11 and 22, in each instance, strike "**JULY**" and substitute "**JANUARY**"; in line 30, strike "**OPERATING LEASE ENTERED INTO**" and substitute "**AGREEMENT PROPOSED**"; in line 33, strike "**(1)**"; and in line 35, after "**SECTION**" insert "**WITHIN 30 DAYS AFTER THE STATE TREASURER RECEIVES A PROPOSED PUBLIC–PRIVATE PARTNERSHIP AGREEMENT FROM A UNIT OF STATE GOVERNMENT**".

AMENDMENT NO. 4

On page 5, strike in their entirety lines 1 through 3, inclusive; in line 5, strike "**OPERATING LEASE UNDER**" and substitute "**AGREEMENT UNDER § 10–305 OR**"; in line 6, strike "**COMMENTED**" and substitute "**HAD 30 DAYS TO REVIEW AND COMMENT**"; in line 7, strike "**LEASE**" and substitute "**AGREEMENT**"; and in line 12, strike "**OPERATING LEASES**" and substitute "**AGREEMENTS**".

AMENDMENT NO. 5

On page 7, in line 8, strike "**LONG–TERM**"; strike beginning with "**AND**" in line 13 down through "**COLLECT**" in line 14 and substitute "**OR A FACILITY FOR STATE USE AND WILL COLLECT FEES,**"; in line 17, after "**A**" insert "**SHORT–TERM OPERATING SPACE**"; in line 18, strike "**IF**" and substitute "**AND**"; and in line 30, strike "**JULY**" and substitute "**JANUARY**".

AMENDMENT NO. 6

On page 8, in line 8, strike "**JULY**" and substitute "**JANUARY**"; and after line 11, insert:

"**(E) NOT LESS THAN 30 DAYS BEFORE ENTERING INTO A PUBLIC–PRIVATE PARTNERSHIP AGREEMENT, THE AUTHORITY SHALL SUBMIT TO THE BUDGET COMMITTEES, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, AN ANALYSIS OF THE IMPACT OF THE PROPOSED**

PUBLIC–PRIVATE PARTNERSHIP AGREEMENT ON THE AUTHORITY'S FINANCING PLAN, INCLUDING THE AUTHORITY'S OPERATING AND CAPITAL BUDGETS AND DEBT CAPACITY.

(F) THE BOARD OF PUBLIC WORKS MAY NOT APPROVE A PUBLIC–PRIVATE PARTNERSHIP AGREEMENT UNDER § 10–305 OR § 12–204 OF THE STATE FINANCE AND PROCUREMENT ARTICLE THAT THE AUTHORITY PROPOSES TO ENTER INTO UNTIL THE BUDGET COMMITTEES HAVE HAD 30 DAYS TO REVIEW AND COMMENT ON THE AUTHORITY'S ANALYSIS OF THE AGREEMENT REQUIRED UNDER SUBSECTION (E) OF THIS SECTION.".

AMENDMENT NO. 7

On page 9, in line 11, strike "Budget and Management" and substitute "Transportation, Department of General Services,"; in line 21, strike "definition of" and substitute "definitions of "public notice of solicitation" and"; in line 22, strike "definition" and substitute "definitions"; and in line 23, in each instance, strike "its" and substitute "their".

On page 11, in line 29, after "years" insert "and 1 month"; and in line 30, strike "May 31, 2012" and substitute "June 30, 2012".

The preceding 7 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 1083 – Senators DeGrange, Kasemeyer, King, Munson, Peters, Robey, and Stoltzfus

AN ACT concerning

Property Tax – Semiannual Payment for Real Property

SB1083/299735/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 1083
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "for Real Property" and substitute "Schedule – Small Business Property"; in line 3, after "or" insert "the governing body of a"; in line 4, strike "for"; in the same line, strike "of" and substitute "schedule for"; in line 5, strike "for" and substitute "on"; strike beginning with "repealing" in line 5 down through "provisions;" in line 6 and substitute "defining a certain term;"; in line 7, strike "the payment of property taxes for residential property" and substitute "a semiannual property tax payment schedule for certain real property"; strike in their entirety lines 8 through 12, inclusive; and in line 15, strike "(b)".

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

AMENDMENT NO. 2

On page 2, strike in their entirety lines 7 and 8 and substitute:

"(a) **(1)** In this **[**section, "owner–occupied**]** **SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) **"OWNER–OCCUPIED** residential property" means the principal residence of a homeowner as defined in § 9–105 of this article.

(3) **"SMALL BUSINESS PROPERTY" MEANS REAL PROPERTY:**

(I) **THAT HAS BEEN ASSIGNED A COMMERCIAL USE CODE BY THE DEPARTMENT; AND**

(II) **FOR WHICH THE TOTAL STATE, COUNTY, MUNICIPAL CORPORATION, AND SPECIAL TAXING DISTRICT PROPERTY TAXES FOR THE TAXABLE YEAR DO NOT EXCEED $50,000.**";

strike beginning with "**AND**" in line 12 down through "**REAL**" in line 13 and substitute "**OR SMALL BUSINESS**"; strike beginning with "**AND**" in line 16 down through "**REAL**" in line 17 and substitute "**OR SMALL BUSINESS**"; in lines 18 and 22, in each instance,

strike the bracket; in line 22, after the first "property" insert "**OR SMALL BUSINESS PROPERTY**"; and after line 22, insert:

"(d) (1) The semiannual payment schedule under this section shall apply to:

(i) the property tax due for the tax year following transfer of the property; and

(ii) the property tax due and not in arrears for the current tax year for any transfer occurring on or after July 1 but on or before September 30.

(2) The first installment of a semiannual payment shall be paid on or before September 30.

(e) A semiannual payment schedule may include a service charge to be paid with the second installment.

(f) A service charge:

(1) shall be:

(i) adopted by the taxing authority that collects the property taxes after obtaining the prior approval of the amount of the service charge from the Department, as part of adoption of the property tax rate under §§ 6–301 through 6–303 of this article;

(ii) applicable to all property tax being collected by the taxing authority on the semiannual payment schedule for itself and for any other taxing authority;

(iii) expressed as a percent of the amount of tax due at the second installment and shown on the tax bill as a percent and actual dollar amount charged; and

(iv) calculated in an amount:

1. reasonably equivalent to the anticipated lost interest income associated with the 3–month delay in payment of the second installment by multiplying the amount of the second installment by a rate not exceeding 1.5%; and

2. covering administrative expenses associated with the semiannual payment not exceeding the lesser of the actual expenses incurred in the preceding fiscal year per semiannual tax account as approved by the State Department of Assessments and Taxation or 10% of the charge for the anticipated lost interest income as calculated in item 1 of this item;

(2) does not apply if both installments of property tax are paid on or before September 30 of the taxable year; and

(3) may not be considered to be a property tax for the purposes of any provision of a local law or charter that limits the property tax rate or property tax revenues.

(g) The local taxing authority shall provide to the Department by May 1 of each year, information that substantiates that the proposed service charge for the anticipated lost interest is reasonably equivalent to the amount of interest that will be lost as a result of the semiannual payment.

(h) (1) The property tax bill under a semiannual payment schedule:

(i) shall state:

1. the amount of the tax due if paid in full, including any applicable discounts for early payment;

2. the amount of the tax due if paid in semiannual installments, including any applicable discounts for early payment of the first installment;

3. the amount of any service charge to be paid with the second installment unless the second installment is paid on or before September 30 of the taxable year;

4. that the service charge does not apply if both installments are paid on or before September 30 of the taxable year; and

5. the date the tax payment is due; and

(ii) shall be subject to approval by the Department of Assessments and Taxation.

(2) The Department shall approve any local semiannual payment schedule collection that:

(i) provides efficient and cost–effective collection of taxes; and

(ii) provides two semiannual coupons, two semiannual billing forms, or a similar method that allows taxpayers to pay on a semiannual basis.

(3) Local semiannual payment schedule collection systems that are not approved by the Department shall utilize 2 semiannual payment coupons that shall be submitted with the appropriate payment.

(i) A payment under a semiannual schedule:

(1) for the first installment:

(i) is due on July 1 of the tax year; and

(ii) may be paid without interest on or before September 30 of the tax year; and

(2) for the second installment:

(i) is due on December 1 of the tax year;

(ii) except for the service charge, may be paid without interest on or before December 31 of the tax year; and

(iii) may be prepaid without the service charge or interest on or before September 30 of the tax year.

(j) (1) If an escrow account is established for the payment of the property tax, the escrow account servicer shall pay tax in semiannual installments unless the

escrow account servicer has received written direction from the property owner or borrower to pay property tax in annual payments.

(2) If a taxpayer provides written direction to an escrow account servicer at least 60 days prior to the beginning of the tax year, property taxes shall be paid on an annual payment basis on behalf of that taxpayer by the escrow account servicer in the tax year that begins immediately following the year in which the written direction was received.

(3) If a taxpayer provides written direction to an escrow account servicer less than 60 days prior to the beginning of the tax year, property taxes may be paid on an annual payment basis on behalf of that taxpayer by the escrow account servicer in the tax year that begins immediately following the year in which the written direction was received.".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 23 through 25, inclusive; in line 26, strike "3." and substitute "2."; in line 27, strike "June" and substitute "October"; and in line 28, strike "2010" and substitute "2011".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1088 – Senator Stone

AN ACT concerning

Property Tax Credit – Disabled State Troopers and Natural Resources Police Residing in Baltimore County

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 464 – The Speaker (By Request – Administration) and Delegates Frick, Doory, Bartlett, Beidle, Bobo, Bronrott, Cardin, Carr, Elmore, Haddaway, Hecht, Levy, Love, Manno, Mathias, Niemann, Reznik, Ross, Shewell, and Stein

AN ACT concerning

Maryland Clean Energy Incentive Act of 2010

HB0464/249139/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 464
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "certifications;" insert "altering certain requirements for certain credit certificates;"; and in line 8, after "amount;" insert "providing for the refund of the credit under certain circumstances;".

AMENDMENT NO. 2

On page 3, in line 27, after "taxpayer" insert "**FOR ELECTRICITY PRODUCED**"; and strike beginning with "expire" in line 30 down through "claimed" in line 31 and substitute "**STATE THE 5–YEAR PERIOD DURING WHICH ELECTRICITY PRODUCED FROM QUALIFIED ENERGY RESOURCES AT THE QUALIFIED MARYLAND FACILITY QUALIFIES FOR THE CREDIT**".

AMENDMENT NO. 3

On page 4, strike beginning with ", any" in line 26 down through "arose" in line 30 and substitute "**OTHERWISE PAYABLE BY THE CORPORATION OR INDIVIDUAL FOR THAT TAXABLE YEAR, THE CORPORATION OR THE INDIVIDUAL MAY CLAIM A REFUND IN THE AMOUNT OF THE EXCESS**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 484 – Delegates Elliott, Aumann, Bartlett, Bates, Beidle, Beitzel, Boteler, Bromwell, Cardin, Dwyer, Eckardt, Elmore, Frush, George, Haddaway, Healey, Heller, Hubbard, Impallaria, Jenkins, Kach, King, Kipke, Krebs, Levy, Love, Mathias, McDonough, Minnick, Morhaim, Murphy, Myers, Olszewski, Schuh, Shank, Shewell, Sossi, Stein, Stocksdale, Stukes, Stull, Waldstreicher, Walker, ~~and Wood~~ Wood, Barve, Doory, Frick, Gilchrist, Hixson, Howard, Ivey, Kaiser, Rice, Ross, and F. Turner

AN ACT concerning

Property Tax – Semiannual Payment Schedule – Small Business Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1370 – Delegates Branch, Gaines, Bohanan, Bronrott, Conway, Haynes, Hixson, ~~and James~~ James, Cardin, Howard, Rice, Stukes, and Walker

AN ACT concerning

Public–Private Partnerships – Oversight

HB1370/819639/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 1370
(Third Reading File Bill)

On page 3, in line 29, strike "**OR**"; and in line 31, after "**ARTICLE**" insert "**; OR**

3. PUBLIC–PRIVATE PARTNERSHIP AGREEMENTS ENTERED INTO BY THE UNIVERSITY SYSTEM OF MARYLAND, WHERE NO STATE FUNDS ARE USED TO FUND OR FINANCE ANY PORTION OF A CAPITAL PROJECT".

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 #30

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

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

SB0878/527473/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 878
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 3 down through "statement" in line 14 and substitute "providing that certain provisions of this Act do not require a lender that offers to make a reverse mortgage loan to offer a reverse mortgage loan with certain payment plans or to a certain borrower; requiring certain lenders and arrangers of financing to conform to the requirements of certain federal laws and guidelines under certain circumstances; providing that certain reverse mortgage loans are not subject to certain federal laws or guidelines; providing that certain lenders or arrangers of loans are not subject to certain regulatory approval requirements under certain circumstances"; in line 15, after "annuity" insert ", a long–term care policy, or other financial or insurance product"; strike beginning with "prohibiting" in line 16 down through "products;" in line 18; and strike beginning with "providing" in line 23 down through "application" in line 27 and substitute "requiring a lender or an arranger of financing to provide a certain borrower with a certain checklist at a certain time".

On pages 1 and 2, strike beginning with "prohibiting" in line 29 on page 1 down through "period;" in line 5 on page 2.

On page 2, in line 6, after "Act" insert "by certain lenders or arrangers of financing; providing that certain lenders or arrangers of financing that violate certain provisions of this Act engage in an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and are subject to certain enforcement and penalty provisions; providing that a violation of certain provisions of this Act does not constitute a violation of certain other provisions of law".

On page 2, strike beginning with ", 12–1202," in line 11 down through "12–1225" in line 12 and substitute "through 12–1208"; and in line 13, after "Loans" insert "Act".

AMENDMENT NO. 2

On page 2, in line 19, after "**LOANS**" insert "**ACT**"; strike line 20 in its entirety; after line 23, insert:

"**(B) "ARRANGER OF FINANCING" MEANS A PERSON THAT:**

(1) FOR A FEE OR OTHER VALUABLE CONSIDERATION, WHETHER RECEIVED DIRECTLY OR INDIRECTLY, AIDS OR ASSISTS A BORROWER IN OBTAINING A REVERSE MORTGAGE LOAN; AND

(2) IS NOT NAMED AS THE LENDER IN THE REVERSE MORTGAGE LOAN AGREEMENT.";

in lines 24, 26, 29, and 31, strike "**(B)**", "**(C)**", "**(D)**", and "**(E)**", respectively, and substitute "**(C)**", "**(D)**", "**(F)**", and "**(G)**", respectively; and after line 28, insert:

"**(E) "DWELLING" HAS THE MEANING STATED IN § 11–501 OF THE FINANCIAL INSTITUTIONS ARTICLE.**".

On page 3, strike in their entirety lines 1 through 3, inclusive; in line 4, strike "**(G)**" and substitute "**(H)**"; in line 5, strike "**RESIDENTIAL REAL PROPERTY**" and substitute "**THE BORROWER'S PRINCIPAL DWELLING**"; in line 6, after "**WITH**" insert "**PURCHASE MONEY PROCEEDS,**"; in line 7, strike the first "**OR**"; in the same line,

after "**CREDIT**" insert "**, OR ANY COMBINATION OF THOSE PAYMENT PLANS**"; in line 8, strike "**RESIDENTIAL REAL PROPERTY**" and substitute "**BORROWER'S PRINCIPAL DWELLING**";

in line 13, strike "**ALL**" and substitute "**A**"; in the same line, strike "**LOANS**" and substitute "**LOAN**"; in line 14, strike "**RESIDENTIAL REAL PROPERTY**" and substitute "**A BORROWER'S PRINCIPAL DWELLING**";

in line 19, strike "**RESERVED.**"; after line 19, insert:

"**THIS SUBTITLE DOES NOT REQUIRE A LENDER THAT OFFERS TO MAKE A REVERSE MORTGAGE LOAN TO OFFER A REVERSE MORTGAGE LOAN:**

(1) WITH ANY ONE OR MORE PARTICULAR PAYMENT PLANS; OR

(2) TO A PROSPECTIVE BORROWER WHO HOLDS TITLE TO A DWELLING IN OTHER THAN FEE SIMPLE INTEREST.";

strike beginning with "**RESERVED.**" in line 20 down through "**PENALTY**" in line 27 and substitute:

"**(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LENDER THAT OFFERS OR MAKES A REVERSE MORTGAGE LOAN SECURED BY A DWELLING IN THE STATE SHALL CONFORM TO THE REQUIREMENTS OF 12 U.S.C. § 1715Z–20, AND ANY REGULATIONS AND GUIDANCE ADOPTED UNDER 12 U.S.C. § 1715Z–20, REGARDLESS OF WHETHER THE REVERSE MORTGAGE LOAN IS INSURED UNDER 12 U.S.C. § 1715Z–20.**

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN ARRANGER OF FINANCING THAT AIDS OR ASSISTS, OR OFFERS TO AID OR ASSIST, A BORROWER IN OBTAINING A REVERSE MORTGAGE LOAN SECURED BY A DWELLING IN THE STATE SHALL CONFORM TO THE REQUIREMENTS OF 12 U.S.C. § 1715Z–20, AND ANY REGULATIONS AND GUIDANCE ADOPTED UNDER 12 U.S.C. § 1715Z–20, REGARDLESS OF WHETHER THE REVERSE MORTGAGE LOAN IS INSURED UNDER 12 U.S.C. § 1715Z–20";

and strike line 28 in its entirety and substitute:

"**12–1205.**

(A) A REVERSE MORTGAGE LOAN THAT IS NOT INSURED UNDER 12 U.S.C. § 1715Z–20 IS NOT SUBJECT TO THE PROVISIONS IN 12 U.S.C. § 1715Z–20, OR IN ANY REGULATIONS OR GUIDANCE ADOPTED UNDER 12 U.S.C. § 1715Z–20, THAT:

(1) LIMIT ORIGINATION FEES TO $6,000 AS ADJUSTED UNDER 12 U.S.C. § 1715Z–20(R);

(2) IMPOSE MAXIMUM CLAIM AMOUNTS OR OTHER LOAN LIMIT RESTRICTIONS; OR

(3) REQUIRE GOVERNMENT INSURANCE FOR THE LOAN.

(B) A LENDER OR AN ARRANGER OF FINANCING IS NOT SUBJECT TO THE FEDERAL REGULATORY APPROVAL REQUIREMENTS OF 24 C.F.R., PART 202 WHEN MAKING OR ARRANGING A REVERSE MORTGAGE LOAN THAT IS NOT INSURED UNDER 12 U.S.C. § 1715Z–20.".

AMENDMENT NO. 3

On pages 4 through 6, strike in their entirety the lines beginning with line 1 on page 4 through line 7 on page 6, inclusive.

On page 6, in line 8, strike "**12–1214.**" and substitute "**12–1206.**"; in line 9, strike "**A**" and substitute "**(A)(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; in the same line, after "**LENDER**" insert "**OR AN ARRANGER OF FINANCING**"; in the same line, after "**ANNUITY**" insert "**, A LONG–TERM CARE POLICY, OR OTHER FINANCIAL OR INSURANCE PRODUCT**"; after line 10, insert:

"**(2) A LENDER OR AN ARRANGER OF FINANCING MAY REQUIRE A BORROWER TO PURCHASE TITLE INSURANCE, HAZARD, FLOOD, OR OTHER PERIL INSURANCE, AND ANY OTHER FINANCIAL OR INSURANCE PRODUCT THAT IS REQUIRED FOR REVERSE MORTGAGE LOANS INSURED UNDER 12 U.S.C. § 1715Z–20.**";

strike in their entirety lines 11 through 22, inclusive; and in line 23, after "**LENDER**" insert "**OR AN ARRANGER OF FINANCING**".

On page 7, in line 1, after "**LENDER**" insert "**OR AN ARRANGER OF FINANCING**"; and in line 5, strike "**SIMILAR**" and substitute "**OTHER**".

On pages 7 and 8, strike in their entirety the lines beginning with line 7 on page 7 through line 14 on page 8, inclusive, and substitute:

"**12–1207.**".

On page 8, in line 15, strike "**(C)**" and substitute "**(A)**"; in the same line, strike "**A**" and substitute "**ON RECEIVING AN APPLICATION FOR A REVERSE MORTGAGE LOAN, A**"; in the same line, after "**LENDER**" insert "**OR AN ARRANGER OF FINANCING**"; and in the same line, after the first "**A**" insert "**PROSPECTIVE**".

On page 9, in lines 9 and 12, strike "**(D)**" and "**(C)**", respectively, and substitute "**(B)**" and "**(A)**", respectively.

On pages 9 through 12, strike in their entirety the lines beginning with line 14 on page 9 through line 4 on page 12, inclusive, and substitute:

"**12–1208.**

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION:

(1) A LENDER OR ARRANGER OF FINANCING FOR A REVERSE MORTGAGE LOAN INSURED UNDER 12 U.S.C. § 1715Z–20 THAT VIOLATES THIS SUBTITLE IS SUBJECT TO THE PENALTIES PROVIDED IN 12 U.S.C. § 1715Z–20, AND IN ANY REGULATIONS AND GUIDANCE ADOPTED UNDER 12 U.S.C. § 1715Z–20; AND

(2) A LENDER OR ARRANGER OF FINANCING FOR A REVERSE MORTGAGE LOAN NOT INSURED UNDER 12 U.S.C. § 1715Z–20 THAT VIOLATES THIS SUBTITLE:

(I) ENGAGES IN AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE; AND

(II) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE, EXCEPT § 13–411.

(B) A VIOLATION OF THIS SUBTITLE DOES NOT CONSTITUTE A VIOLATION OF ANY OTHER SUBTITLE OF THIS TITLE.".

AMENDMENT NO. 4

On page 12, after line 4, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed prospectively to apply only to reverse mortgage loans applied for on or after the effective date of this Act.";

and in line 5, strike "2." and substitute "3.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 96 – Delegate Kullen

AN ACT concerning

Calvert County – Education – Junior Reserve Officer Training Corps Instructors

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 404 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Labor and Employment – Wage Payment and Collection – Order to Pay Wages

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1050 – Chair, Health and Government Operations Committee (By Request – Departmental – Health Insurance Plan) and Delegates Benson, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Tarrant, and V. Turner

AN ACT concerning

Maryland Health Insurance Plan – Plan Options – Governmental Third Party Payers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1295 – Delegates Krysiak, Jameson, Kirk, McHale, Minnick, and Rudolph

AN ACT concerning

Workers' Compensation – Uninsured Employers' Fund – Uninsured Employer Assessments

Favorable report adopted.

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. 1010)

ADJOURNMENT

At 1:26 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day April 4, 2010, Calendar Day, Thursday, April 8, 2010.

Adjourned in memory of Montgomery County Police Officer Hector Ayala who was killed in the line of duty and the coal miners in West Virginia who lost their lives in a mining accident.

Annapolis, Maryland
Legislative Day: April 4, 2010
Calendar Day: Thursday, April 8, 2010
10:00 A.M. Session

The Senate met at 10:20 A.M.

Prayer by Reverend Dr. Grady A. Yeargin, Jr.

(See Exhibit A of Appendix III)

The Journal of April 3, 2010 was read and approved.

QUORUM CALL

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

(See Roll Call No. 1012)

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 3	Sen. Klausmeier	Environment – Wetlands and Waterways Program Fees – Aquaculture
SB 11	Sen. Conway	Business Regulation – Returnable Containers – Plastic Secondary Packaging
SB 29	Sen. Astle	Department of Natural Resources – Preparation of Fishery Management Plans – Authority
SB 40	Sen. Colburn	Dorchester County – Membership of Sanitary Commission
SB 60	Chair, EHE Com.	Commission on Environmental Justice and Sustainable Communities – Membership
SB 62	Chair, EHE Com.	Maryland Horse Industry Fund

		– Fees
SB 71	Chair, EHE Com.	Procurement – Small Business Reserve Program – Sunset Extension
SB 72	Chair, EHE Com.	Maryland Militia – Membership
SB 73	Chair, EHE Com.	Maryland Emergency Management Agency – Director
SB 74	Chair, EHE Com.	Education – Comprehensive Master Plans
SB 75	Chair, EHE Com.	Education – Nonpublic School Employees – Criminal Convictions
SB 76	Chair, EHE Com.	Education – Disruptive Youth – Funding
SB 78	Chair, EHE Com.	Washington Cemetery Board of Trustees
SB 79	Chair, EHE Com.	Office of the Deaf and Hard of Hearing – Responsibilities
SB 81	Chair, EHE Com.	State Bd of Veterinary Medical Examiners – License Suspensions and Revocs – Max Penalties
SB 82	Chair, EHE Com.	Maryland Commercial Feed Law – Definitions – Prohibition on Sale
SB 87	Chair, EHE Com.	Ed – Physical Ed & Athletic Programs for Students with Disabilities – Reporting Requirements
SB 88	Chair, EHE Com.	Environment – Controlled Hazardous Substance Advisory Council
SB 95	Chair, EHE Com.	Maryland Agricultural Land Preservation Foundation – Farmland Preservation Partnership Program
SB 256	Sen. Harrington	Public Schools – Physical Education Facilities
SB 289	Sen. Edwards	Allegany County and Garrett County – Turkey Hunting – Sundays
SB 302	Sen. Glassman	Commercial Law – Equipment Dealer Contract Act – Outdoor Power Sports Equipment
SB 313	Sen. King	Health Insurance – Annual Preventive Care
SB 326	Sen. Conway	Environment – State Board of

		Waterworks and Waste Systems Operators – Sunset Extension and Revisions
SB 328	Sen. Middleton	Hospitals – Financial Assistance and Debt Collection
SB 336	Sen. King	Maryland Business Tax Reform Commission – Reporting Requirements
SB 482	Sen. Edwards	Workers' Compensation – Allegany County Deputy Sheriffs
SB 529	Sen. Garagiola	Net Energy Metering – Fuel Cell
SB 605	Sen. King	Angel's Law – Foster Care and Child Care – Window Coverings
SB 700	Sen. Exum	Health Insurance – Child Wellness Benefits
SB 728	Cecil Co. Senators	Cecil County – Board of Electrical Examiners and Licensing of Electricians
SB 787	Sen. Pugh	Financial Institutions – Mortgage Lenders – Net Worth Requirements

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 180 – Delegates Hixson, Hucker, and Mizeur

AN ACT concerning

Financial Institutions – Automated Teller Machines – Video Cameras

FOR the purpose of requiring each operator of ~~an~~ a certain automated teller machine to install and maintain a video camera that views and records certain activity ~~occurring within a certain number of feet in front~~ of a user of the automated teller machine; requiring ~~each~~ the operator ~~of an automated teller machine~~ to preserve the recordings made by the video camera for at least a certain number of days; providing that a video camera need not record banking transactions made at an automated teller machine; ~~requiring operators of certain automated teller machines to comply with this Act on or before certain dates~~ providing that

an operator of a certain automated teller machine is not in violation of certain provisions of this Act under certain circumstances; providing that certain provisions of this Act do not apply to certain automated teller machines under certain circumstances; providing that this Act applies only to automated teller machines first installed on or after a certain date; and generally relating to automated teller machines.

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 1–401(a) and (j)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY adding to
Article – Financial Institutions
Section 1–402.1
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 1117 – Delegates Riley and James

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.

House Bill 1164 – Delegate Niemann

AN ACT concerning

Green Maryland Act of 2010

FOR the purpose of altering the minimum requirement for the purchase of recycled paper by the Department of General Services; ~~requiring the Board of Public Works to adopt regulations that require certain State units, on or before a certain date, to establish a certain increased price preference for the purchase of certain products;~~ requiring State units to review annually and revise certain procurement specifications in accordance with a certain manual and strategy; requiring the Department to study the use of compost as a fertilizer and report findings of the study on or before a certain date; making it the goal of the Department to increase the use of compost in landscaping activities; establishing a Maryland Green Purchasing Committee; providing for the membership of the Committee; requiring the ~~Department~~ Committee to provide assistance to State units in developing strategies and best practices for implementing environmentally preferable purchasing, including the development of a best practices manual; requiring the Committee to submit an annual report of its activities and progress on or before a certain date; requiring bidders and offerors for a procurement contract with the Department to certify certain product claims; requiring the Committee to develop certain guidelines on or before a certain date; defining certain terms; providing for the application of certain provisions of this Act; making technical changes; providing for the construction of this Act; repealing obsolete provisions; and generally relating to procurement and use of environmentally beneficial products and practices.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–402 and 14–405
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – State Finance and Procurement
Section 14–409 and 14–410
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing
Article – Environment
Section 9–1722

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

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

House Bill 1301 – Delegates Carr, Pena–Melnyk, Ali, Beidle, Hucker, Lafferty, Manno, Mizeur, and Niemann

AN ACT concerning

State Government – Access to Public Records – Electronic Documents

FOR the purpose of requiring a custodian of a public record to provide certain applicants with a copy of the public record in ~~an~~ a certain electronic format under certain circumstances; ~~requiring the custodian to make a public record available in any electronic format in which the public record is kept; requiring a custodian of a public record to provide the public record in the electronic format requested under certain circumstances; requiring an official custodian to comply with certain provisions of this Act even if the public record is in the physical custody or control of another person;~~ authorizing a custodian to remove certain metadata from certain documents; providing for the construction of certain provisions of this Act; clarifying that a certain act does not constitute creating, compiling, or programming a new public record; authorizing a custodian to charge an applicant a certain fee for producing a copy of a public record in an electronic format under certain circumstances; defining a certain term; and generally relating to access to public records.

BY repealing and reenacting, with amendments,
Article – State Government
Section ~~10–620~~ 10–611, 10–620, and 10–621
Annotated Code of Maryland
(2009 Replacement Volume)

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

House Bill 1375 – Delegate Mizeur

AN ACT concerning

Kids First Express Lane Eligibility Act

FOR the purpose of ~~requiring the Comptroller under certain circumstances to send information from a taxpayer's tax return to the Department of Health and Mental Hygiene for the purpose of determining eligibility of a certain dependent child for the Maryland Medical Assistance Program and the Maryland Children's Health Program; repealing a certain provision of law that requires the Comptroller to send certain applications and enrollment materials to a~~

~~taxpayer under certain circumstances; authorizing the Comptroller under certain circumstances to send information from a taxpayer's tax return to the Department; repealing a certain provision of law that prohibits the Comptroller from sending a notice or information with certain applications and enrollment instructions; requiring the Department, based on certain information, to send certain applications and enrollment instructions to a taxpayer;~~ requiring the Comptroller and the Secretary of Health and Mental Hygiene to enter into an interagency agreement that allows the sharing of information from the income tax return of a taxpayer for a certain purpose; requiring the Comptroller, in consultation with the Department of Health and Mental Hygiene, to provide a certain notice with the income tax return; requiring the Comptroller to provide a box on the income tax return for a certain purpose; prohibiting the Comptroller from sharing information with the Department if a taxpayer ~~opts out~~ fails to opt in; authorizing the Comptroller to disclose tax information ~~from the income tax return~~ to the Department in accordance with certain federal and State laws; extending the tax years for which the Comptroller must send certain applications and enrollment materials to a taxpayer under certain circumstances; requiring certain taxpayer instructions to explain a certain term; repealing certain obsolete provisions of law; altering a certain definition; ~~repealing~~ altering a certain termination provision; and generally relating to the use of information on income tax returns to promote health insurance for dependent children.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–1301(f)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–211.1 and ~~13–202~~ 13–203(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 13–202 and 13–203(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Chapter 692 of the Acts of the General Assembly of 2008
Section 6

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

House Bill 1407 – Delegate Conaway

AN ACT concerning

Financial Institutions – Mortgage Loan Originators – Prohibited Acts

FOR the purpose of prohibiting a person subject to regulation as a mortgage loan originator from making a payment, threat, or promise to another person for a certain purpose in connection with a residential mortgage loan; prohibiting a person subject to regulation as a mortgage loan originator from making a payment, threat, or promise to an appraiser of a property for a certain purpose with respect to the value of the property, and from engaging in certain acts or practices; providing that certain provisions of this Act do not prohibit a person subject to regulation as a mortgage loan originator from requesting another person to consider certain information, provide certain details, substantiation, or explanation of a certain conclusion, or correct certain errors, or from withholding payment for an appraisal under certain circumstances; providing that a certain penalty applies to a willful violation of the prohibited acts; and generally relating to the regulation of mortgage loan originators.

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 11–617
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY adding to
Article – Financial Institutions
Section 11–624
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

House Bill 1560 – Delegates Braveboy, Harrison, Benson, Pena–Melnyk, and V. Turner

AN ACT concerning

~~Public Health~~ Consumer Protection – Sales of Previously Sold ~~Undergarments and Bathing Suits~~ Underwear – Prohibited

FOR the purpose of requiring that the sale of unpackaged underwear or an unsealed package of multiple pairs of underwear at a retail establishment be a final sale except under certain circumstances; allowing a retail establishment to accept certain underwear for return and a refund or exchange; prohibiting retail

establishments from selling certain ~~undergarments or bathing suits~~ underwear that ~~have~~ has been previously sold and returned to the retail establishment; providing for the application of this Act; providing that a retail establishment that violates this Act is guilty of a misdemeanor and on conviction is subject to a certain penalty; defining certain terms; and generally relating to the prohibition on the sale of previously sold ~~undergarments and bathing suits~~ underwear.

BY adding to
Article – ~~Health – General~~ Commercial Law
Section ~~18–405~~ 14–1322
Annotated Code of Maryland
(~~2009~~ 2005 Replacement Volume and 2009 Supplement)

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

MESSAGE TO THE SENATE

BILL: **HB 0103**
SPONSOR: Dels Lafferty and Malone
SUBJECT: Real Property – Mobile Home Parks – Plans for Dislocated Residents

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

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

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

Delegate Holmes, Chairman
Delegate Glenn, and
Delegate Sossi.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0103**
SPONSOR: Dels Lafferty and Malone
SUBJECT: Real Property – Mobile Home Parks – Plans for Dislocated Residents

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Holmes, Chair
Delegate Glenn
Delegate Sossi

The Senate appoints:
Senator Raskin, Chairman
Senator Gladden
Senator Muse.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #10

AMENDED IN THE HOUSE

Senate Bill 245 – Senator Simonaire

AN ACT concerning

School Bus Seat Belt Corrective Language Act

Senator Frosh moved that the Senate concur in the House amendment.

SB0245/110013/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 245
(Third Reading File Bill)

On page 1, in line 2, strike "School Bus Seat Belt Corrective Language Act" and substitute "Vehicle Laws – School Buses and Former School Buses – Seat Belts".

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1013)

AMENDED IN THE HOUSE

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

Senator Currie moved that the Senate concur in the House amendment.

SB0319/860719/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 319
(Third Reading File Bill)

On page 2, in line 4, strike "the" and substitute "a certain".

On page 5, in line 18, after "**HERITAGE**" insert "**PRESERVATION**".

The preceding amendment was read and concurred in.

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

Affirmative – 43 Negative – 4 (See Roll Call No. 1014)

AMENDED IN THE HOUSE

Senate Bill 658 – Senators DeGrange, Astle, and Rosapepe

AN ACT concerning

Anne Arundel County – Property Tax Credit – Habitat for Humanity of the Chesapeake ReStore

Senator Currie moved that the Senate concur in the House amendments.

SB0658/275860/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 658
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, 7, and 12 and 13, in each instance, strike "Habitat for Humanity of the Chesapeake ReStore" and substitute "Arundel Habitat for Humanity, Inc."; and in line 13, strike the period.

AMENDMENT NO. 2

On page 2, in line 26, strike "**HABITAT FOR HUMANITY OF THE CHESAPEAKE RESTORE**" and substitute "**ARUNDEL HABITAT FOR HUMANITY, INC.,**"; in line 27, strike "**FT.**" and substitute "**FORT**"; in the same line, after "**ROAD**" insert "**, BALTIMORE, MARYLAND**"; in the same line, strike "**AND**" and substitute "**OR**"; in the same line, strike "**IN**" and substitute a comma; and in line 28, strike "**21226**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1015)

QUORUM CALL

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

(See Roll Call No. 1016)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #72

Senate Bill 604 – Senators Currie, Dyson, Kasemeyer, and Munson

AN ACT concerning

College and Career Readiness Act of 2010

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1017)

The Bill was then sent to the House of Delegates.

Senate Bill 703 – Senators Garagiola, Forehand, Kelley, King, Lenett, Madaleno, Muse, Pinsky, and Robey

AN ACT concerning

Tobacco–Related Products – ~~Definitions and~~ Distribution to Minors

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1018)

The Bill was then sent to the House of Delegates.

Senate Bill 865 – Senators Lenett and Zirkin

AN ACT concerning

Education – Student–Athletes – Concussions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1019)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1020)

The Bill was then sent to the House of Delegates.

Senate Bill 979 – Senator Jones

AN ACT concerning

Public–Private Partnerships – Oversight

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1021)

The Bill was then sent to the House of Delegates.

Senate Bill 1033 – Senator Harrington

AN ACT concerning

Veterans Affairs – Military Health Care Provider Transition Plan

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1022)

The Bill was then sent to the House of Delegates.

Senate Bill 1083 – Senators DeGrange, Kasemeyer, King, Munson, Peters, Robey, and Stoltzfus

AN ACT concerning

Property Tax – Semiannual Payment ~~for Real Property~~ Schedule – Small Business Property

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1023)

The Bill was then sent to the House of Delegates.

Senate Bill 1086 – Senator Munson

AN ACT concerning

Public Safety – ~~Emergency Medical Services Board~~ Statewide Emergency Medical Services Advisory Council – Membership

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1024)

The Bill was then sent to the House of Delegates.

Senate Bill 1088 – Senator Stone

AN ACT concerning

Property Tax Credit – Disabled State Troopers and Natural Resources Police Residing in Baltimore County

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1025)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #73

Senate Bill 1091 – Senator Mooney

AN ACT concerning

~~Frederick County –~~ Religious Corporations – ~~Retention of Assets by Local Churches~~ Laws Governing Assets of United Methodist Church – Repeal

Senator Frosh moved, duly seconded, to make the Bill a Special Order for April 9, 2010.

The motion was adopted.

THIRD READING CALENDAR (HOUSE BILLS) #20

House Bill 59 – ~~Delegate Pena-Melnyk~~ Delegates Hixson, Pena–Melnyk, Manno, Ali, Aumann, Barnes, Bartlett, Barve, Braveboy, Carr, Costa, Dumais, Dwyer, Feldman, Frick, Gilchrist, Glenn, Healey, Howard, Hubbard, Ivey, Kaiser, King, Lafferty, Lee, Love, Montgomery, Olszewski, Rice, Ross, Shewell, Stocksdale, Stukes, Taylor, Valderrama, and Waldstreicher

AN ACT concerning

Task Force to ~~Incorporate~~ Explore the Incorporation of the Principles of Universal Design for Learning into ~~the Policies, Practices, and Curriculum of~~ the Education Systems in Maryland

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1026)

The Bill was then sent to the House of Delegates.

House Bill 114 – Delegates Nathan–Pulliam, Benson, Burns, Conaway, Glenn, Gutierrez, Hubbard, Kipke, Mizeur, Morhaim, Oaks, Pena–Melnyk, Robinson, Tarrant, Taylor, and V. Turner

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. 1027)

The Bill was then sent to the House of Delegates.

House Bill 197 – Chair, Economic Matters 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 – 47 Negative – 0 (See Roll Call No. 1028)

The Bill was then sent to the House of Delegates.

House Bill 224 – Delegates Morhaim, Cardin, McIntosh, and Stein

AN ACT concerning

Plumbing – Greywater Recycling

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1029)

The Bill was then sent to the House of Delegates.

House Bill 269 – Delegates Kaiser, Boteler, Carr, Feldman, Healey, Hecht, Ivey, Manno, Montgomery, O'Donnell, Reznik, Robinson, Schuler, Shewell, Sophocleus, Stocksdale, ~~and Stukes~~ Stukes, Kramer, and Glenn

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. 1030)

The Bill was then sent to the House of Delegates.

House Bill 325 – Delegate Donoghue

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. 1031)

The Bill was then sent to the House of Delegates.

House Bill 402 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Collection Agencies – Application and Renewal Fees

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

Affirmative – 43 Negative – 4 (See Roll Call No. 1032)

The Bill was then sent to the House of Delegates.

House Bill 406 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Real Estate Licensees – Services Provided Through Teams

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1033)

The Bill was then sent to the House of Delegates.

House Bill 407 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Public Accountancy – Disciplinary Authority

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1034)

The Bill was then sent to the House of Delegates.

House Bill 439 – Delegates Kaiser, Cardin, Ivey, Olszewski, Rice, Stukes, and Walker

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 – 46 Negative – 0 (See Roll Call No. 1035)

The Bill was then sent to the House of Delegates.

House Bill 496 – Delegates Pena–Melnyk, Ali, Anderson, Barnes, Barve, Benson, Bobo, Bohanan, Branch, Braveboy, Bronrott, Burns, Busch, Cane, Carr, Carter, Conaway, Costa, Davis, Dumais, Dwyer, Eckardt, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Griffith, Gutierrez, Hammen, Harrison, Haynes, Healey, Heller, Hixson, Holmes, Howard, Hubbard, Hucker, Ivey, Jones, Kach, Kaiser, Kipke, Kirk, Kramer, Krysiak, Kullen, Lee, Levi, Levy, Manno, McConkey, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Olszewski, Pendergrass, Proctor, Ramirez, Reznik, Rice, Robinson, Rosenberg, Ross, Schuh, Schuler, Simmons, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, and Walker

AN ACT concerning

No Representation Without Population Act

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

Affirmative – 38 Negative – 9 (See Roll Call No. 1036)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #21

House Bill 96 – Delegate Kullen

AN ACT concerning

Calvert County – Education – Junior Reserve Officer Training Corps Instructors

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1037)

The Bill was then sent to the House of Delegates.

House Bill 404 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Labor and Employment – Wage Payment and Collection – Order to Pay Wages

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1038)

The Bill was then sent to the House of Delegates.

House Bill 464 – The Speaker (By Request – Administration) and Delegates Frick, Doory, Bartlett, Beidle, Bobo, Bronrott, Cardin, Carr, Elmore, Haddaway, Hecht, Levy, Love, Manno, Mathias, Niemann, Reznik, Ross, Shewell, and Stein

AN ACT concerning

Maryland Clean Energy Incentive Act of 2010

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

Affirmative – 45 Negative – 2 (See Roll Call No. 1039)

The Bill was then sent to the House of Delegates.

House Bill 484 – Delegates Elliott, Aumann, Bartlett, Bates, Beidle, Beitzel, Boteler, Bromwell, Cardin, Dwyer, Eckardt, Elmore, Frush, George, Haddaway, Healey, Heller, Hubbard, Impallaria, Jenkins, Kach, King, Kipke, Krebs, Levy, Love, Mathias, McDonough, Minnick, Morhaim, Murphy, Myers, Olszewski, Schuh, Shank, Shewell, Sossi, Stein, Stocksdale, Stukes, Stull, Waldstreicher, Walker, ~~and Wood~~ Wood, Barve, Doory, Frick, Gilchrist, Hixson, Howard, Ivey, Kaiser, Rice, Ross, and F. Turner

AN ACT concerning

Property Tax – Semiannual Payment Schedule – Small Business Property

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1040)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1041)

The Bill was then sent to the House of Delegates.

House Bill 811 – Delegates Dumais, Conway, DeBoy, Malone, and Mathias

AN ACT concerning

~~Child Abuse and Neglect – Mandatory Reporting – Children in Contact with~~ Child Protection – Reporting of Children 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 – 46 Negative – 0 (See Roll Call No. 1042)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1043)

The Bill was then sent to the House of Delegates.

House Bill 856 – Montgomery County Delegation

AN ACT concerning

Election Law – Montgomery County Republican and Democratic Party Central ~~Committee~~ Committees – Membership

MC 15–10

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1044)

The Bill was then sent to the House of Delegates.

House Bill 1050 – Chair, Health and Government Operations Committee (By Request – Departmental – Health Insurance Plan) and Delegates Benson, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Tarrant, and V. Turner

AN ACT concerning

Maryland Health Insurance Plan – Plan Options – Governmental Third Party Payers

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1045)

The Bill was then sent to the House of Delegates.

House Bill 1295 – Delegates Krysiak, Jameson, Kirk, McHale, Minnick, and Rudolph

AN ACT concerning

Workers' Compensation – Uninsured Employers' Fund – Uninsured Employer Assessments

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1046)

The Bill was then sent to the House of Delegates.

House Bill 1370 – Delegates Branch, Gaines, Bohanan, Bronrott, Conway, Haynes, Hixson, ~~and James~~ James, Cardin, Howard, Rice, Stukes, and Walker

AN ACT concerning

Public–Private Partnerships – Oversight

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1047)

The Bill was then sent to the House of Delegates.

House Bill 1440 – Delegate Barve

AN ACT concerning

Election Law – Campaign Finance Entity – Officers Authorized to Perform Duties of Treasurer

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1048)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

House Bill 923 – Delegates Levi, Benson, Haynes, Howard, Nathan–Pulliam, Oaks, Pena–Melnyk, Ramirez, Rice, Robinson, Stukes, Tarrant, Taylor, Valderrama, ~~and Vaughn~~ Vaughn, Hubbard, Kullen, Montgomery, Morhaim, Pendergrass, Reznik, and V. Turner

AN ACT concerning

Procurement – Minority Business Enterprises – Review of Application for Certification and Notice to Applicant

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.

House Bill 892 – ~~Delegate Niemann~~ Delegates Niemann, Ross, Barnes, Benson, Braveboy, Davis, Frush, Gaines, Griffith, Healey, Holmes, Howard, Hubbard, Ivey, Levi, Pena–Melnyk, Proctor, Ramirez, V. Turner, Valderrama, Vallario, Vaughn, and Walker

AN ACT concerning

Property Taxes – ~~Homestead Property Tax Credit~~ Bicounty Commissions

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1049)

The Bill was then sent to the House of Delegates.

Senate Bill 627 – Senators Brinkley, Raskin, Colburn, Garagiola, Jacobs, Kittleman, Kramer, Madaleno, Miller, and Zirkin

AN ACT concerning

Public Health – Medical Marijuana

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (9) AND THE FAVORABLE REPORT.

SB0627/878670/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 627
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "making marijuana a Schedule II controlled dangerous substance;"; in line 11, after "check;" insert "requiring the

Department to assign a certain identification number to certain permit holders for certain purposes;"; in line 22, after "circumstances;" insert "requiring certain physicians to provide notice to certain patients and the Department regarding the withdrawal of a patient's written certification under certain circumstances; requiring the Department to send a certain notice; requiring certain patients and certain primary caregivers to send to the Department a certain registry identification card under certain circumstances and to dispose of any marijuana within the patient's possession within a certain number of days;"; and in line 30, strike "requiring a physician to provide certain written".

On page 2, strike beginning with "instructions" in line 1 down through "met;" in line 3 and substitute "requiring certain pharmacies or dispensing centers to dispense a certain amount of usable marijuana to certain individuals for a certain period of time except under certain circumstances; prohibiting certain pharmacies and dispensing centers from dispensing more than a certain amount of marijuana to certain individuals within a certain period of time except under certain circumstances; authorizing certain pharmacies or dispensing centers to dispense more than a certain amount of marijuana to certain individuals under certain circumstances; requiring certain pharmacies and dispensing centers to maintain certain records;"; in line 6, after "time;" insert "establishing procedures for a patient to change an authorized pharmacy or dispensing center;"; in line 9, strike "that" and substitute "for the construction of"; strike beginning with "may" in line 9 down through "place" in line 12; and in line 18, strike "the General Fund of" and substitute "drug rehabilitation programs throughout".

AMENDMENT NO. 2

On page 2, after line 19, insert:

"BY renumbering
Article – Criminal Law
Section 5–403(d), (e), and (f), respectively
to be Section 5–403(e), (f), and (g), respectively
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–402(d)(1)
Annotated Code of Maryland

(2002 Volume and 2009 Supplement)

BY adding to
Article – Criminal Law
Section 5–403(d)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 26 and 27 and substitute:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 5–403(d), (e), and (f), respectively, of Article – Criminal Law of the Annotated Code of Maryland be renumbered to be Section(s) 5–403(e), (f), and (g), respectively.

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

Article – Criminal Law

5–402.

(d) (1) A material, compound, mixture, or preparation that contains any of the following hallucinogenic or hallucinogenic–like substances is a substance listed in Schedule I:

(i) bufotenine;

(ii) diethyltryptamine;

(iii) dimethyltryptamine;

(iv) 4–methyl–2, 5–dimethoxyamphetamine;

(v) ibogaine;

(vi) lysergic acid diethylamide;

[(vii) marijuana;]

[(viii)] **(VII)** mescaline;

[(ix)] **(VIII)** peyote;

[(x)] **(IX)** psilocybin;

[(xi)] **(X)** psilocyn;

[(xii)] **(XI)** tetrahydrocannabinol;

[(xiii)] **(XII)** thiophene analog of phencyclidine;

[(xiv)] **(XIII)** 2, 5–dimethoxyamphetamine;

[(xv)] **(XIV)** 4–bromo–2, 5–dimethoxyamphetamine;

[(xvi)] **(XV)** 4–methoxyamphetamine;

[(xvii)] **(XVI)** 3, 4–methylenedioxyamphetamine;

[(xviii)] **(XVII)** 3, 4–methylenedioxymethamphetamine (MDMA);

[(xix)] **(XVIII)** 5–methoxy–3, 4–methylenedioxyamphetamine;

[(xx)] **(XIX)** 3, 4, 5–trimethoxyamphetamine;

[(xxi)] **(XX)** N–methyl–3–piperidyl benzilate;

[(xxii)] **(XXI)** N–ethyl–3–piperidyl benzilate;

[(xxiii)] **(XXII)** N–ethyl–1–phenylcyclohexylamine;

[(xxiv)] **(XXIII)** 1–(1–phenylcyclohexyl)–pyrrolidine;

[(xxv)] **(XXIV)** 1–(1–(2–thienyl)–cyclohexyl)–piperidine;

[(xxvi)] **(XXV)** 1–methyl–4–phenyl–4–propionoxypiperidine (MPPP); and

[(xxvii)] **(XXVI)** 1–(2–phenylethyl)–4–phenyl–4–acetyloxypiperidine (PEPAP).

5–403.

(D) A MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS MARIJUANA IS A SUBSTANCE LISTED IN SCHEDULE II.".

AMENDMENT NO. 4

On page 6, in line 5, strike "**AND**"; and in line 7, after "**SCHOOLS**" insert "**; AND**

(4) THE ESTABLISHMENT OF A SYSTEM TO TRACK THE AMOUNT OF MARIJUANA DISPENSED AND TO WHOM THE MARIJUANA IS DISPENSED".

On page 8, after line 7, insert:

"**(3) (I) THE DEPARTMENT SHALL ASSIGN TO EACH INDIVIDUAL WHO HAS BEEN ISSUED A PERMIT UNDER THIS SECTION A UNIQUE DISPENSING CENTER OR PHARMACY IDENTIFICATION NUMBER.**

(II) THE IDENTIFICATION NUMBER ASSIGNED UNDER THIS PARAGRAPH SHALL:

1. BE PRINTED ON A REGISTRY IDENTIFICATION CARD ISSUED UNDER § 13–3004 OF THIS SUBTITLE; AND

2. IDENTIFY THE ONLY DISPENSING CENTER OR PHARMACY FROM WHICH THE REGISTRY IDENTIFICATION CARD HOLDER IS AUTHORIZED TO OBTAIN MARIJUANA.";

in line 8, strike "**(3)**" and substitute "**(4)**"; and in line 26, after "**CARD**" insert "**WITH A PHOTOGRAPH**".

AMENDMENT NO. 5

On page 9, in line 4, after "**PATIENT**" insert "**, INCLUDING DOCUMENTATION ESTABLISHING PROOF OF IDENTITY AND RESIDENCY TO THE SATISFACTION OF THE DEPARTMENT**"; in line 6, after "**PHYSICIAN**" insert "**WHO PREPARED THE WRITTEN CERTIFICATION SUBMITTED UNDER ITEM (I) OF THIS PARAGRAPH**"; in line 24, strike "**RECOGNIZED**" and substitute "**:**

A. RECOGNIZED";

and in line 25, after "**EFFECTIVE**" insert "**; OR**

B. OTHER TREATMENT OPTIONS HAVE MORE SERIOUS SIDE EFFECTS OR A GREATER RISK OF ADDICTION".

On page 10, in line 4, after "**PATIENT**" insert "**, INCLUDING DOCUMENTATION ESTABLISHING PROOF OF IDENTITY AND RESIDENCY TO THE SATISFACTION OF THE DEPARTMENT**"; in line 6, after "**PHYSICIAN**" insert "**WHO PREPARED THE WRITTEN CERTIFICATION SUBMITTED FOR THE PATIENT UNDER SUBSECTION (A) OF THIS SECTION**"; in line 10, strike "**VERIFY**" and substitute "**:**

(1) VERIFY";

and in line 11, after "**SECTION**" insert "**; AND**

(2) REQUIRE THE QUALIFYING PATIENT OR THE PRIMARY CAREGIVER TO CHOOSE THE DISPENSING CENTER OR PHARMACY FROM WHICH THE REGISTRANT WILL BE OBTAINING THE MARIJUANA".

On page 12, in line 5, strike "**AND**"; after line 5, insert:

"**(V) THE IDENTIFICATION CODE OF THE AUTHORIZED DISPENSING CENTER OR PHARMACY; AND**";

in line 6, strike "**(V)**" and substitute "**(VI)**"; after line 18, insert:

"**(III) 1. IF THERE IS A CHANGE IN THE STATUS OF A PATIENT'S DEBILITATING MEDICAL CONDITION THAT REQUIRES A PHYSICIAN TO WITHDRAW THE PATIENT'S WRITTEN CERTIFICATION, THE PHYSICIAN SHALL**

PROVIDE WRITTEN NOTICE TO THE PATIENT AND THE DEPARTMENT WITHIN 10 DAYS OF THE CHANGE.

2. ON RECEIPT OF A PHYSICIAN'S NOTICE OF WITHDRAWAL OF A PATIENT'S WRITTEN CERTIFICATION, THE DEPARTMENT SHALL:

A. REVOKE THE PATIENT'S AND, IF APPLICABLE, THE PATIENT'S PRIMARY CAREGIVER'S REGISTRY IDENTIFICATION CARD; AND

B. SEND THE PATIENT AND, IF APPLICABLE, THE PATIENT'S PRIMARY CAREGIVER A REVOCATION NOTICE REQUIRING THE IMMEDIATE RETURN OF ALL REGISTRY IDENTIFICATION CARDS.

3. ON RECEIPT OF A REVOCATION NOTICE UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A PATIENT AND, IF APPLICABLE, A PATIENT'S PRIMARY CAREGIVER SHALL:

A. IMMEDIATELY SEND THE DEPARTMENT THEIR REGISTRY IDENTIFICATION CARD; AND

B. HAVE 15 DAYS TO DISPOSE OF ANY MARIJUANA IN THE PATIENT'S POSSESSION.";

and in line 21, after "**CARDS**" insert "**AND THE AUTHORIZED DISPENSING CENTER OR PHARMACY OF EACH REGISTERED QUALIFYING PATIENT**".

AMENDMENT NO. 6

On page 13, strike beginning with "**A**" in line 5 down through "**PERSON**" in line 7 and substitute "**ANY OF THE FOLLOWING PERSONS**"; in line 9, after "**TO**" insert "**ARREST, PROSECUTION, OR**"; and in line 11, after "**MARIJUANA**" insert "**:**

(1) A QUALIFYING PATIENT OR A PATIENT'S PRIMARY CAREGIVER WHO:

(I) HOLDS A VALID REGISTRY IDENTIFICATION CARD; OR

(II) HOLDS A VALID REGISTRY IDENTIFICATION CARD AND IS IN POSSESSION OF AN AUTHORIZED AMOUNT OF USABLE MARIJUANA PURCHASED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE;

(2) AN AUTHORIZED GROWER OR AN AUTHORIZED GROWER'S EMPLOYEE;

(3) A PHARMACY THAT HOLDS A REGISTRATION PERMIT UNDER THIS SUBTITLE OR A DISPENSING CENTER OR AN EMPLOYEE OF A PHARMACY OR DISPENSING CENTER;

(4) A PHYSICIAN; OR

(5) ANY OTHER PERSON".

AMENDMENT NO. 7

On pages 13 and 14, strike in their entirety the lines beginning with line 23 on page 13 through line 10 on page 14, inclusive.

On page 14, after line 10, insert:

"**(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN AGENT OF A PHARMACY THAT HOLDS A REGISTRATION PERMIT UNDER THIS SUBTITLE OR A DISPENSING CENTER MAY DISPENSE AN AMOUNT OF USABLE MARIJUANA THAT DOES NOT EXCEED 6 OUNCES FOR A 30–DAY PERIOD TO A REGISTERED QUALIFYING PATIENT OR THE QUALIFYING PATIENT'S PRIMARY CAREGIVER IF THE INDIVIDUAL:**

(I) PRESENTS A VALID REGISTRY IDENTIFICATION CARD WITH THE IDENTIFICATION CODE OF THE PHARMACY OR DISPENSING CENTER; AND

(II) IS REGISTERED WITH THAT PHARMACY OR DISPENSING CENTER WITH THE DEPARTMENT AS THE PATIENT'S AUTHORIZED PHARMACY OR DISPENSING CENTER.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN APPROVED PHARMACY OR DISPENSING CENTER MAY NOT DISPENSE MORE THAN 6 OUNCES OF USABLE MARIJUANA TO A REGISTERED QUALIFYING PATIENT OR THE PATIENT'S REGISTERED PRIMARY CAREGIVER IN A SINGLE 30–DAY PERIOD.

(3) AN APPROVED PHARMACY OR DISPENSING CENTER MAY DISPENSE MORE THAN 6 OUNCES OF USABLE MARIJUANA TO A REGISTERED QUALIFYING PATIENT OR A PATIENT'S PRIMARY CAREGIVER IF THE PATIENT OR THE PATIENT'S PRIMARY CAREGIVER PRESENTS THE AGENT OF THE PATIENT'S DESIGNATED APPROVED PHARMACY OR DISPENSING CENTER A SIGNED, WRITTEN CERTIFICATION STATING THAT THE PATIENT NEEDS A SPECIFIED AMOUNT OF MARIJUANA THAT IS GREATER THAN 6 OUNCES FOR A SINGLE 30–DAY PERIOD.";

strike in their entirety lines 11 through 15, inclusive; in line 16, strike "**(2)**" and substitute "**(B)**"; in line 17, strike "**PARAGRAPH (1)**" and substitute "**SUBSECTION (A)**"; in the same line, strike "**SUBSECTION**" and substitute "**SECTION**"; strike in their entirety lines 19 through 21, inclusive; after line 21, insert:

"**(C) (1) EACH APPROVED PHARMACY AND DISPENSING CENTER SHALL MAINTAIN INTERNAL RECORDS OF EACH MARIJUANA DISPENSING TRANSACTION.**

(2) THE RECORDS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE AMOUNT OF MARIJUANA DISPENSED;

(II) THE REGISTRY IDENTIFICATION NUMBER OF THE INDIVIDUAL TO WHOM THE MARIJUANA WAS DISPENSED AND WHETHER THAT INDIVIDUAL WAS A QUALIFYING PATIENT OR THE QUALIFYING PATIENT'S PRIMARY CAREGIVER; AND

(III) THE DATE AND TIME OF THE TRANSACTION.

(3) A RECORD MAINTAINED UNDER THIS SUBSECTION:

(I) IS CONFIDENTIAL; AND

(II) MAY NOT INCLUDE NAMES OR OTHER PERSONAL IDENTIFYING INFORMATION.";

in line 22, strike "**(E)**" and substitute "**(D) (1)**"; after line 23, insert:

"**(2) (I) IF A REGISTERED QUALIFYING PATIENT NEEDS TO CHANGE TO A DIFFERENT AUTHORIZED PHARMACY OR DISPENSING CENTER, THE PATIENT SHALL:**

1. REGISTER THE CHANGE WITH THE DEPARTMENT; AND

2. PAY A $15 FEE TO THE DEPARTMENT.

(II) WITHIN 5 BUSINESS DAYS AFTER RECEIVING A REQUEST TO CHANGE A PATIENT'S DESIGNATED PHARMACY OR DISPENSING CENTER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL:

1. UPDATE THE REGISTERED QUALIFYING PATIENT'S RECORD AND THE PATIENT'S PRIMARY CAREGIVER RECORD, IF ANY; AND

2. NOTIFY THE PATIENT THAT THE DESIGNATION CHANGE REQUEST HAS BEEN PROCESSED.

(III) ON RECEIPT OF A PATIENT'S OLD REGISTRY IDENTIFICATION CARD, THE DEPARTMENT SHALL ISSUE A NEW REGISTRY IDENTIFICATION CARD TO A PATIENT WHO REGISTERS WITH A DIFFERENT AUTHORIZED PHARMACY OR DISPENSING CENTER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(IV) THE DEPARTMENT MAY LIMIT THE NUMBER OF TIMES A PATIENT MAY CHANGE A DESIGNATION OF A PHARMACY OR DISPENSING CENTER TO ONE TIME EVERY 30 DAYS.";

in line 25, strike "**(A)**"; and strike in their entirety lines 28 through 33, inclusive.

AMENDMENT NO. 8

On page 15, in line 5, strike "**OR**"; and in line 6, after "**PLACE**" insert "**;**

(3) SMOKE MARIJUANA IN A MOTOR VEHICLE; OR

(4) SMOKE MARIJUANA ON PRIVATE PROPERTY THAT:

(I) 1. IS RENTED FROM A LANDLORD; AND

2. IS SUBJECT TO A POLICY THAT PROHIBITS THE SMOKING OF MARIJUANA ON THE PROPERTY; OR

(II) IS SUBJECT TO A POLICY THAT PROHIBITS THE SMOKING OF MARIJUANA ON THE PROPERTY OF AN ATTACHED DWELLING ADOPTED BY ONE OF THE FOLLOWING ENTITIES:

1. THE BOARD OF DIRECTORS OF THE COUNCIL OF UNIT OWNERS OF A CONDOMINIUM REGIME; OR

2. THE GOVERNING BODY OF A HOMEOWNERS ASSOCIATION".

AMENDMENT NO. 9

On page 16, in line 29, strike "**THE GENERAL FUND OF**" and substitute "**DRUG REHABILITATION PROGRAMS THROUGHOUT**"; and in line 30, strike "2." and substitute "3.".

The preceding 9 amendments were read and adopted.

Senator Harris 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 1057 – Senator Stone

AN ACT concerning

Criminal Law – Leaving Dogs Outside and Unattended by Use of Restraint – Restricted Hours and Conditions

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 the end of today's business.

The motion was adopted.

CONCURRENCE CALENDAR #11

AMENDED IN THE HOUSE

Senate Bill 36 – Senator Colburn

AN ACT concerning

Dorchester County – Bay Restoration Fee – Lien Against Property

Senator Conway moved that the Senate concur in the House amendment.

SB0036/680011/1
BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 36
(Third Reading File Bill)

On page 1, in line 4, strike "on which" and substitute "served by"; and in line 5, strike "is located".

On page 2, in line 16, strike "**ON WHICH THE**" and substitute "**SERVED BY A**"; and in line 18, strike "**IS LOCATED**".

The preceding amendment was read and concurred in.

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1050)

CONCURRENCE CALENDAR #12

AMENDED IN THE HOUSE

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 Frosh moved that the Senate not concur in the House amendments.

SB0235/450916/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 235
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike "the payment of" and substitute "a budget reflecting the amount of"; in the same line, after "assistance" insert "allocated by the mobile home park owner to be given"; and in line 14, after "requiring" insert "certain".

AMENDMENT NO. 2

On page 3, in line 15, strike "**(C)(1)**" and substitute "**(C)(2)**".

On page 4, in line 15, strike "**PAID FOR**" and substitute "**THAT:**

(I) FOR A MOBILE HOME PARK WITH MORE THAN 75 SITES, WAS PAID FOR";

and in line 17, after "**PREMISES**" insert "**; OR**

(II) FOR A MOBILE HOME PARK WITH 75 OR FEWER SITES, WAS PAID FOR THE 5 MONTHS IMMEDIATELY PRECEDING THE DATE THE RESIDENT VACATES THE PREMISES".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0235**
SPONSOR: Sen Robey, et al
SUBJECT: Real Property – Mobile Home Parks – Plans for Dislocated Residents

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

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

Senator Raskin, Chairman
Senator Gladden
Senator Muse.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 142 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2010, and the Maryland Consolidated Capital Bond Loans of 2003, 2004, 2005, 2006, 2007, 2008, and 2009

Senator Currie moved that the Senate not concur in the House amendments.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0142**
SPONSOR: The Pres (Admin)
SUBJECT: Capital Budget of 2010

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

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

Senator DeGrange, Chair
Senator Currie
Senator McFadden
Senator Kasemeyer
Senator Munson

In addition, the Senate has appointed in advisory capacity: Senators King and Edwards.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 1018 – Senator DeGrange

EMERGENCY BILL

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

Senator Currie moved that the Senate not concur in the House amendments.

SB1018/174861/1
BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 1018
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 19, after "Act;" insert "amending the Program Open Space Acquisition Opportunity Loan of 2009 to provide that the bonds authorized under the Act may be special or general obligation bonds and clarifying the method of issuance, sale, and delivery of the bonds;".

AMENDMENT NO. 2

On page 2, in line 32, after "(BZ–1)" insert "and (BZ–2)"; and in line 39, after "(AR)" insert " and (BM)".

AMENDMENT NO. 3

On page 3, in line 14, after "(AF),"insert "(AG),"; in the same line, after "(BG)," insert "(BY), and"; in line 15, after "(X),"insert "(AA),"; in the same line, after "(BC)," insert "(BI),"; and in the same line, after "(BM)," insert "(BQ),"; after line 19, insert:

"BY repealing and reenacting, with amendments,
Chapter 419 of the Acts of the General Assembly of 2009
Section 2(1) and 4";

in line 22, after "1(3)" insert "Item ZA00(AB),"; in the same line, before "(M)" insert "(C),"; in the same line, after "(AH)", insert a comma; and in line 23, before "(AE)" insert "(C),".

AMENDMENT NO. 4

On page 8, in lines 16 and 24, strike "**$100,000**" and "**100,000**", respectively, and substitute "**$0**" and "**0**", respectively; in lines 26 and 35, strike "**$150,000**" and "**150,000**", respectively, and substitute "**$125,000**" and "**125,000**", respectively; and after line 35, insert:

"**(BZ–2) CEDAR LANE APARTMENT RENOVATIONS. PROVIDE A**

GRANT EQUAL TO THE LESSER OF (I) $125,000 OR (II) THE AMOUNT OF THE MATCHING FUND PROVIDED, TO THE BOARD OF DIRECTORS OF THE FRIENDS OF CEDAR LANE, INC., FOR THE RENOVATION, RECONSTRUCTION, AND CAPITAL EQUIPPING OF THE CEDAR LANE APARTMENTS, INCLUDING REPLACEMENT OF THE ROOF, ROOFTOP HVAC UNIT, AND EMERGENCY GENERATOR, LOCATED IN LEONARDTOWN. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED (ST. MARY'S COUNTY) ..... 125,000".

AMENDMENT NO. 5

On page 10, after line 26, insert:

"(BM) [St. Mary's College Amphitheater.] **ST. MARY'S COUNTY FAIRGROUNDS.** Provide a grant equal to the lesser of (i) $75,000 or (ii) the amount of the matching fund provided, to the [Board of Directors of the St. Mary's College of Maryland Foundation, Inc.] **BOARD OF DIRECTORS OF THE ST. MARY'S COUNTY FAIR ASSOCIATION, INC.** for the [planning, design,] construction, **REPAIR, RENOVATION, RECONSTRUCTION,** and capital equipping of the [St. Mary's College Amphitheater,] **ST. MARY'S COUNTY FAIRGROUNDS,** located in St. Mary's City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property**, IN KIND CONTRIBUTIONS,** or funds expended prior to the effective date of this Act **AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (St. Mary's County) .. 75,000".

AMENDMENT NO. 6

On page 13, after line 39, insert:

"(AG) Family Life Intergenerational Center. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the We Are Family

Community Development, Inc. for the planning, design, construction, renovation, and capital equipping of the Family Life Intergenerational Center, located in Randallstown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended **[**prior to the effective date of this Act**] ON OR AFTER JANUARY 1, 2005, AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore County) ..... 250,000".

AMENDMENT NO. 7

On page 14, after line 14, insert:

"(BY) Forest Heights Municipal Building. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Forest Heights for the repair, renovation, reconstruction, and capital equipping of the Forest Heights Municipal Building, located in Forest Heights**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY, IN KIND CONTRIBUTIONS, AND FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County) ..... 100,000".

AMENDMENT NO. 8

On page 15, after line 27, insert:

"(AA) Youth Sports Program Facility. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Youth Sports Program, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Youth Sports Program Facility, located in Baltimore City**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY, IN KIND CONTRIBUTIONS, OR FUNDS EXPENDED PRIOR TO**

THE EFFECTIVE DATE OF THIS ACT AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED (Baltimore City) ..... 100,000".

AMENDMENT NO. 9

On page 17, after line 1, insert:

"(BI) Forest Heights Municipal Building. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Forest Heights for the repair, renovation, reconstruction, and capital equipping of the Forest Heights Municipal Building, located in Forest Heights. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act **AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County) ..... 100,000";

and after line 23, insert:

"(BQ) Rosaryville Conservancy Tack House and Stables. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Rosaryville Conservancy, Inc. for the repair, renovation, and restoration of the tack house and stables located in the conservancy area on the grounds of the Mount Airy Mansion, located in Upper Marlboro. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions **AND FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT AND THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County) 100,000".

AMENDMENT NO. 10

On pages 17 and 18, strike in their entirety the lines beginning with line 34 on page 17 through line 4 on page 18, inclusive, and substitute:

"**(BV–1)** **BAY DISTRICT VFD. PROVIDE A GRANT EQUAL TO THE LESSER OF (I) $150,000 OR (II) THE AMOUNT OF THE MATCHING FUND PROVIDED, TO THE BAY DISTRICT VFD FOR CAPITAL PROJECTS OF THE BAY DISTRICT VOLUNTEER FIRE DEPARTMENT, LOCATED IN ST. MARY'S COUNTY. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2012, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED (ST. MARY'S COUNTY)..... 150,000**".

AMENDMENT NO. 11

On page 18, after line 40, insert:

"Chapter 419 of the Acts of 2009

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) On request of the Governor, the Board of Public Works may borrow money and incur **[**special obligation**]** indebtedness through a special **OR GENERAL** obligation loan to be known as the Program Open Space Acquisition Opportunity Loan of 2009 in the total principal amount up to $70,000,000. This loan shall be evidenced by the issuance, sale, and delivery of **SPECIAL OR GENERAL OBLIGATION** Maryland Program Open Space bonds authorized, issued**[**, sold, and delivered in accordance with**]** **BY** a resolution adopted by the Board of Public Works **AND ISSUED, SOLD, AND DELIVERED IN ACCORDANCE WITH §§ 8–117 THROUGH 8–124 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND ARTICLE 31, § 22 OF THE CODE**.

SECTION 4. AND BE IT FURTHER ENACTED, That the Comptroller may, upon the request of the Governor, advance funds for land acquisition opportunity purposes under this Act, provided that if **[**special obligation**]** bonds have not been issued under the authority of this Act, the Board of Public Works shall within 1 year issue Program Open Space bonds under the authority of this Act in an amount at least equivalent to the amount of the funds so advanced.".

AMENDMENT NO. 12

On page 19, after line 10, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS

(AB) Anne Arundel Community College. Provide a grant [equal to the lesser of (i)] **OF** $1,000,000 [or (ii) the amount of the matching fund provided,] to the Anne Arundel Community College for the design and construction of a turf field, **ATHLETIC TRACK, AND SCOREBOARD,** located in Arnold (Anne Arundel County) 1,000,000";

and after line 18, insert:

"(C) Easter Seals Inter–Generational Center. Provide a grant equal to [the lesser of (i)] $35,000 [or (ii) the amount of the matching fund provided,] to the Board of Directors of Easter Seals Greater Washington–Baltimore Region, Inc. for the construction, repair, and capital equipping of the Easter Seals Inter–Generational Center, located in Silver Spring (Statewide) 35,000".

AMENDMENT NO. 13

On page 20, after line 26, insert:

"(C) Easter Seals Inter–Generational Center. Provide a grant equal to [the lesser of (i)] $35,000 [or (ii) the amount of the matching fund provided,] to the Board of Directors of Easter Seals Greater Washington–Baltimore Region, Inc. for the construction, repair, and capital equipping of the Easter Seals Inter–Generational Center, located in Silver Spring (Statewide) 35,000".

The preceding 13 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 1018**

SPONSOR: Sen DeGrange
SUBJECT: Prior Authorizations of State Debt to Fund Capital Projects – Alterations

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

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

Senator DeGrange, Chair
Senator Currie
Senator McFadden
Senator Kasemeyer
Senator Munson

In addition, the Senate has appointed in advisory capacity: Senators King and Edwards.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #41

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

Senate Bill 1104 – Senator Astle

AN ACT concerning

Environment – Heating Oil – Sulfur Content

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 1117 – Senator Conway

AN ACT concerning

Environment – Maryland Oil Disaster Containment, Clean–Up and Contingency Fund and Oil Contaminated Site Environmental Cleanup Fund

SB1117/744531/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1117
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "Fund;" insert "expanding the uses of the Maryland Oil Disaster Containment, Clean–Up and Contingency Fund;".

AMENDMENT NO. 2

On page 2, in line 19, strike the second set of brackets; and in the same line, strike "**4**".

AMENDMENT NO. 3

On page 3, in line 30, after "discharges." insert "**THE FUND MAY ALSO BE USED BY THE DEPARTMENT FOR OIL–RELATED ACTIVITIES IN WATER POLLUTION CONTROL PROGRAMS.**".

On page 4, in lines 4, 8, and 10, in each instance, strike the period and substitute a semicolon; and in line 12, after "Fund" insert "**; AND**

(5) EXPENSES RELATED TO OIL–RELATED ACTIVITIES IN THE DEPARTMENT'S WATER POLLUTION CONTROL PROGRAMS".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 50 – Delegate G. Clagett

AN ACT concerning

Agriculture – ~~Specialty Fertilizers~~ Lawn Fertilizer – Low Phosphorous Fertilizer

HB0050/274730/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 50
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Lawn Fertilizer" and substitute "Specialty Fertilizers"; and strike beginning with "altering" in line 5 down through the second "date;" in line 6.

AMENDMENT NO. 2

On page 2, in line 7, strike "**PARAGRAPHS**" and substitute "paragraph"; in the same line strike "**AND (3)**"; in line 8, strike "**2012**" and substitute "2011"; and strike beginning with "**(2)**" in line 15 down through "**(3)**" in line 17 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:

House Bill 73 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Water Quality Revolving Loan Fund – Use of Funds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 111 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

~~Charter~~ Counties – Local Laws – ~~Digital~~ Copies for Legislative Delegations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 132 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Examiners in Optometry – 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:

House Bill 391 – Delegates Lafferty, Frank, and Aumann

AN ACT concerning

Baltimore County – Towson Commercial Revitalization District – Alcoholic Beverages Licenses – Restaurants

Senator Brochin moved, duly seconded, to make the Bill and Report a Special Order for April 9, 2010.

The motion was adopted.

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

House Bill 420 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Secretary of Agriculture – Mosquito Control – Enforcement Authority

HB0420/904434/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 420
(Third Reading File Bill)

On page 1, in line 7, strike "a"; and in the same line, strike "penalty" and substitute "penalties".

On page 3, in line 4, after "**TO**" insert "**:**

(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING $1,000; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE,".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 551 – Wicomico County Delegation

AN ACT concerning

Wicomico County – Alcoholic Beverages – Beer Tasting – Workers in Licensed Establishments

HB0551/204535/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 551
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "– Beer" in line 2 down through "Establishments" in line 3 and substitute "Act of 2010"; strike beginning with "creating" in line 4 down through "County;" in line 13 and substitute "prohibiting a person in Wicomico County who is under the legal drinking age for the consumption of alcohol from being on a certain premises; authorizing the Board of License Commissioners to issue a beer tasting license and a beer/wine tasting license; providing for the fees, application forms, renewal, and issuance procedures for the licenses; limiting the amount of wine and beer that may be served at events for which a license is issued; altering the number of days during which certain events may be held; requiring a license holder to provide certain notice to the Board of an event; placing certain restrictions on the length of events; providing for the use and disposal of opened bottles and containers; authorizing the Board to adopt certain regulations; altering the location for which a pub–brewery license or a micro–brewery license may be issued; allowing an individual of a certain age to be employed under certain conditions at a licensed premises for certain purposes; clarifying that the Comptroller is the issuer of a certain license; defining a certain term;"; after line 14, insert:

"BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–101(x), 6–401(x)(6), 8–412, and 12–104(e)(5)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)";

in line 17, strike "6–101(a)(1) and (x)(1),"; in the same line, strike ", and 12–302(a)" and substitute "and (5)"; and strike in their entirety lines 20 through 23, inclusive.

On page 2, strike line 1 in its entirety.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 11 through 16, inclusive; after line 17, insert:

"(2) The maximum number of licenses is three.

(3) Any license issued under the provisions of this section shall be issued only to existing establishments that already have a Class B beer, wine and liquor (restaurant) license and have been continually operating as a restaurant in the county for 3 months prior to the application for this license.

(4) Any license issued under the provisions of this section shall apply only to the area described in the application and that area may not exceed 20 percent of the area normally used in the operation of the restaurant business. This area must be contiguous to and adjoin the restaurant establishment.";

strike beginning with "**[**$2,200" in line 18 down through "$4,400" in line 22 and substitute "**$4,400**"; after line 22, insert:

"(ii) This fee shall be paid in addition to the fee paid for the Class B (restaurant) license.

(6) All alcoholic beverages other than beer and light wine shall be purchased from the Liquor Control Board for Wicomico County and the licensee shall be charged not more than 15 percent above the wholesale operating cost to the dispensary.";

after line 29, insert:

"(5) Alcoholic beverages sold under the provisions of this section shall be consumed on the premises only.";

in line 31, strike the first bracket; in the same line, strike "beer" and substitute "**[**beer"; in the same line, after "wine**]**" insert "**ALCOHOL**"; in the same line, strike "this" and substitute "**THE**"; and after line 32, insert:

"**(A) IN THIS SECTION, "LICENSE" MEANS A BEER TASTING (BT) LICENSE, A WINE TASTING (WT) LICENSE, OR A BEER/WINE TASTING (BWT) LICENSE.**".

On page 3, in lines 1, 2, 12, 16, and 25, strike "(a)", "(b)", "(c)", "(d)", and "(e)", respectively, and substitute "**(B)**", "**(C)**", "**(D)**", "**(E)**", and "**(F)**", respectively; in line 2,

strike the brackets; in line 3, strike "**A BEER**" and substitute "**BEER**"; in line 5, strike "**A** wine" and substitute "**WINE**"; in line 7, strike "**A BEER/WINE**" and substitute "**BEER/WINE**"; in line 9, strike "**BT,** WT**, OR BWT**"; in line 10, strike "**TO A HOLDER OF**"; in line 12, strike "license"; in lines 13, 14, and 15, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**(1)**", "**(2)**", and "**(3)**", respectively; in line 16, strike beginning with the first "a" through "license" and substitute "a license"; in line 18, strike beginning with "the" through "license" and substitute "the license"; in line 19, after "**OR**" insert "**THE**"; in line 23, strike beginning with "a" through "license" and substitute "a license"; and strike beginning with "**BT,**" in line 21 down through "**BWT**" in line 22.

AMENDMENT NO. 3

On pages 3 and 4, strike beginning with "**FOR**" in line 26 on page 3 down through "event" in line 4 on page 4 and substitute "**AN INDIVIDUAL MAY BE SERVED, FOR SAMPLING OR TASTING PURPOSES, NOT MORE THAN:**

(I) 1 OUNCE OF WINE FROM EACH BRAND; OR

(II) 3 OUNCES OF BEER FROM EACH BRAND.

(2) A MAXIMUM OF:

(I) SIX BOTTLES OF WINE MAY BE OPEN AT ANY ONE TIME AT A WINE OR BEER AND WINE SAMPLING OR TASTING EVENT; OR

(II) SIX CONTAINERS OF BEER MAY BE OPEN AT ANY ONE TIME AT A BEER OR BEER AND WINE SAMPLING OR TASTING EVENT".

On page 4, in line 5, after "which" insert "**BEER, WINE, OR**"; in the same line, strike "**OR**" and substitute "**AND**"; in line 6, strike "15" and substitute "**20**"; strike beginning with "**BT,**" in line 6 down through "**BWT**" in line 7; in line 8, strike beginning with "A" through "license" and substitute "A license"; in lines 9 and 11, in each instance, after "a" insert "**BEER, WINE, OR**"; in line 9, strike "**OR**" and substitute "**AND**"; in line 11, strike the second "**OR**" and substitute "**AND**"; in lines 11, 14, and 15, in each instance, strike "**CONTAINER OR**"; in the same lines, in each instance, after "bottle" insert "**OR CONTAINER**"; in line 15, strike "**CONTAINERS AND**"; in the same line, after "bottles" insert "**AND CONTAINERS**"; in line 17, strike beginning with "**BT**"

through "**BWT**"; in lines 17 and 20, strike "(f)" and "**(G)**", respectively, and substitute "**(G)**" and "**(H)**", respectively; in line 18, strike "**BEER OR WINE**" and substitute "**BEER, WINE, OR BEER AND WINE**"; and after line 21, insert:

"12–104.

(e) (5) (i) This paragraph applies only in Wicomico County.

(ii) Subject to subparagraphs (iii) and (iv) of this paragraph, **[**the Board of License Commissioners**]** **THE COMPTROLLER** may issue one Class 6 pub–brewery license or one Class 7 micro–brewery license, but not both, to a person that holds not more than three Class B beer, wine and liquor licenses.

(iii) **[**A**]** **ONE** Class 6 pub–brewery license or **[**a**]** **ONE** Class 7 micro–brewery license issued under subparagraph (ii) of this paragraph **BUT NOT BOTH** may be issued only for a location in an enterprise zone **[**in the City of Salisbury**]**.

(iv) A holder of a Class 7 micro–brewery license issued under subparagraph (ii) of this paragraph may sell beer for off–premises consumption only to a wholesaler licensed under this article.".

On pages 4 and 5, strike in their entirety the lines beginning with line 23 on page 4 through line 2 on page 5, inclusive.

On page 5, in line 5, strike "**COUNTY**" and substitute "**COUNTY,**"; and in the same line, strike "**A PERSON**" and substitute "**AN INDIVIDUAL**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0551/543125/1

BY: Senator Colburn

AMENDMENTS TO HOUSE BILL 551, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (HB0551/204535/2), in line 15 of Amendment No. 1, after "purposes;" insert "repealing a certain restriction applicable to the holder of a microbrewery license regarding the sale of beer for off–sale premises consumption;".

AMENDMENT NO. 2

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 3, in each instance, strike the bracket; in the same line, strike "**ONE**" and "**ONE**", respectively; in lines 4 and 5, strike "**BUT NOT BOTH**"; and strike beginning with "(iv)" in line 7 down through "article." in line 9.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 851 – Talbot County Delegation

AN ACT concerning

Talbot County – Deer Hunting on Private Property – Sundays

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 943 – Delegates McIntosh, Beidle, Bobo, Bronrott, Cane, Carr, DeBoy, Dumais, Frick, Frush, Glenn, Healey, Hecht, Howard, Hucker, Kaiser, Kullen, Lafferty, McHale, Montgomery, Morhaim, Niemann, Olszewski, Ramirez, Reznik, Riley, and Weir

AN ACT concerning

Chesapeake Conservation Corps Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Nutrient Trading – Voluntary Agricultural Nutrient Credit Certification Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1056 – Dorchester County Delegation

AN ACT concerning

Dorchester County – Alcoholic Beverages – Restaurant Seating Capacity

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1201 – Calvert County Delegation

AN ACT concerning

Calvert County – Noise Control Ordinance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1267 – Delegate Niemann

AN ACT concerning

Business Regulation – Returnable Containers – Plastic Secondary Packaging

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #42

CONSENT CALENDAR #68

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 11	FAV	Del Sophocleus, et al	Student Stigma Act
HB 222	FAV	Del Vaughn	Task Force on the Minority Business Enterprise Program and Equity Investment Capital
HB 295 (Emergency Bill)	FAV	Del O'Donnell	Natural Resources – Incidental Taking Permit for Endangered Puritan Tiger Beetle – Requirements
HB 345	FAV	Del Hucker	St Govt – St Designations – Review, Evaluation, and Recommendation by the St Archivist
HB 350	FAV	Del Hucker, et al	Education – Early Learning Challenge Fund – Application for Grants
HB 501	FAV	Del Hammen (Chr HGO) and Del V. Turner	State Board of Dental Examiners – Sunset Extension and Revisions
HB 873	FAV	Del Davis	Business Occupations and Professions – Individual Tax Preparers – Examination Requirements
HB 903	FAV	Del Kramer, et al	Transportation – Road Salt Management – Best Practices Guidance
HB 910	FAV	Del Malone, et	State Government – Commemorative

		al	Days – Fire, Rescue, and Emergency Services Workers
HB 988	FAV	Del George	Department of Natural Resources – Regulation of For–Hire Water Carriers
HB 1302	FAV	Del Kipke, et al	Health Occupations – Dental Hygienists – Practice in Long–Term Care Facilities
HB 1326	FAV	Del Robinson, et al	Baltimore City – Consumption of Alcoholic Beverages – Unlicensed Restaurants

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #25

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

House Bill 339 – Caroline County Delegation

AN ACT concerning

Caroline County – Orphans' Court Judges – Pensions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 368 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Human Services – Local Departments of Social Services – Audits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 786 – Delegates Healey, Beidle, Bobo, Carr, Frush, Gaines, Glenn, Ivey, Lafferty, Niemann, Ross, ~~and Sossi~~ Sossi, McIntosh, Cane, V. Clagett, Holmes, Hucker, Malone, O'Donnell, Serafini, Shewell, Stein, Stull, and Weir

AN ACT concerning

State Highway Administration – Sidewalk or Bicycle Pathway Construction in Priority Funding Areas

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1062 – Delegates Healey, Ross, Frick, Gaines, Hixson, Howard, Ivey, Stukes, and Walker

AN ACT concerning

Property Tax Credit – Urban Agricultural ~~Activities~~ Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1135 – Delegates Ross, Holmes, Levi, ~~and Niemann~~ Niemann, Frick, and Ivey

AN ACT concerning

Property Tax Credit – Grocery Stores – Low–Income Areas

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #26

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

House Bill 277 – Howard County Delegation

AN ACT concerning

Howard County and Prince George's County – Tax Sales – Auctioneers' Fees

Ho. Co. 4–10

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 282 – ~~Delegate Pena–Melnyk~~ Delegates Pena–Melnyk and Bobo

AN ACT concerning

Transportation Projects – Bicycle and Pedestrian Access – Funding and Reporting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 443 – Delegates Ivey, Vallario, Bartlett, Cardin, Elmore, Frick, George, Gilchrist, Howard, Kaiser, Murphy, Myers, Olszewski, Rice, Shank, Stukes, F. Turner, and Walker

AN ACT concerning

Inheritance Tax – Exemption – Surviving Spouses of Predeceasing Descendants

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 469 – The Speaker (By Request – Administration) and Delegates Rosenberg, Hixson, Doory, Cardin, Bartlett, Frick, Kaiser, Ross, F. Turner, Beidle, Bobo, Bronrott, Carr, DeBoy, Haddaway, Hecht, Levy, Love, Malone, Manno, Mathias, Niemann, Reznik, Shewell, ~~and Stein~~ Stein, Gilchrist, Ivey, Rice, Murphy, Howard, Barve, Walker, Olszewski, and Stukes

AN ACT concerning

Motor Vehicle Excise Tax – Tax Credit For Electric Vehicles

HB0469/189835/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 469
(Third Reading File Bill)

On page 3, in line 20, strike "**OR**"; and in line 24, after "**TITLED**" insert "**; OR**

(3) FOR A VEHICLE THAT WAS ORIGINALLY REGISTERED IN ANOTHER STATE".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 861 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Enterprise Zones – ~~County~~ Tax Credits
MC 2–10

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 966 – Washington County Delegation

AN ACT concerning

Washington County – Salary Study Process

HB0966/539235/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 966
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "repealing a certain requirement that" and substitute "establishing that a certain requirement does not apply to the County Commissioners for Washington County or the Washington County Sheriff; requiring"; in the same line, after "Commissioners" insert "to"; and in line 9, after "delegation" insert "for the salary of the County Commissioners and Sheriff".

AMENDMENT NO. 2

On page 3, in line 12, after "**(2)**" insert "**(I) THIS PARAGRAPH DOES NOT APPLY TO THE SALARIES OF THE COUNTY COMMISSIONERS OR THE SHERIFF.**

(II)";

in lines 16 and 17, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively; in lines 21 and 24, in each instance, strike the bracket; in line 21, strike "(2)" and substitute "**(4)**"; and strike beginning with "offices" in line 23 down through "section" in line 24 and substitute "**COUNTY COMMISSIONERS AND THE SHERIFF**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1200 – Calvert County Delegation

AN ACT concerning

Calvert County – Special Taxing Districts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1443 – Delegates Elmore, Cane, Conway, Eckardt, Haddaway, and Mathias

AN ACT concerning

~~Employees' Pension System – Eligibility Service Credit~~ State Retirement and Health Benefits – Early Service Retirement Allowance and Health Insurance Benefits – Eligibility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1466 – Delegates Bohanan, O'Donnell, and Wood

AN ACT concerning

St. Mary's County – Property Tax Credit – Property Leased to Nonprofit Schools

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 915 – Delegates Jones, Benson, Bohanan, Burns, Cane, Carr, Davis, Gaines, Glenn, Griffith, Harrison, Haynes, Howard, Ivey, Kirk, Levi, Nathan–Pulliam, Oaks, Proctor, Rice, Robinson, Stukes, Taylor, F. Turner, Vallario, and Walker

AN ACT concerning

African American Heritage Preservation 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:

House Bill 1161 – Delegates Jones, Burns, Busch, Hammen, and Nathan–Pulliam

AN ACT concerning

Tax Increment Financing and Special Taxing Districts – State Hospital Redevelopment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #31

CONSENT CALENDAR #69

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

House Bill 693 – Delegates Hubbard, Bromwell, Frush, Kullen, Morhaim, Schuh, ~~and Stein~~ Stein, Montgomery, Nathan–Pulliam, Pena–Melnyk, Reznik, Riley, and V. Turner

AN ACT concerning

Health and Human Services Referral Board – 2–1–1 Maryland – Modifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 804 – Delegates ~~Kach and Olszewski~~ Kach, Olszewski, Benson, Costa, Donoghue, Elliott, Hammen, Jenkins, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 878 – Delegate Mizeur

AN ACT concerning

Health Insurance – Annual Preventive Care

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 929 – The Speaker (By Request – Administration) and Delegates Aumann, Benson, Bobo, Bromwell, Bronrott, Busch, Carter, Costa, Donoghue, Elliott, Feldman, Gaines, Gutierrez, Hammen, Hucker, Ivey, James, Kaiser, Kullen, Lee, Manno, Mizeur, Montgomery, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Reznik, Stein, Tarrant, V. Turner, ~~and Waldstreicher~~ Waldstreicher, Braveboy, Hubbard, Jenkins, Kach, Kipke, Krebs, McDonough, Morhaim, Oaks, and Riley

AN ACT concerning

Patient Centered Medical Home Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1093 – Delegate Donoghue

AN ACT concerning

Health Insurance – Clinically Integrated Organizations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1138 – Delegate Davis

AN ACT concerning

Residential Multiple Occupancy Buildings and Shopping Centers – Master Meters

HB1138/587974/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1138
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "and Shopping Centers"; in line 3, after "Meters" insert "– Heating, Ventilation, and Air Conditioning Services"; in line 5, after "meter" insert "for heating, ventilation, and air conditioning services"; in lines 5 and 6, strike "and shopping centers"; in line 6, after "submetering" insert "for heating, ventilation, and air conditioning services"; in line 10, strike "providing for a certain exception;"; in line 11, strike "certain terms" and substitute "a certain term"; in the same line, after the semicolon insert "providing for the termination of this Act;"; and in line 12, strike "and shopping centers".

AMENDMENT NO. 2

On page 3, in line 11, strike "**(1)**"; strike beginning with the first "**THE**" in line 11 down through "**MASTER**" in line 13 and substitute "**, "MASTER**"; in line 15, after "**BUILDING**" insert "**BY A HEATING, VENTILATION, AND AIR CONDITIONING SYSTEM**"; strike lines 17 and 18 in their entirety; in line 20, strike "**OR SHOPPING CENTER**" and substitute "**FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES**"; in line 21, after "**SUBMETERING**" insert "**FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES**"; in line 23, after "**BILL**" insert "**FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES**"; in line 24, strike "**OR SHOPPING CENTER UNIT**"; in line 25, strike "**OR MONTHLY FEE OR ASSESSMENT**"; in the same line, strike "**AND**"; in line 27, after "**METER**" insert "**FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES**"; in line 28, after

"**SUBMETERING**" insert "**FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES; AND**

(3) EACH INDIVIDUALLY LEASED OR OWNED OCCUPANCY UNIT:

(I) HAS INDIVIDUAL METERED SERVICE FOR OTHER ENERGY SERVICES; AND

(II) DIRECTLY RECEIVES THE UTILITY BILL FOR THE OTHER ENERGY SERVICES";

in line 29, after "**METER**" insert "**FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES**"; and in line 30, strike "**UTILITY**" and substitute "**HEATING, VENTILATION, AND AIR CONDITIONING SYSTEM**".

On page 4, strike lines 4 and 5 in their entirety; in line 7, strike "October" and substitute "July"; and in the same line, after "2010." insert "It shall remain effective for a period of 3 years and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #32

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

House Bill 465 – The Speaker (By Request – Administration) and Delegates Hucker, Anderson, Barve, Benson, Carter, Frick, Frush, Gutierrez, Guzzone, Hixson, Hubbard, Lafferty, Manno, McHale, McIntosh, Mizeur, Montgomery, Murphy, Nathan–Pulliam, Olszewski, Ramirez, Simmons, Tarrant, Taylor, V. Turner, Vaughn, and Waldstreicher

AN ACT concerning

Collective Negotiations by Family Child Care Providers

HB0465/797879/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 465
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 14 down through "payments;" in line 19 and substitute "requiring collective bargaining to include negotiations that result in the establishment of a certain fund to protect certain family child care providers under certain circumstances;".

AMENDMENT NO. 2

On page 5, strike in their entirety lines 9 through 27, inclusive.

AMENDMENT NO. 3

On page 5, after line 27, insert:

"**(E) (1) COLLECTIVE BARGAINING SHALL INCLUDE NEGOTIATIONS THAT RESULT IN THE ESTABLISHMENT OF A FUND FOR THE PURPOSE OF PROTECTING FAMILY CHILD CARE PROVIDERS AGAINST EXTREME HARDSHIP OR LOSS OF LIVELIHOOD RESULTING FROM LATE STATE PAYMENTS.**

(2) THE EXCLUSIVE REPRESENTATIVE SHALL PAY FOR A PORTION OF THE FUND.

(3) THE FUND:

(I) MAY NOT BE A STATE FUND; BUT

(II) SHALL BE ESTABLISHED AND ADMINISTERED IN CONSULTATION WITH THE STATE.

(4) ALL REVENUES, MONEY, AND ASSETS OF THE FUND BELONG SOLELY TO THE FUND AND ARE HELD BY THE FUND IN TRUST FOR FAMILY CHILD CARE PROVIDERS.

(5) THE STATE MAY NOT BORROW, APPROPRIATE, OR DIRECT PAYMENTS FROM THE REVENUES, MONEY, OR ASSETS OF THE FUND FOR ANY PURPOSE.

(6) THE FUND SHALL INCLUDE FUNDS SUFFICIENT TO MEET THE REASONABLY FORESEEABLE NEEDS OF THE FAMILY CHILD CARE PROVIDERS.".

AMENDMENT NO. 4

On page 7, in line 18, strike "and" and substitute:

"(3) the number of family child care providers who have used the fund required to be established under § 5–595.3(e) of the Family Law Article, as enacted by Section 1 of this Act, and the terms of eligibility for payments from the fund;

(4) recommendations on how to safeguard the funds in the fund required to be established under § 5–595.3(e) of the Family Law Article, as enacted by Section 1 of this Act, in the event that management of the fund is transferred or the fund is terminated; and";

and in line 19, strike "(3)" and substitute "(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 Middleton, Chair, for the Committee on Finance reported favorably:

House Bill 801 – Delegates McHale, Hecht, Bartlett, Hammen, ~~Hecht, and Krysiak~~ Krysiak, Barkley, Beidle, Bobo, Bronrott, Carr, G. Clagett, Doory, Feldman, Frick, George, Glenn, Holmes, Lee, Love, Manno, Mathias, Mizeur, Montgomery, Niemann, Pena–Melnyk, Riley, Stull, Burns, Braveboy, Davis, Haddaway, Harrison, Impallaria, Jameson, King, Minnick, Rudolph, Taylor, Vaughn, and Walkup

AN ACT concerning

Electricity – Net Energy Metering – Credits

Favorable report adopted.

FLOOR AMENDMENT

HB0801/517978/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 801
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 1, after "date;" insert "requiring a certain technical working group to consider certain matters;".

AMENDMENT NO. 2

On page 7, in line 24, after "(b)" insert "(1)"; and after line 30, insert:

"(2) In developing its recommendations, the technical working group shall consider, among other matters:

(i) meter aggregation that allows the combination of readings from, and billing for multiple meters, with or without regard to the rate class on properties:

1. owned or leased and operated by an eligible customer–generator for agricultural and other uses; and

2. located within the service territory of a single electric company;

(ii) the transfer of generation credits or aggregation of generation by a not–for–profit eligible customer–generator between properties of the same or different rate classes that are owned, leased, or operated by the not–for–profit eligible customer–generator within a single service territory; and

(iii) 1. the availability of net energy metering to a municipality as an eligible customer–generator; and

2. the transfer of generation credits or aggregation of generation by a municipality between certain properties of the same or different rate classes that are owned, leased, or operated by the municipality within a single service territory.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 891 – Montgomery County Delegation

AN ACT concerning

Montgomery County ~~Department of Economic Development~~ – Investment Authority

MC 18–10

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 995 – Delegate Kach

AN ACT concerning

Regulation of Crematories

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1017 – Delegates Reznik, Barkley, Bronrott, Carr, Hubbard, Kaiser, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, and V. Turner

AN ACT concerning

Health Insurance – Child Wellness Benefits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1202 – Delegate Stein

AN ACT concerning

Business Regulation – Franchises – Copies of Documents to Franchisees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1402 – Delegates Conway, G. Clagett, DeBoy, Bates, Eckardt, Elmore, Haddaway, Mathias, Proctor, Sophocleus, and Wood

AN ACT concerning

Public Safety – Preemployment Polygraph Examinations for Correctional Officer Applicants

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #33

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

House Bill 799 – Delegates Kramer ~~and Manno~~, Manno, Barkley, Braveboy, Burns, Davis, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, Kirk, Krysiak, Love, Mathias, McHale, Minnick, Rudolph, Stifler, Taylor, and Vaughn

AN ACT concerning

Reverse Mortgage Homeowners Protection Act

HB0799/737279/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 799
(Third Reading File Bill)

On page 5, strike beginning with "**ORIGINATION**" in line 17 down through "**INSURING**" in line 18; and in line 20, after "**1715Z–20**" insert "**, THAT:**

(1) LIMIT ORIGINATION FEES TO $6,000 AS ADJUSTED UNDER 12 U.S.C. § 1715Z–20(R);

(2) IMPOSE MAXIMUM CLAIM AMOUNTS OR OTHER LOAN LIMIT RESTRICTIONS; OR

(3) REQUIRE GOVERNMENT INSURANCE FOR THE LOAN".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1076 – Delegate Feldman

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1174 – ~~Delegate Kullen~~ Delegates Kullen, Sophocleus, and Mathias

EMERGENCY BILL

SECOND PRINTING

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

HB1174/237570/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1174
(Third Reading File Bill – Second Printing)

AMENDMENT NO. 1

On page 1, in line 7, strike "providing that" and substitute "preempting"; in line 8, strike "are not preempted by certain provisions of this Act"; in line 9, strike "providing that" and substitute "superseding"; and strike beginning with "are" in line 9 down through "Act" in line 10.

AMENDMENT NO. 2

On page 7, in line 22, strike "**DOES NOT PREEMPT**" and substitute "**PREEMPTS**"; and in line 28, strike "**DOES NOT SUPERSEDE**" and substitute "**SUPERSEDES**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1299 – Delegates Manno, Davis, Barkley, Braveboy, Burns, Feldman, Hecht, Hubbard, Hucker, Kirk, Krysiak, Love~~, Manno~~, McHale, Taylor, and Vaughn

AN ACT concerning

Labor and Employment – Healthy Retail Employee Act

HB1299/857074/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1299
(Third Reading File Bill)

On page 1, in line 2, after "Employment –" insert "The".

On page 2, in line 26, after "**MORE**" insert "**RETAIL**".

On page 4, in line 14, strike "**A.**"; in line 17, strike "**B.**" and substitute "**2.**"; and in line 20, strike "**2.**" and substitute "**(II)**".

On page 5, in line 13, strike "**PARAGRAPH**" and substitute "**PARAGRAPHS (2)(II) AND**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #43

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

House Bill 319 – Delegates Kullen, Eckardt, Bartlett, Beidle, Benson, Bohanan, G. Clagett, Dumais, Gaines, Gutierrez, Haddaway, Hecht, James, Jameson, Jenkins, Krebs, Love, Montgomery, Murphy, Nathan–Pulliam, Norman, O'Donnell, Pena–Melnyk, Reznik, and Wood

AN ACT concerning

State Board of Nursing – Nurse Practitioners – Certification Requirements and Authority to Practice

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 411 – ~~Delegate Kach~~ Delegates Kach, Hubbard, Montgomery, Oaks, Pena–Melnyk, V. Turner, Benson, and Donoghue

AN ACT concerning

Statewide Advisory Commission on Immunizations – Membership, ~~Sunset Extension, and Study of HPV Vaccine~~ Duties, and Sunset Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 497 – Delegates G. Clagett, Barkley, DeBoy, Hecht, Heller, Howard, Kullen, Robinson, Sophocleus, Stocksdale, and Wood

AN ACT concerning

Public Safety – ~~Emergency Medical Services Board~~ Statewide Emergency Medical Services Advisory Council – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 777 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

Local Government – Applicability of Laws to Counties and Baltimore City

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 816 – Delegates Cardin, Dumais, Hixson, Kaiser, Rice, ~~and Ross~~ Ross, George, and Shank

AN ACT concerning

~~Election Law – Voter Qualifications –~~ Honorable Lorraine M. Sheehan Act to Protect Voting Rights for Individuals Under Guardianship for Mental Disability

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 863 – ~~Delegate Hubbard~~ Delegates Hubbard, Benson, and V. Turner

AN ACT concerning

Maryland Professional Counselors and Therapists Act – Corrections

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1244 – Delegates Sossi, Eckardt, Haddaway, James, Rudolph, and Smigiel

AN ACT concerning

Municipal Corporations – Planning Commissions – Meetings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1353 – Delegates Stein, Aumann, Beitzel, Boteler, Burns, Cardin, Frush, McHale, Minnick, Morhaim, Reznik, ~~and Tarrant~~ Tarrant, Benson, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, and V. Turner

AN ACT concerning

Veterans Affairs – Military Health Care Provider Transition Plan

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #44

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

Senate Bill 513 – Senators Conway, Currie, Forehand, Frosh, Harrington, Jones, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Miller, Muse, Peters, Pinsky, Pugh, Raskin, and Zirkin

AN ACT concerning

Natural Resources – Vessels – No–Discharge Designation for Maryland Waters

SB0513/194732/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 513
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "– Vessels"; in line 3, after "Waters" insert "– Reports"; strike beginning with "clarifying" in line 4 down through "contingency" in line 13 and substitute "requiring the Department of Natural Resources to provide certain reports to the Governor and General Assembly, on or before certain dates, on the establishment of a no–discharge zone in all waters of the State; requiring a certain report to include certain information"; and in line 14, strike "discharge" though the first "the" and substitute "study of establishing a no–discharge zone in".

AMENDMENT NO. 2

On pages 1 through 5, strike in their entirety the lines beginning with line 16 on page 1 through line 14 on page 5, inclusive, and substitute:

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

(a) The Department of Natural Resources shall:

(1) on or before December 1, 2010, provide an interim report to the Governor and General Assembly, in accordance with § 2–1246 of the State Government Article, that includes recommendations for initiating a no–discharge zone in all waters of the State; and

(2) on or before December 1, 2011, provide a final report to the Governor and General Assembly, in accordance with § 2–1246 of the State Government Article, on the establishment of a no–discharge zone in all waters of the State.

(b) The final report required under subsection (a)(2) of this section shall include:

(1) an analysis of the environmental impact of pollution from Type I and Type II marine sanitation devices on waters of the State;

(2) an analysis of the adequacy and availability of pump–out facilities for recreational and commercial vessels in and along waters of the State;

(3) recommendations on the enforcement actions, including penalties, that would be necessary to implement a no–discharge zone in all waters of the State;

(4) information regarding the costs associated with the installation of holding tanks on recreational and commercial vessels; and

(5) a review of relevant federal law related to establishing a no–discharge zone in all waters of the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0513/433222/1

BY: Senator Simonaire

AMENDMENT TO SENATE BILL 513, AS AMENDED

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0513/194732/1), after line 4 of Amendment No. 2, insert:

"(2) an analysis of the environmental impact of pollution from sewage overflows from all other sources, including information on enforcement actions and penalties assessed for any violations of law;";

and in lines 5, 7, 9, and 11, strike "(2)", "(3)", "(4)", and "(5)", respectively, and substitute "(3)", "(4)", "(5)", and "(6)", respectively.

The preceding amendment was read and rejected.

Read the second time and ordered prepared for Third Reading.

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

House Bill 98 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Tidal Fish Licenses – Transfer and Suspension

HB0098/994632/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 98
(Third Reading File Bill)

On page 2, in line 19, strike "**A DISPOSITION OF PROBATION BEFORE JUDGMENT OR**".

On page 3, strike beginning with "**, A**" in line 29 down through "**JUDGMENT,**" in line 30.

On page 4, strike beginning with "**, DISPOSITION**" in line 18 down through "**JUDGMENT,**" in line 19.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 685 – Delegates Stein, Cardin, Carr, Hucker, and Morhaim

AN ACT concerning

Environment – Fluorescent and Compact Fluorescent Light Recycling – County Plans

HB0685/114736/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 685
(Third Reading File Bill)

On page 1, in line 6, after "date;" insert "authorizing a county to utilize certain programs in a certain strategy;".

On page 3, after line 14, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That a county may utilize recycling, exchange, and take–back programs voluntarily established by fluorescent and compact fluorescent light manufacturers or vendors in the county's strategy for the collection and recycling of fluorescent and compact fluorescent lighting required under § 9–1703(b)(11) of the Environment Article, as enacted by Section 1 of this Act.";

and in line 15, strike "2." and substitute "3.".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 689 – Delegates Myers, Beitzel, Kelly, Miller, Serafini, Shank, and Stull

AN ACT concerning

Natural Resources – POWs and Disabled Veterans – Exception to Trout Stamp Requirement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 812 – Delegate Rudolph

AN ACT concerning

Environment – Water Service – ~~Property Owners~~ Billing

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #45

CONSENT CALENDAR #71

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

Senate Bill 994 – Senator Pipkin

AN ACT concerning

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

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 1043 – Senators Stoltzfus and Colburn

AN ACT concerning

Hunting Wild Waterfowl – Dorchester, Somerset, and Wicomico Counties

SB1043/454239/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1043
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Colburn" and substitute ", Colburn, and Dyson"; and in lines 2, 4, 7, and 8, in each instance, after "Dorchester," insert "St. Mary's,".

AMENDMENT NO. 2

On page 2, in line 20, strike "and" and substitute a comma; and in the same line, after "Baltimore" insert "**, AND ST. MARY'S**".

On page 3, in lines 20 and 32, in each instance, strike "and" and substitute a comma; and in lines 20 and 32, in each instance, after "Baltimore" insert "**, AND ST. MARY'S**".

On page 4, in line 29, strike "and" and substitute a comma; and in the same line, after "Baltimore" insert "**, AND ST. MARY'S**".

On page 5, in line 8, strike "and" and substitute a comma; and in the same line, after "Baltimore" insert "**, AND ST. MARY'S**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 230 – Howard County Delegation

AN ACT concerning

Howard County Ethics Law – Clarifications and Enhancements

Ho. Co. 1–10

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 511 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Annual Financial Report – Filing Date

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE SENATE

BILL: **SB 0248**
SPONSOR: Sen Frosh, et al
SUBJECT: Civil Cases – Maryland Legal Services Corporation Fund – Surcharges

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

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed: Senator Frosh, Chair
Senator Gladden
Senator Raskin

The House appoints: Delegate Anderson, Chairman
Delegate Kramer, and
Delegate Schuler.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0280**
SPONSOR: The Pres (Admin), et al
SUBJECT: Criminal Procedure – Sexual Offenders – Lifetime Supervision

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

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed: Senator Brochin, Chair
Senator Haines
Senator Raskin

The House appoints: Delegate Dumais, Chairman
Delegate Waldstreicher, and
Delegate Frank.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0854**
SPONSOR: The Pres (Admin), et al

SUBJECT: Crimes – Sex Offenders – Notification, Registration, Commitment, and Court Procedures

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

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed: Senator Brochin, Chair
Senator Haines
Senator Raskin

The House appoints: Delegate Dumais, Chairman
Delegate Waldstreicher, and
Delegate Frank.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #29

CONSENT CALENDAR #70

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 1275	FAV	Del McComas, et al	Maryland Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act
HB 1303	FAV	Dels Conway and Mathias	Worcester County – Real Property – Recording
HB 1501	FAV	Del Rice, et al	State Government – Human Relations – Closed–Captioning Activation Required

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #30

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

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

AN ACT concerning

Family Law – Maryland Uniform Interstate Family Support Act – Revision

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0122/958876/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 122
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Criminal Procedure" and substitute "Office of the Public Defender"; in lines 2 and 3, strike "of the Office of the Public Defender –

Modification" and substitute "– Membership"; in line 4, strike "a provision of law requiring" and substitute "the requirement"; in line 6, strike ", by a certain vote,"; in line 7, after "reasons" insert ", only on the recommendation of the Board of Trustees"; in line 8, after the semicolon insert "providing that the Public Defender may serve for a certain term;"; and in lines 9 and 10, strike "and chair".

On pages 1 and 2, strike beginning with "requiring" in line 10 on page 1 down through "qualifies" in line 5 on page 2 and substitute "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; requiring certain members of the Board of Trustees to have certain qualifications; prohibiting certain persons from serving on 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; providing for the manner of appointing a member to fill a vacancy on the Board of Trustees; increasing the requirements for a quorum of the Board of Trustees; altering the number of members of the Board of Trustees that are required to make a request in order to call for an additional meeting; 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; providing that the Public Defender who is serving on the effective date of this Act may continue to serve for a certain time".

On page 2, strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 2

On page 3, after line 4, insert:

"**(7) THE PUBLIC DEFENDER SERVES FOR A TERM OF 6 YEARS.**";

in line 7, strike "**(1)**"; strike beginning with "appointed" in line 7 down through "**ASSOCIATIONS**" in line 16; in line 18, strike "**AND HAVE DEMONSTRATED COMMITMENT TO INDIGENT DEFENSE**"; strike in their entirety lines 19 through 23, inclusive, and substitute:

"**(2) NINE MEMBERS OF THE BOARD OF TRUSTEES SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE**

SENATE AND SHALL INCLUDE A REPRESENTATIVE OF EACH JUDICIAL CIRCUIT OF THE STATE.

(3) SIX MEMBERS OF THE BOARD OF TRUSTEES APPOINTED BY THE GOVERNOR SHALL BE ACTIVE ATTORNEYS ADMITTED TO PRACTICE BEFORE THE COURT OF APPEALS OF MARYLAND.

(4) ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE.

(5) ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES.

(6) ONE MEMBER SHALL BE THE DEAN OF THE UNIVERSITY OF MARYLAND SCHOOL OF LAW, OR THE DEAN'S DESIGNEE.

(7) ONE MEMBER SHALL BE THE DEAN OF THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW, OR THE DEAN'S DESIGNEE.

(8) EACH MEMBER APPOINTED TO THE BOARD OF TRUSTEES SHALL:

(I) HAVE SIGNIFICANT EXPERIENCE IN CRIMINAL DEFENSE OR OTHER MATTERS RELEVANT TO THE WORK OF THE BOARD OF TRUSTEES; OR

(II) HAVE DEMONSTRATED A STRONG COMMITMENT TO QUALITY REPRESENTATION OF INDIGENT DEFENDANTS, INCLUDING JUVENILE RESPONDENTS.

(9) A MEMBER OF THE BOARD OF TRUSTEES MAY NOT BE:

(I) A CURRENT MEMBER OR EMPLOYEE OF:

1. THE JUDICIAL BRANCH; OR

2. A LAW ENFORCEMENT AGENCY IN THE STATE; OR

(II) 1. A STATE'S ATTORNEY OF A COUNTY OR MUNICIPAL CORPORATION OF THE STATE;

2. THE ATTORNEY GENERAL OF MARYLAND; OR

3. THE STATE PROSECUTOR";

in line 24, strike "a" and substitute "**AN APPOINTED**"; in line 25, after "**OF**" insert "**APPOINTED**"; in line 26, strike "**JUNE**" and substitute "**OCTOBER**"; after line 27, insert:

"**(3) A VACANCY OCCURRING ON THE BOARD OF TRUSTEES DURING THE TERM OF A MEMBER SHALL BE FILLED FOR THE REMAINDER OF THE UNEXPIRED TERM IN THE SAME MANNER AS PROVIDED FOR APPOINTMENTS IN THIS SECTION.**";

and in lines 28 and 30, strike "**(3)**" and "**(4)**", respectively, and substitute "**(4)**" and "**(5)**".

On page 4, strike in their entirety lines 1 through 3, inclusive; in lines 4 and 6, in each instance, strike the bracket; and in line 12, strike "two" and substitute "**FOUR**".

On pages 4 through 6 strike in their entirety the lines beginning with line 19 on page 4 through line 12 on page 6, inclusive.

On page 6, strike in their entirety lines 17 through 23, inclusive, and substitute:

"(1) the members appointed by the Governor representing judicial circuits one through four in 2012;

(2) the members appointed by the Governor representing judicial circuits five through eight in 2013; and

(3) the members appointed by the President of the Senate and the Speaker of the House of Delegates in 2014.";

after line 26, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That the Public Defender who is serving on the effective date of this Act may continue to serve until 6 years after the effective date of this Act.";

in line 27, strike "5." and substitute "6."; and in line 28, strike "June" and substitute "October".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 128 – ~~Delegate Rosenberg~~ Delegates Rosenberg, Anderson, and Dumais

EMERGENCY BILL

AN ACT concerning

Criminal Procedure – Petition for Writ of Actual Innocence – Notice of Filing and Hearing

HB0128/948071/1
BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 128
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 15 down through "circumstances;" in line 21.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 16 through 29, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 436 – Delegates Barnes, Anderson, Conaway, Dwyer, Kelly, McConkey, Ramirez, Rosenberg, Schuler, Simmons, Smigiel, and Waldstreicher

AN ACT concerning

Courts – Jury Trials in Civil Actions – Amount in Controversy

HB0436/928771/2

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 436
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, strike "**$15,000**" and substitute "**$20,000**".

AMENDMENT NO. 2

On page 2, in line 10, strike "19" and substitute "119".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 485 – Delegate Malone

AN ACT concerning

Motor Vehicle Equipment – Spare Tire Requirement – Application

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 499 – ~~Delegate Malone~~ Delegates Malone, Bates, Conaway, Anderson, and Norman

AN ACT concerning

Motor Vehicles – Approaching Emergency Vehicles and Personnel

HB0499/898174/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 499
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "vacate" in line 5 down through "closest" in line 6 and substitute "make a lane change into an available lane not immediately adjacent"; and strike beginning with "ensures" in line 7 down through "personnel" in line 8 and substitute "is safe for certain existing conditions".

AMENDMENT NO. 2

On page 2, strike beginning with "**ON**" in line 26 down through "**VEHICLE**" in line 28 and substitute "**IF PRACTICABLE AND NOT OTHERWISE PROHIBITED, MAKE A LANE CHANGE INTO AN AVAILABLE LANE NOT IMMEDIATELY ADJACENT TO THE EMERGENCY VEHICLE WITH DUE REGARD FOR SAFETY AND TRAFFIC CONDITIONS**"; and strike beginning with "**VACATE**" in line 30 down through "**PERSONNEL**" in line 34 and substitute "**MAKE A LANE CHANGE IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION, SLOW TO A REASONABLE AND PRUDENT SPEED THAT IS SAFE FOR EXISTING WEATHER, ROAD, AND VEHICULAR OR PEDESTRIAN TRAFFIC CONDITIONS**".

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:

House Bill 500 – Delegates Waldstreicher, Rosenberg, Anderson, Barnes, Branch, Dumais, Ivey, Lee, Levi, and Valderrama

AN ACT concerning

Child Support Guidelines – Revision

HB0500/448074/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 500
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 5 down through "award;" in line 10; in line 11, strike "providing for a delayed effective date;"; and in line 20, strike ", 12–202,".

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 21 on page 2 through line 8 on page 4, inclusive.

AMENDMENT NO. 3

On page 14, after line 36, insert:

"15050	1949	2857	3390	3797	4200	4584
15100	1955	2866	3402	3809	4214	4599
15150	1962	2876	3413	3822	4228	4614
15200	1968	2885	3424	3835	4241	4630
15250	1974	2895	3435	3847	4255	4645
15300	1981	2904	3447	3860	4269	4660
15350	1987	2914	3458	3872	4283	4675
15400	1994	2923	3469	3885	4297	4691
15450	2000	2933	3480	3898	4311	4706
15500	2007	2942	3492	3910	4325	4721
15550	2013	2952	3503	3923	4339	4736
15600	2020	2961	3514	3935	4353	4752
15650	2026	2971	3526	3948	4367	4767
15700	2033	2980	3537	3961	4381	4782
15750	2039	2990	3548	3973	4395	4797
15800	2046	2999	3559	3986	4409	4812
15850	2052	3009	3571	3999	4423	4828
15900	2059	3018	3582	4011	4437	4843
15950	2065	3028	3593	4024	4451	4858
16000	2072	3037	3604	4036	4465	4873
16050	2078	3047	3616	4049	4479	4889
16100	2085	3056	3627	4062	4493	4904
16150	2091	3066	3638	4074	4507	4919
16200	2097	3075	3649	4087	4521	4934
16250	2104	3085	3661	4099	4534	4950
16300	2110	3094	3672	4112	4548	4965
16350	2117	3104	3683	4125	4562	4980
16400	2123	3113	3694	4137	4576	4995
16450	2130	3123	3706	4150	4590	5010
16500	2136	3132	3717	4163	4604	5026
16550	2143	3141	3728	4175	4618	5041
16600	2149	3151	3740	4188	4632	5056
16650	2156	3160	3751	4200	4646	5071
16700	2162	3170	3762	4213	4660	5087
16750	2169	3179	3773	4226	4674	5102
16800	2175	3189	3785	4238	4688	5117
16850	2182	3198	3796	4251	4702	5132
16900	2188	3208	3807	4263	4716	5148
16950	2195	3217	3818	4276	4730	5163

17000	2201	3227	3830	4289	4744	5178
17050	2208	3236	3841	4301	4758	5193
17100	2214	3246	3852	4314	4772	5208
17150	2220	3255	3863	4327	4786	5224
17200	2227	3265	3875	4339	4800	5239
17250	2233	3274	3886	4352	4814	5254
17300	2240	3284	3897	4364	4827	5269
17350	2246	3293	3908	4377	4841	5285
17400	2253	3303	3920	4390	4855	5300
17450	2259	3312	3931	4402	4869	5315
17500	2266	3322	3942	4415	4883	5330
17550	2272	3331	3954	4427	4897	5345
17600	2279	3341	3965	4440	4911	5361
17650	2285	3350	3976	4453	4925	5376
17700	2292	3360	3987	4465	4939	5391
17750	2298	3369	3999	4478	4953	5406
17800	2305	3379	4010	4490	4967	5422
17850	2311	3388	4021	4503	4981	5437
17900	2318	3398	4032	4516	4995	5452
17950	2324	3407	4044	4528	5009	5467
18000	2331	3417	4055	4541	5023	5483
18050	2337	3426	4066	4554	5037	5498
18100	2344	3436	4077	4566	5051	5513
18150	2350	3445	4089	4579	5065	5528
18200	2356	3455	4100	4591	5079	5543
18250	2363	3464	4111	4604	5093	5559
18300	2369	3474	4122	4617	5107	5574
18350	2376	3483	4134	4629	5120	5589
18400	2382	3493	4145	4642	5134	5604
18450	2389	3502	4156	4654	5148	5620
18500	2395	3512	4168	4667	5162	5635
18550	2402	3521	4179	4680	5176	5650
18600	2408	3531	4190	4692	5190	5665
18650	2415	3540	4201	4705	5204	5681
18700	2421	3550	4213	4718	5218	5696
18750	2428	3559	4224	4730	5232	5711
18800	2434	3569	4235	4743	5246	5726
18850	2441	3578	4246	4755	5260	5741
18900	2447	3588	4258	4768	5274	5757
18950	2454	3597	4269	4781	5288	5772
19000	2460	3607	4280	4793	5302	5787
19050	2467	3616	4291	4806	5316	5802
19100	2473	3626	4303	4818	5330	5818

19150	2479	3635	4314	4831	5344	5833
19200	2486	3645	4325	4844	5358	5848
19250	2492	3654	4337	4856	5372	5863
19300	2499	3663	4348	4869	5386	5879
19350	2505	3673	4359	4882	5400	5894
19400	2512	3682	4370	4894	5413	5909
19450	2518	3692	4382	4907	5427	5924
19500	2525	3701	4393	4919	5441	5939
19550	2531	3711	4404	4932	5455	5955
19600	2538	3720	4415	4945	5469	5970
19650	2544	3730	4427	4957	5483	5985
19700	2551	3739	4438	4970	5497	6000
19750	2557	3749	4449	4982	5511	6016
19800	2564	3758	4460	4995	5525	6031
19850	2570	3768	4472	5008	5539	6046
19900	2577	3777	4483	5020	5553	6061
19950	2583	3787	4494	5033	5567	6076
20000	2590	3796	4505	5045	5581	6092
20050	2596	3806	4517	5058	5595	6107
20100	2602	3815	4528	5071	5609	6122
20150	2609	3825	4539	5083	5623	6137
20200	2615	3834	4551	5096	5637	6153
20250	2622	3844	4562	5109	5651	6168
20300	2628	3853	4573	5121	5665	6183
20350	2635	3863	4584	5134	5679	6198
20400	2641	3872	4596	5146	5693	6214
20450	2648	3882	4607	5159	5706	6229
20500	2654	3891	4618	5172	5720	6244
20550	2661	3901	4629	5184	5734	6259
20600	2667	3910	4641	5197	5748	6274
20650	2674	3920	4652	5209	5762	6290
20700	2680	3929	4663	5222	5776	6305
20750	2687	3939	4674	5235	5790	6320
20800	2693	3948	4686	5247	5804	6335
20850	2700	3958	4697	5260	5818	6351
20900	2706	3967	4708	5273	5832	6366
20950	2713	3977	4719	5285	5846	6381
21000	2719	3986	4731	5298	5860	6396
21050	2725	3996	4742	5310	5874	6412
21100	2732	4005	4753	5323	5888	6427
21150	2738	4015	4765	5336	5902	6442
21200	2745	4024	4776	5348	5916	6457
21250	2751	4034	4787	5361	5930	6472

21300	2758	4043	4798	5373	5944	6488
21350	2764	4053	4810	5386	5958	6503
21400	2771	4062	4821	5399	5972	6518
21450	2777	4072	4832	5411	5986	6533
21500	2784	4081	4843	5424	5999	6549
21550	2790	4091	4855	5437	6013	6564
21600	2797	4100	4866	5449	6027	6579
21650	2803	4110	4877	5462	6041	6594
21700	2810	4119	4888	5474	6055	6610
21750	2816	4129	4900	5487	6069	6625
21800	2823	4138	4911	5500	6083	6640
21850	2829	4148	4922	5512	6097	6655
21900	2836	4157	4933	5525	6111	6670
21950	2842	4167	4945	5537	6125	6686
22000	2848	4176	4956	5550	6139	6701
22050	2855	4185	4967	5563	6153	6716
22100	2861	4195	4979	5575	6167	6731
22150	2868	4204	4990	5588	6181	6747
22200	2874	4214	5001	5601	6195	6762
22250	2881	4223	5012	5613	6209	6777
22300	2887	4233	5024	5626	6223	6792
22350	2894	4242	5035	5638	6237	6807
22400	2900	4252	5046	5651	6251	6823
22450	2907	4261	5057	5664	6265	6838
22500	2913	4271	5069	5676	6279	6853
22550	2920	4280	5080	5689	6292	6868
22600	2926	4290	5091	5701	6306	6884
22650	2933	4299	5102	5714	6320	6899
22700	2939	4309	5114	5727	6334	6914
22750	2946	4318	5125	5739	6348	6929
22800	2952	4328	5136	5752	6362	6945
22850	2959	4337	5147	5764	6376	6960
22900	2965	4347	5159	5777	6390	6975
22950	2971	4356	5170	5790	6404	6990
23000	2978	4366	5181	5802	6418	7005
23050	2984	4375	5193	5815	6432	7021
23100	2991	4385	5204	5828	6446	7036
23150	2997	4394	5215	5840	6460	7051
23200	3004	4404	5226	5853	6474	7066
23250	3010	4413	5238	5865	6488	7082
23300	3017	4423	5249	5878	6502	7097
23350	3023	4432	5260	5891	6516	7112
23400	3030	4442	5271	5903	6530	7127

23450	3036	4451	5283	5916	6544	7143
23500	3043	4461	5294	5928	6558	7158
23550	3049	4470	5305	5941	6572	7173
23600	3056	4480	5316	5954	6585	7188
23650	3062	4489	5328	5966	6599	7203
23700	3069	4499	5339	5979	6613	7219
23750	3075	4508	5350	5992	6627	7234
23800	3082	4518	5361	6004	6641	7249
23850	3088	4527	5373	6017	6655	7264
23900	3094	4537	5384	6029	6669	7280
23950	3101	4546	5395	6042	6683	7295
24000	3107	4556	5407	6055	6697	7310
24050	3114	4565	5418	6067	6711	7325
24100	3120	4575	5429	6080	6725	7341
24150	3127	4584	5440	6092	6739	7356
24200	3133	4594	5452	6105	6753	7371
24250	3140	4603	5463	6118	6767	7386
24300	3146	4613	5474	6130	6781	7401
24350	3153	4622	5485	6143	6795	7417
24400	3159	4632	5497	6156	6809	7432
24450	3166	4641	5508	6168	6823	7447
24500	3172	4651	5519	6181	6837	7462
24550	3179	4660	5530	6193	6851	7478
24600	3185	4670	5542	6206	6865	7493
24650	3192	4679	5553	6219	6878	7508
24700	3198	4689	5564	6231	6892	7523
24750	3205	4698	5576	6244	6906	7539
24800	3211	4707	5587	6256	6920	7554
24850	3217	4717	5598	6269	6934	7569
24900	3224	4726	5609	6282	6948	7584
24950	3230	4736	5621	6294	6962	7599
25000	3237	4745	5632	6307	6976	7615
25050	3243	4755	5643	6319	6990	7630
25100	3250	4764	5654	6332	7004	7645
25150	3256	4774	5666	6345	7018	7660
25200	3263	4783	5677	6357	7032	7676
25250	3269	4793	5688	6370	7046	7691
25300	3276	4802	5699	6383	7060	7706
25350	3282	4812	5711	6395	7074	7721
25400	3289	4821	5722	6408	7088	7736
25450	3295	4831	5733	6420	7102	7752
25500	3302	4840	5744	6433	7116	7767
25550	3308	4850	5756	6446	7130	7782

25600	3315	4859	5767	6458	7144	7797
25650	3321	4869	5778	6471	7158	7813
25700	3328	4878	5790	6483	7171	7828
25750	3334	4888	5801	6496	7185	7843
25800	3340	4897	5812	6509	7199	7858
25850	3347	4907	5823	6521	7213	7874
25900	3353	4916	5835	6534	7227	7889
25950	3360	4926	5846	6547	7241	7904
26000	3366	4935	5857	6559	7255	7919
26050	3373	4945	5868	6572	7269	7934
26100	3379	4954	5880	6584	7283	7950
26150	3386	4964	5891	6597	7297	7965
26200	3392	4973	5902	6610	7311	7980
26250	3399	4983	5913	6622	7325	7995
26300	3405	4992	5925	6635	7339	8011
26350	3412	5002	5936	6647	7353	8026
26400	3418	5011	5947	6660	7367	8041
26450	3425	5021	5958	6673	7381	8056
26500	3431	5030	5970	6685	7395	8072
26550	3438	5040	5981	6698	7409	8087
26600	3444	5049	5992	6711	7423	8102
26650	3451	5059	6004	6723	7437	8117
26700	3457	5068	6015	6736	7451	8132
26750	3463	5078	6026	6748	7464	8148
26800	3470	5087	6037	6761	7478	8163
26850	3476	5097	6049	6774	7492	8178
26900	3483	5106	6060	6786	7506	8193
26950	3489	5116	6071	6799	7520	8209
27000	3496	5125	6082	6811	7534	8224
27050	3502	5135	6094	6824	7548	8239
27100	3509	5144	6105	6837	7562	8254
27150	3515	5154	6116	6849	7576	8270
27200	3522	5163	6127	6862	7590	8285
27250	3528	5173	6139	6874	7604	8300
27300	3535	5182	6150	6887	7618	8315
27350	3541	5192	6161	6900	7632	8330
27400	3548	5201	6172	6912	7646	8346
27450	3554	5211	6184	6925	7660	8361
27500	3561	5220	6195	6938	7674	8376
27550	3567	5229	6206	6950	7688	8391
27600	3574	5239	6218	6963	7702	8407
27650	3580	5248	6229	6975	7716	8422
27700	3586	5258	6240	6988	7730	8437

27750	3593	5267	6251	7001	7744	8452
27800	3599	5277	6263	7013	7757	8467
27850	3606	5286	6274	7026	7771	8483
27900	3612	5296	6285	7038	7785	8498
27950	3619	5305	6296	7051	7799	8513
28000	3625	5315	6308	7064	7813	8528
28050	3632	5324	6319	7076	7827	8544
28100	3638	5334	6330	7089	7841	8559
28150	3645	5343	6341	7102	7855	8574
28200	3651	5353	6353	7114	7869	8589
28250	3658	5362	6364	7127	7883	8605
28300	3664	5372	6375	7139	7897	8620
28350	3671	5381	6386	7152	7911	8635
28400	3677	5391	6398	7165	7925	8650
28450	3684	5400	6409	7177	7939	8665
28500	3690	5410	6420	7190	7953	8681
28550	3697	5419	6432	7202	7967	8696
28600	3703	5429	6443	7215	7981	8711
28650	3709	5438	6454	7228	7995	8726
28700	3716	5448	6465	7240	8009	8742
28750	3722	5457	6477	7253	8023	8757
28800	3729	5467	6488	7266	8037	8772
28850	3735	5476	6499	7278	8050	8787
28900	3742	5486	6510	7291	8064	8803
28950	3748	5495	6522	7303	8078	8818
29000	3755	5505	6533	7316	8092	8833
29050	3761	5514	6544	7329	8106	8848
29100	3768	5524	6555	7341	8120	8863
29150	3774	5533	6567	7354	8134	8879
29200	3781	5543	6578	7366	8148	8894
29250	3787	5552	6589	7379	8162	8909
29300	3794	5562	6600	7392	8176	8924
29350	3800	5571	6612	7404	8190	8940
29400	3807	5581	6623	7417	8204	8955
29450	3813	5590	6634	7429	8218	8970
29500	3820	5600	6646	7442	8232	8985
29550	3826	5609	6657	7455	8246	9001
29600	3832	5619	6668	7467	8260	9016
29650	3839	5628	6679	7480	8274	9031
29700	3845	5638	6691	7493	8288	9046
29750	3852	5647	6702	7505	8302	9061
29800	3858	5657	6713	7518	8316	9077
29850	3865	5666	6724	7530	8330	9092

29900	**3871**	**5676**	**6736**	**7543**	**8343**	**9107**
29950	**3878**	**5685**	**6747**	**7556**	**8357**	**9122**
30000	**3884**	**5695**	**6758**	**7568**	**8371**	**9138**".

AMENDMENT NO. 4

On page 23, in line 7, strike "2011" and substitute "2010".

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:

House Bill 620 – Delegates Frush, Barnes, and Pena–Melnyk

AN ACT concerning

Condominiums and Homeowners Associations – Common Elements and Common Areas – Implied Warranties

HB0620/328879/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 620

(Third Reading File Bill)

On page 2, in line 35, strike "**MULTIFAMILY RESIDENTIAL**".

The preceding amendment was read only.

Senator Kramer moved, duly seconded, to make the Bill and Amendments a Special Order for April 9, 2010.

The motion was adopted.

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

House Bill 625 – Delegates Simmons, Anderson, Eckardt, Lee, Smigiel, and Valderrama

AN ACT concerning

Domestic Violence – Domestic Violence Central Repository

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 659 – Delegates Simmons~~,~~ and Dumais, and Delegates Dwyer, Kipke, Kramer, Schuh, ~~and Sophocleus~~ Sophocleus, Barkley, Barve, Beidle, Bobo, Bronrott, Carr, G. Clagett, Conway, DeBoy, Doory, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Healey, Hecht, Heller, Hixson, Howard, James, Jameson, Jones, Kaiser, Kullen, Lee, Love, Malone, Manno, Mathias, McHale, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Olszewski, Pendergrass, Reznik, Rice, Robinson, Rudolph, Shewell, Stocksdale, Taylor, F. Turner, and Waldstreicher

AN ACT concerning

Maryland General and Limited Power of Attorney Act (Loretta's Law)

HB0659/258070/2

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 659
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 20, after "characteristics;" insert "establishing certain requirements for the execution of certain powers of attorney;".

AMENDMENT NO. 2

On page 10, in line 15, strike "**UNDER THIS TITLE**" and substitute "**EXECUTED ON OR AFTER OCTOBER 1, 2010,**".

AMENDMENT NO. 3

On page 11, in line 22, after "**PROVIDER**" insert "**IN ACCORDANCE WITH**".

On page 17, in line 30, after "**BUY,**" insert "**SELL, CONVEY,**".

AMENDMENT NO. 4

On page 43, in line 1, strike the first comma and substitute "**AN INTER VIVOS TRUST, OR**"; in the same line, after "**AN**" insert "**EXISTING**"; and in the same line, after "**TRUST**" insert "**IF THE TRUST EXPRESSLY AUTHORIZES THAT ACTION BY THE AGENT**".

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:

House Bill 661 – Delegate Barnes

AN ACT concerning

Criminal Procedure – Arrest – Violation of Protective Order

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 698 – Delegates Kelly, Vallario, Kramer, Simmons, and Smigiel

AN ACT concerning

District Court – Mailings – Notice of Dismissal, Nolle Prosequi, or Stet

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 702 – Delegates Stein, Beidle, Glenn, and Lafferty

AN ACT concerning

Common Ownership Communities – Fidelity ~~Insurance or~~ Insurance – Fidelity Bond

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1141 – Delegate Dumais

AN ACT concerning

Child Abuse and Neglect – Disclosure of Information

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1145 – Delegates Mathias, Cane, Conway, Elmore, ~~and Rudolph~~ Rudolph, Haddaway, and Eckardt

AN ACT concerning

Criminal Law – Salvinorin A and Salvia Divinorum – Distribution to and Possession by Individual Under 21 Years of Age

HB1145/378970/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1145
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Salvinorin A and"; in the same line, after "Divinorum" insert "and Salvinorin A"; and in lines 4 and 10, after "divinorum" insert "or Salvinorin A".

On page 2, in line 16, after "Act;" insert "requiring the Attorney General to submit a certain report to certain committees on or before a certain date;"; and in line 18, after "divinorum" insert "and Salvinorin A".

AMENDMENT NO. 2

On page 3, in line 9, strike "**CURRENTLY**".

On page 4, in line 10, strike "**IT**" and substitute "**THE CITATION**".

On page 9, after line 3, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2010, the Attorney General shall, in accordance with § 2–1246 of the State Government Article, submit to the Senate Judicial Proceedings Committee and the House Judiciary Committee a report detailing a recommended plan for the regulation of sales of Salvia divinorum and Salvinorin A, including requirements for sellers and the placement of products in stores.";

and in line 4, strike "2" and substitute "3".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1250 – Delegates Hucker, Rosenberg, Glenn, Ali, Anderson, Barnes, Benson, Bobo, Carr, Feldman, Gutierrez, Hecht, Holmes, Hubbard, Ivey, Jones, Lee, Levi, Manno, McHale, Montgomery, Niemann, Pena–Melnyk, Ramirez, Reznik, Rice, Ross, Schuler, Stukes, Taylor, V. Turner, Valderrama, and Vaughn

AN ACT concerning

Courts and Judicial Proceedings – Strategic Lawsuits Against Public Participation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1382 – Delegates Glenn, Ali, Anderson, Barnes, Bobo, Dumais, Hecht, Hucker, Levi, McIntosh, Niemann, Pena–Melnyk, Shewell, and Stein

AN ACT concerning

Rental Housing – Protection for Victims of Domestic Violence and Sexual Assault

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #31

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

Senate Bill 517 – Senators Stone and Jacobs

AN ACT concerning

Criminal Law – Criminal Gangs – Offenses and Membership

SB0517/248170/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 517
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Jacobs" and substitute ", Jacobs, Forehand, Mooney, and Simonaire"; in line 5, after "ongoing" insert ", to repeal the requirement that members have the commission of certain crimes as a primary objective or activity, and to clarify that a criminal gang may include certain otherwise lawful entities or associations"; strike beginning with "defining" in line 6 down through "purposes;" in line 7; and strike beginning with "prohibiting" in line 10 down through "gang;" in line 11.

AMENDMENT NO. 2

On page 2, strike beginning with the first "or" in line 3 down through "members" in line 4 and substitute "**OR ASSOCIATION OF THREE OR MORE PERSONS, INCLUDING OTHERWISE LAWFUL ENTITIES OR ASSOCIATIONS, WHETHER PUBLIC OR PRIVATE, SECULAR OR RELIGIOUS, OR INCORPORATED OR UNINCORPORATED, WHOSE MEMBERS**"; in line 10, strike "primary"; and in line 18, after "**INITIATION**" insert "**, HAZING, OR ADMISSIONS**".

AMENDMENT NO. 3

On page 3, in line 28, strike "or"; and in line 30, after "Article" insert "**; OR**

(5) **A FELONY VIOLATION OF TITLE 8 OF THIS ARTICLE**".

AMENDMENT NO. 4

On page 2, in line 15, strike "**OVERT OR COVERT**"; strike beginning with "**A**" in line 17 down through "**(IV)**" in line 18; in line 18, after "**RITUAL**" insert "**THAT IS ITSELF A CRIMINAL OFFENSE**"; in line 19, strike "**(V)**" and substitute "**(IV)**"; and in the same line, strike "**METHOD OF OPERATION OR**".

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 10 on page 3, inclusive.

On page 3, in lines 11 and 12, strike "(e)" and "(f)", respectively, and substitute "**(D)**" and "**(E)**", respectively; and in line 32, strike the colon.

On page 4, in line 1, strike "(1)"; and strike beginning with the semicolon in line 6 down through "**GANG**" in line 8.

The preceding 4 amendments were read only.

Senator Pugh moved, duly seconded, to make the Bill and Amendments a Special Order for April 9, 2010.

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

Affirmative – 23 Negative – 21 (See Roll Call No. 1051)

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

Senate Bill 554 – Senator Gladden

AN ACT concerning

Rental Housing – Protection for Victims of Domestic Violence and Sexual Assault

SB0554/848270/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 554
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "prohibiting" in line 12 down through the first "tenant" in line 14 and substitute "providing a rebuttable presumption in a certain civil action"; strike beginning with "or" in line 19 down through "locks" in line 20; in line 21, after "to" insert "have a certain person"; and strike beginning with "prohibiting" in line 23 down through "assault;" in line 25.

On page 2, strike in their entirety lines 3 through 17, inclusive.

AMENDMENT NO. 2

On page 2, after line 25, insert:

"**(B) "LEGAL OCCUPANT" MEANS AN OCCUPANT WHO RESIDES ON THE PREMISES WITH THE ACTUAL KNOWLEDGE AND PERMISSION OF THE LANDLORD.**";

in lines 26 and 28, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(F)**", respectively; after line 27, insert:

"**(D) "PEACE ORDER" MEANS AN ENFORCEABLE FINAL PEACE ORDER.**

(E) "PROTECTIVE ORDER" MEANS AN ENFORCEABLE FINAL PROTECTIVE ORDER.";

in line 29, strike "**UNDER TITLE 4, SUBTITLE 5**" and substitute "**, AS DEFINED IN § 4–501**"; and in line 30, strike "**OR**" and substitute "**AND**".

On page 3, in line 1, strike "**(D)**" and substitute "**(G)**"; in line 11, after the second "**TENANT**" insert "**OR LEGAL OCCUPANT**"; in lines 14 and 29, in each instance, strike "**A**" and substitute "**IF A**"; in lines 14 and 29, in each instance, strike "**WHO**" and substitute "**OR LEGAL OCCUPANT**"; in line 15, strike "**WHO HAS PROVIDED**" and substitute "**, THE TENANT MAY PROVIDE**"; strike beginning with "**OF**" in line 16 down through "**PREMISES**" in line 17 and substitute "**AND, IF THE WRITTEN NOTICE IS PROVIDED, THE TENANT**"; strike beginning with "**PRORATED**" in line 20 down through "**AFTER**" in line 21 and substitute "**FOR THE 30 DAYS FOLLOWING**"; in line 21, strike "**PROVIDES**" and substitute "**PROVIDING**"; in line 25, after "**IS**" insert "**, AT THE LANDLORD'S OPTION AND WITH WRITTEN NOTICE TO THE TENANT,**"; in line 26, strike "**ALL**" and substitute "**:**

(1) ALL";

in line 27, after "**TITLE**" insert "**; OR**

(2) DEEM THE TENANT'S NOTICE OF AN INTENT TO VACATE TO HAVE BEEN RESCINDED AND THE TERMS OF THE ORIGINAL LEASE TO BE IN FULL FORCE AND EFFECT";

in line 29, after "**VIOLENCE**" insert "**, THE TENANT**"; and in line 31, after "**NOTICE**" insert "**BY FIRST–CLASS MAIL OR HAND DELIVERY**".

On page 4, in lines 1 and 16, in each instance, after "**TENANT'S**" insert "**OR LEGAL OCCUPANT'S**"; in lines 4 and 5, strike "**: (1) A**" and substitute "**A**"; strike beginning with the semicolon in line 6 down through "**TENANT**" in line 11; in lines 6 and 21, in each instance, after "**TENANT**" insert "**OR LEGAL OCCUPANT**"; in line 13, strike "**A**" and substitute "**IF A**"; in the same line, strike "**WHO**" and substitute "**OR LEGAL OCCUPANT**"; in the same line, after "**ASSAULT**" insert "**, THE TENANT**"; in line 15, after "**NOTICE**" insert "**BY FIRST–CLASS MAIL OR HAND DELIVERY**"; in line 16, strike "**AND NOTICE OF**" and substitute "**, INCLUDING**"; in line 21, after "**ARTICLE;**" insert "**OR**"; in line 23, after "**TENANT**" insert "**OR LEGAL OCCUPANT FOR WHICH THE UNDERLYING ACT WAS SEXUAL ASSAULT**"; strike beginning with

the semicolon in line 23 down through "**TENANT**" in line 28; in line 30, strike "**A LANDLORD MAY NOT BRING**" and substitute "**THIS SECTION APPLIES TO**"; in line 31, strike "**LEASED**"; in the same line, after "**PROPERTY**" insert "**UNDER § 8–402.1 OF THIS TITLE**"; and in the same line, after "**AGAINST**" insert "**A TENANT OR LEGAL OCCUPANT WHO IS**".

On page 5, in line 1, strike "**BASED ON**" and substitute "**IN WHICH THE BASIS FOR THE ALLEGED BREACH IS**"; strike beginning with "**A**" in line 3 down through "**POSSESSION**" in line 5 and substitute "**A TENANT IS DEEMED TO HAVE RAISED A REBUTTABLE PRESUMPTION THAT THE ALLEGED BREACH OF THE LEASE DOES NOT WARRANT AN EVICTION**"; in lines 7 and 33, in each instance, after "**TENANT**" insert "**OR LEGAL OCCUPANT**"; in line 9, after "**TENANT**" insert "**OR LEGAL OCCUPANT FOR WHICH THE UNDERLYING ACT WAS SEXUAL ASSAULT**"; in line 11, after "**POSSESSION**" insert "**OF PROPERTY UNDER § 8–402.1 OF THIS TITLE**"; strike in their entirety lines 14 through 22, inclusive; and strike beginning with the second "**THE**" in line 27 down through "**HOUSEHOLD**" in line 29 and substitute "**THE PROTECTIVE ORDER OR PEACE ORDER ISSUED FOR THE BENEFIT OF THE TENANT OR LEGAL OCCUPANT REQUIRES THE RESPONDENT TO REFRAIN FROM ENTERING OR TO VACATE THE RESIDENCE OF THE TENANT OR LEGAL OCCUPANT**".

On page 6, in line 2, after "**TENANT**" insert "**OR LEGAL OCCUPANT FOR WHICH THE UNDERLYING ACT WAS SEXUAL ASSAULT**"; strike beginning with "**WITHIN**" in line 3 down through the first "**THE**" in line 4 and substitute "**THE**"; strike beginning with "**OR**" in line 5 down through "**LOCKS**" in line 6 and substitute "**BY THE CLOSE OF THE NEXT BUSINESS DAY AFTER RECEIVING A WRITTEN REQUEST UNDER SUBSECTION (A) OF THIS SECTION**"; in line 8, strike "**MAY**" and substitute "**:**

(I) MAY";

in line 9, strike "**CHANGE**" and substitute "**HAVE**"; in the same line, after "**LOCKS**" insert "**CHANGED BY A CERTIFIED LOCKSMITH**"; in line 10, after "**LANDLORD**" insert "**; AND**

(II) SHALL GIVE A DUPLICATE KEY TO THE LANDLORD OR THE LANDLORD'S AGENT BY THE CLOSE OF THE NEXT BUSINESS DAY AFTER THE LOCK CHANGE";

in line 13, strike "**IMMEDIATELY SHALL**" and substitute "**SHALL**"; in line 14, after "**TENANT**" insert "**WHO MADE THE REQUEST FOR THE CHANGE OF LOCKS AT A MUTUALLY AGREED TIME NOT TO EXCEED 48 HOURS FOLLOWING THE LOCK CHANGE**"; in the same line, after the semicolon, insert "**AND**"; strike beginning with "**MAY**" in line 15 down through "**(3)**" in line 17; in line 18, strike "**A LOCK**" and substitute "**THE LOCKS**"; and in line 24, strike "**WITHHOLD**" and substitute "**:**

(I) CHARGE THE FEE AS ADDITIONAL RENT; OR

(II) WITHHOLD".

On pages 6 through 8, strike in their entirety the lines beginning with line 26 on page 6 through line 8 on page 8, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Correctional Services – State Correctional Officers' Bill of Rights

SB0887/148770/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 887
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "circumstances;" insert "providing that a State correctional officer who receives a certain recommendation with respect to disciplinary or punitive action has certain appeals rights; requiring a State correctional officer to be granted release time for certain purposes; requiring the Department of Public Safety and Correctional Services to bear the cost of certain expenses;"; strike beginning with "establishing" in line 16 down through "persons;" in line 17; and in line 21, strike "10–914" and substitute "10–913".

AMENDMENT NO. 2

On page 2, strike beginning with "**WHOSE**" in line 11 down through "**INMATES**" in line 13 and substitute "**WHO SERVES IN THE CLASSIFICATION OF CORRECTIONAL OFFICER I, II, SERGEANT, LIEUTENANT, CAPTAIN, OR MAJOR, AND INCLUDES:**

(1) A CORRECTIONAL DIETARY OFFICER;

(2) A CORRECTIONAL MAINTENANCE OFFICER;

(3) A CORRECTIONAL LAUNDRY OFFICER;

(4) A CORRECTIONAL RECREATION OFFICER; AND

(5) A CORRECTIONAL SUPPLY OFFICER";

in line 16, after "**EVIDENCE**" insert "**, OR A CONTESTED CASE PROCEEDING BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS, ELECTED BY THE CORRECTIONAL OFFICER**"; and in line 23, strike "**ARTICLE**" and substitute "**TITLE**".

On page 3, in line 23, before "**THE**" insert "**(A)**"; in the same line, after "**ESTABLISH**" insert "**EXCLUSIVE**"; in line 24, after "**INVESTIGATION**" insert "**AND DISCIPLINE**"; strike beginning with "**BY**" in line 24 down through "**DEPARTMENT**" in line 25; in line 25, strike "**MISCONDUCT THAT**" and substitute "**MISCONDUCT.**"; strike in its entirety line 26; after line 26, insert:

"**(B)** **THE DISCIPLINARY ACTIONS AUTHORIZED UNDER THIS SUBTITLE ARE THOSE AUTHORIZED UNDER §§ 11–104 AND 11–105 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**";

in line 28, before "**EXCEPT**" insert "**(A)**"; in line 29, after "**LAW**" insert "**, INCLUDING § 11–106 OF THE STATE PERSONNEL AND PENSIONS ARTICLE,**"; and after line 30, insert:

"**(B)** **THIS SUBTITLE DOES NOT LIMIT THE AUTHORITY OF THE APPOINTING AUTHORITY TO REGULATE THE COMPETENT AND EFFECTIVE OPERATION AND MANAGEMENT OF A STATE CORRECTIONAL FACILITY BY REASONABLE MEANS INCLUDING THE TRANSFER AND REASSIGNMENT OF EMPLOYEES IF:**

(1) **THAT ACTION IS NOT PUNITIVE IN NATURE; AND**

(2) **THE APPOINTING AUTHORITY DETERMINES THAT ACTION TO BE IN THE BEST INTERESTS OF THE INTERNAL MANAGEMENT OF THE CORRECTIONAL FACILITY.**".

AMENDMENT NO. 3

On page 4, strike in their entirety lines 2 and 3; in lines 4, 10, and 18, strike "**(B)**", "**(C)**", and "**(D)**", respectively, and substitute "**(A)**", "**(B)**", and "**(C)**", respectively; in line 9, after "**LAW**" insert "**OR THE INFORMATION IS NECESSARY TO INVESTIGATE A POSSIBLE CONFLICT OF INTEREST WITH RESPECT TO THE PERFORMANCE OF THE CORRECTIONAL OFFICER'S DUTIES**"; strike in their entirety lines 21 through 23 and substitute:

"**(D)** **A CORRECTIONAL OFFICER MAY WAIVE ANY OR ALL OF THE RIGHTS UNDER THIS SUBTITLE IF:**

(1) **THE WAIVER IS SIGNED AND ACKNOWLEDGED BY THE CORRECTIONAL OFFICER; AND**

(2) **THE WAIVER IS GIVEN AFTER THE CORRECTIONAL OFFICER IS GIVEN AN OPPORTUNITY TO CONSULT WITH LEGAL COUNSEL SELECTED BY THE**

CORRECTIONAL OFFICER OR A REPRESENTATIVE FROM THE CORRECTIONAL OFFICER'S EMPLOYEE ORGANIZATION.";

in line 25, after "**INTERROGATION**" insert "**BY THE APPOINTING AUTHORITY OR**"; in line 30, after "**UNIT**" insert "**OR A DESIGNEE OF THE APPOINTING AUTHORITY**"; and strike in their entirety lines 31 through 33.

On page 5, strike in their entirety lines 1 through 8; in lines 9, 24, and 29, strike "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively; in line 9, strike "**BEFORE**" and substitute "**AT LEAST 24 HOURS BEFORE**"; in line 12, strike "**INTERNAL INVESTIGATIVE UNIT MEMBER**" and substitute "**PERSON**"; in line 20, after "**INVESTIGATION;**" insert "**AND**"; strike line 21 in its entirety; and in line 22, strike "**(III)**" and substitute "**(II)**".

AMENDMENT NO. 4

On page 6, in lines 3, 9, 10, and 18, strike "**(G)**", "**(5)**", "**(H)**", and "**(I)**", respectively, and substitute "**(F)**", "**(3)**", "**(G)**", and "**(H)**", respectively; in line 5, after "**ROOM;**" insert "**OR**"; strike lines 6 through 8, inclusive; in line 11, strike "**INTERROGATING OFFICER**" and substitute "**PERSON**"; strike beginning with the colon in line 13 down through "**(II)**" in line 16; and strike in their entirety lines 21 through 30, inclusive, and substitute:

"**(I) (1) IF REQUESTED BY OR ON BEHALF OF THE CORRECTIONAL OFFICER UNDER INVESTIGATION, THE CORRECTIONAL OFFICER MAY NOT BE QUESTIONED OR INTERROGATED, AND ANY CURRENT QUESTIONING OR INTERROGATION MUST CEASE, UNLESS:**

(I) 1. THE CORRECTIONAL OFFICER IS REPRESENTED BY LEGAL COUNSEL SELECTED BY THE CORRECTIONAL OFFICER;

2. THE CORRECTIONAL OFFICER IS REPRESENTED BY AN AGENT OF THE EXCLUSIVE REPRESENTATIVE OF THE CORRECTIONAL OFFICER DESIGNATED UNDER § 3–406 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; OR

3. THE CORRECTIONAL OFFICER CHOOSES AN AGENT OF THE EMPLOYEE ORGANIZATION SELECTED BY THE CORRECTIONAL

OFFICER FOR AN INVESTIGATION UNDER THIS SUBTITLE IF THE CORRECTIONAL OFFICER IS NOT WITHIN THE BARGAINING UNIT FOR WHICH AN EXCLUSIVE REPRESENTATIVE IS DESIGNATED; AND

(II) THE LEGAL COUNSEL OR THE AGENT SELECTED BY THE CORRECTIONAL OFFICER IS PRESENT AND AVAILABLE FOR CONSULTATION AT ALL TIMES DURING THE INTERROGATION.".

On page 7, strike in their entirety lines 1 through 3, inclusive; in line 16, after "**RECORD**" insert "**OUTSIDE THE PRESENCE OF THE CORRECTIONAL OFFICER**"; in line 18, strike "**(L)**" and substitute "**(J)**"; and after line 25, insert:

"**(K) (1) THE PERSON ASSIGNED TO CONDUCT THE INVESTIGATION MAY ORDER THE CORRECTIONAL OFFICER UNDER INVESTIGATION TO SUBMIT TO BLOOD ALCOHOL TESTS, BLOOD, BREATH, OR URINE TESTS FOR CONTROLLED DANGEROUS SUBSTANCES, POLYGRAPH EXAMINATIONS, OR INTERROGATIONS THAT SPECIFICALLY RELATE TO THE SUBJECT MATTER OF THE INVESTIGATION.**

(2) IF THE CORRECTIONAL OFFICER IS ORDERED TO SUBMIT TO A TEST, EXAMINATION, OR INTERROGATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION AND THE CORRECTIONAL OFFICER REFUSES TO DO SO, THE APPOINTING AUTHORITY MAY COMMENCE AN ACTION THAT MAY LEAD TO DISCIPLINE AS A RESULT OF THE REFUSAL.

(3) IF A CORRECTIONAL OFFICER IS ORDERED TO SUBMIT TO A TEST, EXAMINATION, OR INTERROGATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE RESULTS OF THE TEST, EXAMINATION, OR INTERROGATION ARE NOT ADMISSIBLE OR DISCOVERABLE IN A CRIMINAL PROCEEDING AGAINST THE CORRECTIONAL OFFICER.

(L) (1) IF THE CORRECTIONAL OFFICER IS ORDERED TO SUBMIT TO A POLYGRAPH EXAMINATION, THE RESULTS OF THE POLYGRAPH EXAMINATION MAY NOT BE USED AS EVIDENCE IN A HEARING BOARD OR AN ADMINISTRATIVE HEARING UNLESS THE APPOINTING AUTHORITY AND THE CORRECTIONAL OFFICER AGREE TO THE ADMISSION OF THE RESULTS.

(2) THE CORRECTIONAL OFFICER'S COUNSEL OR REPRESENTATIVE NEED NOT BE PRESENT DURING THE ACTUAL ADMINISTRATION OF A POLYGRAPH EXAMINATION BY A CERTIFIED POLYGRAPHER IF:

(I) THE QUESTIONS TO BE ASKED ARE REVIEWED WITH THE CORRECTIONAL OFFICER OR THE COUNSEL OR REPRESENTATIVE BEFORE THE ADMINISTRATION OF THE EXAMINATION;

(II) THE COUNSEL OR REPRESENTATIVE IS ALLOWED TO OBSERVE THE ADMINISTRATION OF THE EXAMINATION; AND

(III) A COPY OF THE FINAL REPORT OF THE EXAMINATION BY THE CERTIFIED POLYGRAPHER IS MADE AVAILABLE TO THE CORRECTIONAL OFFICER OR THE COUNSEL OR REPRESENTATIVE WITHIN A REASONABLE TIME, NOT EXCEEDING 10 DAYS, AFTER COMPLETION OF THE EXAMINATION.".

AMENDMENT NO. 5

On page 8, in line 4, after "**THE**" insert "**APPOINTING AUTHORITY OR THE**"; strike in their entirety lines 25 and 26; in line 28, before "**THE**" insert "**(A)**"; strike beginning with "**IMPOSE**" in line 28 down through "**MORE**" in line 29 and substitute "**BRING CHARGES RECOMMENDING THE IMPOSITION OF DISCIPLINE MORE THAN 90 DAYS**"; after line 31, insert:

"**(B) AN APPOINTING AUTHORITY MAY NOT RECOMMEND DISCIPLINARY ACTION AGAINST A CORRECTIONAL OFFICER FOR EXCESSIVE USE OF FORCE AGAINST AN INMATE BASED SOLELY ON THE UNCORROBORATED STATEMENT OF THE INMATE UNLESS THE APPOINTING AUTHORITY DETERMINES THAT THERE EXISTS ANY INDICIA OF RELIABILITY TO SUPPORT THE INMATE'S ALLEGATION.**

(C) THIS SECTION DOES NOT LIMIT THE RIGHT OF THE DEPARTMENT TO INVESTIGATE CLAIMS OF EXCESSIVE FORCE AGAINST INMATES TO ENSURE THE SAFETY AND SECURITY OF ITS CORRECTIONAL FACILITIES, OR FOR ANY OTHER LEGITIMATE PURPOSE.";

and after line 32, insert:

"(A) IF THE APPOINTING AUTHORITY BRINGS CHARGES RECOMMENDING DISCIPLINE AGAINST A CORRECTIONAL OFFICER, THE CHARGES SHALL CONTAIN:

(1) A STATEMENT OF FACTS AND OFFENSES ALLEGED; AND

(2) NOTICE OF THE CORRECTIONAL OFFICER'S APPEAL RIGHTS.

(B) THE APPOINTING AUTHORITY SHALL PROVIDE THE CHARGES AND NOTICE REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION TO THE CORRECTIONAL OFFICER AND TO THE CORRECTIONAL OFFICER'S LEGAL COUNSEL OR THE AGENT OF THE EMPLOYEE ORGANIZATION SELECTED BY THE CORRECTIONAL OFFICER UNDER § 10–907 OF THIS SUBTITLE.

(C) ON RECEIVING CHARGES WHICH RECOMMEND TERMINATION, DEMOTION, OR SUSPENSION WITHOUT PAY OF 10 DAYS OR GREATER, A CORRECTIONAL OFFICER MAY:

(1) FILE AN APPEAL UNDER § 11–109 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; OR

(2) WITHIN 15 DAYS AFTER RECEIVING THE CHARGES, FILE A REQUEST FOR A HEARING BY A HEARING BOARD.

(D) IF A CORRECTIONAL OFFICER RECEIVES CHARGES WHICH RECOMMEND DISCIPLINE OTHER THAN TERMINATION, DEMOTION, OR SUSPENSION WITHOUT PAY OF 10 DAYS OR GREATER, BEFORE THE APPOINTING AUTHORITY TAKES ACTION ON THE DISCIPLINE, THE CORRECTIONAL OFFICER MAY APPEAL ONLY UNDER § 11–109 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(E) AN EMERGENCY SUSPENSION IS NOT SUBJECT TO APPEAL.

(F) AN ACTION WHICH DOES NOT CONSTITUTE DISCIPLINE UNDER § 11–107 OF THE STATE PERSONNEL AND PENSIONS ARTICLE IS NOT SUBJECT TO APPEAL.

10–909.".

AMENDMENT NO. 6

On page 9, strike in their entirety lines 1 through 7, inclusive; in lines 8 and 12, strike "**(2)**" and "**(3)**", respectively, and substitute "**(A)**" and "**(B)**", respectively; strike in their entirety lines 14 through 18, inclusive; and strike beginning with "**MEMBERS,**" in line 20 down through "**DEPARTMENT.**" in line 35, and substitute "**MEMBERS.**

1. FOR CORRECTIONAL OFFICERS HOLDING THE RANK OF SERGEANT OR BELOW, THE HEARING BOARD SHALL BE COMPOSED OF TWO CORRECTIONAL OFFICERS WHO ARE MEMBERS OF THE BARGAINING UNIT, ONE OF WHOM IS THE SAME RANK AS THE CORRECTIONAL OFFICER FACING CHARGES, AND ONE CORRECTIONAL OFFICER RANKED LIEUTENANT OR HIGHER.

2. FOR CORRECTIONAL OFFICERS HOLDING THE RANK OF LIEUTENANT AND ABOVE, THE HEARING BOARD SHALL BE COMPOSED OF ONE CORRECTIONAL OFFICER OF EQUAL RANK, ONE CORRECTIONAL OFFICER OF EQUAL OR LOWER RANK, AND ONE CORRECTIONAL OFFICER OF EQUAL OR HIGHER RANK.

(II) CORRECTIONAL OFFICERS ASSIGNED TO SERVE ON A HEARING BOARD SHALL BE RANDOMLY SELECTED FROM A ROTATING LIST OF CORRECTIONAL OFFICERS ELIGIBLE TO SERVE ON DISCIPLINARY HEARING BOARDS MAINTAINED BY THE DEPARTMENT.

(III) THE DEPARTMENT, AFTER CONSULTATION WITH THE EXCLUSIVE REPRESENTATIVE FOR THE CORRECTIONAL OFFICERS WHO ARE COVERED BY THIS SUBTITLE, SHALL DETERMINE:

1. THE MANNER OF SELECTION OF CORRECTIONAL OFFICERS WHO ARE ELIGIBLE TO SERVE ON A ROTATING LIST; AND

2. THE MANNER OF THE SELECTION OF CORRECTIONAL OFFICERS FOR A HEARING BOARD.

(IV) CORRECTIONAL OFFICERS ASSIGNED TO SERVE ON A HEARING BOARD SHALL BE FROM A FACILITY OTHER THAN THE FACILITY TO WHICH THE CORRECTIONAL OFFICER FACING CHARGES IS REGULARLY ASSIGNED, AND MAY NOT HAVE HAD A ROLE IN THE INVESTIGATION OR THE INTERROGATION OF THE CORRECTIONAL OFFICER AGAINST WHOM THE CHARGES ARE FILED, OR BE INVOLVED IN ANY WAY WITH THE INCIDENTS THAT ARE THE SUBJECT OF THE COMPLAINT.

(V) 1. THE HIGHEST RANKING MEMBER OF THE HEARING BOARD SHALL SERVE AS THE HEARING BOARD CHAIR.

2. THE CHAIR OF THE HEARING BOARD:

A. SHALL PARTICIPATE IN ANY DELIBERATIONS; BUT

B. MAY ONLY VOTE ON THE DECISION IN THE EVENT OF A TIE; AND

C. MAY FILE A STATEMENT OF POSITION FOR THE RECORD.

3. THE CHAIR OF THE HEARING BOARD SHALL BE FROM A DIFFERENT FACILITY THAN THE OTHER BOARD MEMBERS.".

On page 10, in line 1, strike "**(II)**" and substitute "**(VI)**"; in line 3, after "**BOARD**" insert "**FOR MEMBERS OF THE COLLECTIVE BARGAINING UNIT**"; strike in their entirety lines 4 through 12, inclusive; and in line 13, strike "**(4)**" and substitute "**(2)**".

On page 11, in lines 8 and 9, strike "**INTERNAL INVESTIGATIVE UNIT**" and substitute "**DEPARTMENT**"; in line 11, after "**(3)**" insert "**(I)**"; in line 12, after "**BY**" insert "**LEGAL**"; in the same line, after "**COUNSEL**" insert "**THEY EACH MAY SELECT**"; and after line 12, insert:

"**(II) IN THE ALTERNATIVE, A CORRECTIONAL OFFICER MAY BE REPRESENTED:**

1. BY AN AGENT OF THE EXCLUSIVE REPRESENTATIVE OF THE CORRECTIONAL OFFICER DESIGNATED UNDER § 3–406 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; OR

2. IF THE CORRECTIONAL OFFICER IS NOT WITHIN THE BARGAINING UNIT FOR WHICH AN EXCLUSIVE REPRESENTATIVE IS DESIGNATED UNDER § 3–406 OF THE STATE PERSONNEL AND PENSIONS ARTICLE, BY ANY PERSON CHOSEN BY THE CORRECTIONAL OFFICER.".

AMENDMENT NO. 7

On page 12, strike in their entirety lines 12 through 17, inclusive, and substitute:

"**(I) (1) A CORRECTIONAL OFFICER SHALL BE GRANTED RELEASE TIME FROM THE CORRECTIONAL OFFICER'S NORMAL WORK SCHEDULE TO ATTEND A CONFERENCE OR HEARING AS A WITNESS.**

(2) EXPENSES INCURRED IN CONNECTION WITH ATTENDANCE BY A CORRECTIONAL OFFICER AT CONFERENCES OR HEARINGS, WHETHER AS A GRIEVANT, AS A GRIEVANT'S REPRESENTATIVE, OR AS A WITNESS, SHALL BE BORNE BY THE DEPARTMENT.";

in line 23, strike "**10–909**" and substitute "**10–910**"; and in line 25, strike "**10–908**" and substitute "**10–909**".

AMENDMENT NO. 8

On page 13, in line 2, strike "**CLEAR AND CONVINCING**" and substitute "**A PREPONDERANCE OF THE**"; strike beginning with "**FAULT**" in line 2 down through "**ACTIONS**" in line 3 and substitute "**THAT THE CORRECTIONAL OFFICER ENGAGED IN MISCONDUCT ON ANY OF THE CHARGES**"; after line 3, insert:

"**(5) THE HEARING BOARD SHALL MAKE A SEPARATE FINDING OF GUILTY OR NOT GUILTY AS TO EACH OFFENSE ALLEGED.**";

in lines 4, 11, and 15, strike "**(5)**", "**(6)**", and "**(7)**", respectively, and substitute "**(6)**", "**(7)**", and "**(9)**", respectively; in line 9, after "**PERFORMANCE**" insert "**, THE RELATION OF THE CONTEMPLATED DISCIPLINARY ACTION TO ANY PRIOR DISCIPLINARY ACTION,**"; in line 11, strike "**DECIDE**" and substitute "**RECOMMEND**"; in line 12, after "**INCLUDING**" insert "**DISCIPLINARY SUSPENSION WITHOUT PAY,**"; after line 14, insert:

"**(8) FOR THE PURPOSES OF THIS SUBSECTION, PERFORMANCE–BASED OFFENSES SHALL BE CONSIDERED ONE TYPE OF OFFENSE AND ATTENDANCE–BASED OFFENSES SHALL BE CONSIDERED ANOTHER TYPE OF OFFENSE.**";

in line 18, strike "**OR**" and substitute "**AND**"; and strike in their entirety lines 23 through 29, inclusive, and substitute:

"**(B) (1) WITHIN 30 DAYS AFTER RECEIPT OF THE RECOMMENDATIONS OF THE HEARING BOARD, THE APPOINTING AUTHORITY SHALL:**

(I) REVIEW THE FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF THE HEARING BOARD; AND

(II) ISSUE A FINAL ORDER.

(2) THE FINAL ORDER AND DECISION OF THE APPOINTING AUTHORITY IS BINDING, BUT MAY BE APPEALED IN ACCORDANCE WITH § 10–911 OF THIS SUBTITLE.

(3) THE RECOMMENDATION OF A PENALTY BY THE HEARING BOARD IS NOT BINDING ON THE APPOINTING AUTHORITY.

(4) THE APPOINTING AUTHORITY SHALL CONSIDER THE CORRECTIONAL OFFICER'S PAST JOB PERFORMANCE AND THE RELATION OF THE CONTEMPLATED DISCIPLINARY ACTION TO ANY PRIOR DISCIPLINARY ACTION BEFORE IMPOSING A PENALTY.

(5) BEFORE TERMINATING A CORRECTIONAL OFFICER UNDER THIS SUBSECTION, THE APPOINTING AUTHORITY SHALL OBTAIN APPROVAL FROM THE SECRETARY.

(6) WITH THE APPROVAL OF THE SECRETARY, THE APPOINTING AUTHORITY MAY INCREASE THE RECOMMENDED PENALTY OF THE HEARING BOARD IF THE APPOINTING AUTHORITY:

(I) REVIEWS THE ENTIRE RECORD OF THE PROCEEDINGS OF THE HEARING BOARD;

(II) MEETS WITH THE CORRECTIONAL OFFICER AND ALLOWS THE CORRECTIONAL OFFICER TO BE HEARD ON THE RECORD;

(III) AT LEAST 10 DAYS BEFORE THE MEETING, DISCLOSES AND PROVIDES IN WRITING TO THE CORRECTIONAL OFFICER ANY ORAL OR WRITTEN COMMUNICATION NOT INCLUDED IN THE RECORD OF THE HEARING BOARD ON WHICH THE DECISION TO CONSIDER INCREASING THE PENALTY IS WHOLLY OR PARTLY BASED; AND

(IV) STATES ON THE RECORD THE SUBSTANTIAL EVIDENCE ON WHICH THE APPOINTING AUTHORITY RELIED TO SUPPORT THE INCREASE OF THE RECOMMENDED PENALTY.".

AMENDMENT NO. 9

On page 14, in line 1, strike "**(E)**" and substitute "**(C)**"; in line 8, strike "**10–910**" and substitute "**10–911**"; in line 9, strike "**10–909**" and substitute "**10–910**"; in line 14, strike "**10–911**" and substitute "**10–912**"; in line 15, strike "**(1)**"; in the same line, strike "**WRITTEN**"; in lines 18, 20, 22, 24, and 26, strike "**(I)**", "**1.**", "**2.**", "**(II)**", and "**(2)**", respectively, and substitute "**(1)**", "**(I)**", "**(II)**", "**(2)**", and "**(B)**", respectively; and strike in their entirety lines 28 through 31, inclusive.

On page 15, strike in their entirety lines 1 through 8, inclusive; in line 9, strike "**10–912**" and substitute "**10–913**"; in line 10, after "**SUSPENSION**" insert "**WITH PAY**"; in line 22, after "**BOARD**" insert "**OR THE OFFICE OF ADMINISTRATIVE HEARINGS**"; and strike line 32 in its entirety.

On page 16, strike in their entirety lines 1 through 17, inclusive.

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0887/763529/1

BY: Senator Colburn

AMENDMENT TO SENATE BILL 887, AS AMENDED
(First Reading File Bill)

On page 4 of the Judicial Proceedings Committee Amendments (SB0887/148770/1), strike beginning with "**THE**" in line 17 of Amendment No. 4 down through "**DESIGNATED**" in line 21 and substitute "**THE CORRECTIONAL OFFICER IS REPRESENTED BY A PERSON CHOSEN BY THE CORRECTIONAL OFFICER**".

On page 8 of the bill, in line 21, strike "**EXCLUSIVE BARGAINING**".

On page 11 of the Judicial Proceedings Committee Amendments, strike beginning with "**IF**" in line 4 of Amendment No. 6 down through "**ARTICLE,**" in line 7.

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

Affirmative – 11 Negative – 35 (See Roll Call No. 1052)

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 948 – Senator Raskin

AN ACT concerning

Child Abuse and Neglect – Disclosure of Information

SB0948/418170/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 948
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Raskin" and substitute "Senators Raskin, Brochin, Forehand, Jacobs, Simonaire, and Stone".

AMENDMENT NO. 2

On page 3, in line 27, strike "**OR NEAR FATALITY**".

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 990 – Senators Forehand, Madaleno, Pinsky, and Raskin

AN ACT concerning

Courts and Judicial Proceedings – Strategic Lawsuits Against Public Participation

SB0990/228373/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 990
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 4 down through "term;" in line 13 and substitute "modifying a certain definition of a strategic lawsuit against public participation (SLAPP suit); providing that a defendant in a SLAPP suit is not civilly liable under certain circumstances;".

AMENDMENT NO. 2

On page 1, after line 14, insert:

"BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 5–807(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)";

and in line 17, strike "5–807" and substitute "5–807(b) and (c)".

AMENDMENT NO. 3

On page 2, in line 2, strike the brackets; in line 7, strike "**AND**"; in lines 8 and 11, in each instance, strike the bracket; and in line 9, after "inhibit" insert "**OR INHIBITS**".

AMENDMENT NO. 4

On page 2, in line 17, after "body" insert "**OR ANY ISSUE OF PUBLIC CONCERN**".

AMENDMENT NO. 5

On pages 2 through 4, strike in their entirety the lines beginning with line 18 on page 2 through line 9 on page 4, inclusive.

The preceding 5 amendments were read only.

Senator Kelley moved, duly seconded, to make the Bill and Amendments a Special Order for April 9, 2010.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #32

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

House Bill 473 – The Speaker (By Request – Administration) and Delegates Busch, Vallario, Rosenberg, Ali, Anderson, Barkley, Barnes, Bartlett, Barve, Beidle, Branch, Bromwell, Cardin, Carr, Conway, Davis, DeBoy, Doory, Dumais, Dwyer, Eckardt, Elmore, Feldman, Frank, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Haddaway, Hammen,

Haynes, Healey, Hecht, Hixson, Holmes, Howard, Hubbard, Ivey, Jennings, Jones, Kaiser, Kelly, King, Kirk, Kramer, Lee, Levi, Levy, Love, Malone, Manno, Mathias, McComas, McConkey, McDonough, McHale, McIntosh, Miller, Montgomery, Morhaim, Murphy, Niemann, O'Donnell, Oaks, Olszewski, Pena–Melnyk, Proctor, Ramirez, Reznik, Rice, Ross, Rudolph, Shewell, Smigiel, Stein, Stifler, Tarrant, Taylor, V. Turner, Valderrama, Vaughn, ~~and Walker~~ Walker, and Conaway

AN ACT concerning

Criminal Procedure – Sexual Offenders – Lifetime Supervision

HB0473/848976/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 473
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "supervision;" insert "adding certain hearings related to lifetime sexual offender supervision to the list of subsequent proceedings for which the State's Attorney is required to provide a certain notice to a certain victim or victim's representative;"; in line 8, after the first "supervision;" insert "authorizing a sentence for certain persons to include a term of lifetime sexual offender supervision;"; and in line 14, after "circumstances;" insert "requiring the sentencing court to order a certain risk assessment under certain circumstances;".

On page 2, strike beginning with "clarifying" in line 2 down through "law;" in line 4; in line 7, before "prohibiting" insert "requiring certain judges to hear certain violations and certain petitions;"; strike beginning with "clarifying" in line 10 down through "law;" in line 11; and in line 26, strike "11–701" and substitute "11–503, 11–701,".

AMENDMENT NO. 2

On page 3, after line 14, insert:

"11–503.

(a) In this section, "subsequent proceeding" includes:

(1) a sentence review under § 8–102 of this article;

(2) a hearing on a request to have a sentence modified or vacated under the Maryland Rules;

(3) in a juvenile delinquency proceeding, a review of a commitment order or other disposition under the Maryland Rules;

(4) an appeal to the Court of Special Appeals;

(5) an appeal to the Court of Appeals; **[**and**]**

(6) A HEARING ON AN ADJUSTMENT OF SPECIAL CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION UNDER § 11–723 OF THIS TITLE OR A HEARING ON A VIOLATION OF SPECIAL CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION OR A PETITION FOR DISCHARGE FROM SPECIAL CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION UNDER § 11–724 OF THIS TITLE; AND

(7) any other postsentencing court proceeding.

(b) Following conviction or adjudication and sentencing or disposition of a defendant or child respondent, the State's Attorney shall notify the victim or victim's representative of a subsequent proceeding in accordance with § 11–104(e) of this title if:

(1) before the State's Attorney distributes notification request forms under § 11–104(c) of this title, the victim or victim's representative submitted to the State's Attorney a written request to be notified of subsequent proceedings; or

(2) after the State's Attorney distributes notification request forms under § 11–104(c) of this title, the victim or victim's representative submits a notification request form in accordance with § 11–104(d) of this title.

(c) (1) The State's Attorney's office shall:

(i) notify the victim or victim's representative of all appeals to the Court of Special Appeals and the Court of Appeals; and

(ii) send an information copy of the notification to the office of the Attorney General.

(2) After the initial notification to the victim or victim's representative or receipt of a notification request form, as defined in § 11–104 of this title, the office of the Attorney General shall:

(i) notify the victim or victim's representative of each subsequent date pertinent to the appeal, including dates of hearings, postponements, and decisions of the appellate courts; and

(ii) send an information copy of the notification to the State's Attorney's office.

(d) A notice sent under this section shall include the date, the time, the location, and a brief description of the subsequent proceeding.".

AMENDMENT NO. 3

On page 8, in line 7, after "**§ 3–305,**" insert "**OR**"; and in the same line, strike "**, OR § 3–307(A)(1) OR (2)**"; in line 14, after the semicolon, insert "**AND**"; strike lines 15 and 16 in their entirety; in line 17, strike "**(6)**" and substitute "**(5)**"; in line 18, after "**ONCE**" insert "**ARISING OUT OF SEPARATE INCIDENTS**"; strike beginning with "**AS**" in line 19 down through "**OFFENDER**" in line 20; after line 20, insert:

"**(B) EXCEPT WHERE A TERM OF NATURAL LIFE WITHOUT THE POSSIBILITY OF PAROLE IS IMPOSED, A SENTENCE FOR A VIOLATION OF § 3–307(A)(1) OR (2) MAY INCLUDE A TERM OF LIFETIME SEXUAL OFFENDER SUPERVISION.**";

in line 21, strike "(b)" and substitute "**(C)**"; in line 27, strike "**(C)**" and substitute "**(D)**"; in the same line, strike "**THE**" and substitute "**FOR A SENTENCE THAT INCLUDES A TERM OF LIFETIME SEXUAL OFFENDER SUPERVISION, THE**"; in line 32, after "**ORDER**" insert "**:**

(I)";

and in line 33, after "**ARTICLE**" insert "**; AND**

(II) FOR A SENTENCE FOR A VIOLATION OF § 3–307(A)(1) OR (2), A RISK ASSESSMENT OF THE PERSON CONDUCTED BY A SEXUAL OFFENDER TREATMENT PROVIDER".

On page 9, strike in their entirety lines 28 through 30, inclusive.

On page 11, after line 16, insert:

"**(1) ON WRITTEN CHARGES UNDER OATH OR ON VIOLATION OF A CONDITION OF SUPERVISION, ISSUE A WARRANT REQUIRING THE PERSON UNDER SUPERVISION TO BE BROUGHT OR TO APPEAR BEFORE THE JUDGE ISSUING THE WARRANT:**

(I) TO ANSWER THE CHARGE OF VIOLATION OF CONDITIONS OF SUPERVISION; AND

(II) TO BE PRESENT FOR THE SETTING OF A HEARING DATE FOR THAT CHARGE;";

in line 17, strike "**(1)**"; in line 25, before "**REMAND**" insert "**(2)**"; in line 26, after the second "**THE**" insert "**HEARING OR**"; in line 27, strike the first "**A**" and substitute "**THE**"; strike beginning with "**OF**" in line 27 down through "**SUPERVISION**" in line 28; in line 29, strike "**(2)**" and substitute "**(3)**"; in the same line, after "**IF**" insert "**AT THE HEARING**"; and in line 30, strike "**COMMITTED A VIOLATION OF**" and substitute "**VIOLATED**".

AMENDMENT NO. 4

On page 12, before line 7, insert:

"**(F) (1) THE JUDGE WHO ORIGINALLY IMPOSED THE LIFETIME SEXUAL OFFENDER SUPERVISION SHALL HEAR ANY CHARGE OF VIOLATION OF CONDITIONS OF SUPERVISION.**

(2) IF THE JUDGE HAS BEEN REMOVED FROM OFFICE, HAS DIED OR RESIGNED, OR IS OTHERWISE INCAPACITATED, ANOTHER JUDGE MAY ACT IN THE MATTER.";

in line 7, strike "**(F)**" and substitute "**(G)**"; strike beginning with "**IS**" in line 25 down through "**OTHERS**" in line 26 and substitute "no longer poses an unacceptable risk to community safety"; and strike lines 32 and 33 in their entirety.

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:

House Bill 931 – The Speaker (By Request – Administration) and Delegates Busch, Carter, G. Clagett, Conway, Ivey, Kelly, Schuler, Simmons, Valderrama, and Waldstreicher

AN ACT concerning

Public Safety – Sexual Offender Advisory Board

HB0931/448972/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 931
(Third Reading File Bill)

On page 5, in line 4, after "teams" insert "**;**

(8) CONSIDER WAYS TO INCREASE COOPERATION AMONG STATES WITH REGARD TO SEXUAL OFFENDER REGISTRATION AND MONITORING; AND

(9) CONSIDER OPTIONS FOR PROHIBITING SEXUAL OFFENDERS FROM LIVING WITHIN A CERTAIN DISTANCE OF A SCHOOL, CHURCH, OR OTHER PLACE WHERE CHILDREN CONGREGATE".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 936 – The Speaker (By Request – Administration) and Delegates Conway, Mathias, Busch, Carter, G. Clagett, Davis, Ivey, Kelly, Minnick, Schuler, Simmons, Valderrama, ~~and Vaughn~~ Vaughn, Frank, Aumann, George, Jennings, McComas, Olszewski, Shank, Smigiel, Stifler, McConkey, Barnes, Conaway, Dumais, Kramer, Rosenberg, Anderson, Dwyer, Levi, Ramirez, Hecht, Bobo, Carr, Frick, Glenn, Hucker, Kullen, Lee, Montgomery, Murphy, Niemann, Rice, and Rudolph

AN ACT concerning

Criminal Procedure – Sex Offenders – Notification and Registration

HB0936/418870/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 936
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Criminal Procedure" and substitute "Crimes"; in the same line, strike "and" and substitute a comma; in the same line, after "Registration" insert ", Commitment, and Court Procedures"; in line 3, after the first "of" insert "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;"; and strike beginning with "altering" in line 8 down through "judgment;" in line 9.

On page 2, in line 17, after "period;" insert "requiring a certain sexual offender registrant who establishes a new electronic mail address, computer log–in or screen name or identity, instant–message identity, or electronic chat room identity to provide written notice to the sexual offender registry of the new information within a certain period after establishing the new address, name, or identity;"; and in lines 29 and 30, strike "a certain term" and substitute "certain terms".

On page 3, in line 6, after "person;" insert "prohibiting a certain person required to register as a sexual offender from knowingly failing to provide any information required to be included in a registration statement; 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 of Public Safety and Correctional Services 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 certain provisions of this Act have no effect on the operation of certain provisions of the Code; providing for the construction and application of certain provisions of this Act;"; strike beginning with "requiring" in line 7 down through "date;" in line 8; in line 11, after "terms;" insert "making certain provisions of this Act subject to a certain contingency;"; in the same line, after "registration" insert ", commitment, and court procedures"; after line 11, insert:

"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
(2006 Replacement Volume and 2009 Supplement)";

in line 14, strike "11–702,"; in line 15, strike "and 11–721" and substitute "11–721, and 11–723"; in line 21, after "Section" insert "11–702 and"; and after line 28, insert:

"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)".

AMENDMENT NO. 2

On page 3, after line 30, insert:

"Article – Criminal Law

1–101.

(g) "Minor" means an individual under the age of 18 years.

Article – Courts and Judicial Proceedings

10–916.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ACT OF SEXUAL MISCONDUCT INVOLVING A MINOR" MEANS A CONVICTION FOR:

(I) A VIOLATION OF § 3–602 OF THE CRIMINAL LAW ARTICLE;

(II) A VIOLATION OF FORMER ARTICLE 27, § 35C OF THE CODE OCCURRING BEFORE OCTOBER 1, 2002, THAT INVOLVED SEXUAL ABUSE OF A MINOR;

(III) A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A MINOR; OR

(IV) A VIOLATION OF FEDERAL LAW OR THE LAW OF ANOTHER STATE THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ANY OF THE CRIMES SPECIFIED IN ITEMS (I) THROUGH (III) OF THIS PARAGRAPH.

(3) "MINOR" HAS THE MEANING STATED IN § 1–101 OF THE CRIMINAL LAW ARTICLE.

(B) SUBJECT TO SUBSECTION (D) OF THIS SECTION, IN A PROSECUTION FOR A VIOLATION OF § 3–602 OF THE CRIMINAL LAW ARTICLE OR A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A MINOR, EVIDENCE OF THE DEFENDANT'S COMMISSION OF A SEPARATE ACT OF SEXUAL MISCONDUCT INVOLVING A MINOR IS ADMISSIBLE IF THE COURT:

(1) (I) IN A BENCH TRIAL, FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT COMMITTED THE SEPARATE ACT; OR

(II) IN A JURY TRIAL, FINDS THAT A REASONABLE JURY COULD FIND BY CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT COMMITTED THE SEPARATE ACT; AND

(2) FINDS THAT THE PROBATIVE VALUE OF THE EVIDENCE IS NOT SUBSTANTIALLY OUTWEIGHED BY THE DANGER OF UNFAIR PREJUDICE AGAINST THE DEFENDANT.

(C) (1) IF THE STATE INTENDS TO OFFER EVIDENCE UNDER THIS SECTION, THE STATE'S ATTORNEY SHALL DISCLOSE THE EVIDENCE TO THE DEFENDANT AT LEAST 15 DAYS BEFORE THE SCHEDULED DATE OF TRIAL, UNLESS THE COURT ALLOWS DISCLOSURE AT A LATER TIME FOR GOOD CAUSE SHOWN.

(2) THE DISCLOSURE SHALL INCLUDE STATEMENTS OF WITNESSES OR A SUMMARY OF THE SUBSTANCE OF ANY TESTIMONY THAT THE STATE EXPECTS TO OFFER.

(D) (1) EVIDENCE DESCRIBED IN SUBSECTION (B) OF THIS SECTION MAY NOT BE REFERRED TO IN A STATEMENT TO A JURY OR INTRODUCED IN A TRIAL UNLESS THE COURT FIRST HOLDS A CLOSED HEARING AND DETERMINES THAT THE EVIDENCE IS ADMISSIBLE.

(2) IF THE COURT DETERMINES THAT ALL OR SOME OF THE EVIDENCE IS ADMISSIBLE, THE COURT SHALL ENTER AN ORDER STATING WHICH EVIDENCE MAY BE INTRODUCED.

(3) THE COURT MAY RECONSIDER A RULING EXCLUDING THE EVIDENCE AND HOLD AN ADDITIONAL CLOSED HEARING IF NEW INFORMATION IS DISCOVERED DURING THE COURSE OF THE TRIAL THAT MAY MAKE THE EVIDENCE ADMISSIBLE.

(E) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE ADMISSION OR CONSIDERATION OF EVIDENCE UNDER ANY OTHER RULE OR PROVISION OF LAW.

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

On page 34, before line 30, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any prosecution commenced before the effective date of this Act.".

AMENDMENT NO. 3

On page 13, strike in their entirety lines 6 through 26, inclusive, and substitute:

"**(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THIS SUBTITLE SHALL BE APPLIED RETROACTIVELY TO INCLUDE A PERSON WHO:**

(1) IS UNDER THE CUSTODY OR SUPERVISION OF A SUPERVISING AUTHORITY ON OCTOBER 1, 2010;

(2) WAS SUBJECT TO REGISTRATION UNDER THIS SUBTITLE ON SEPTEMBER 30, 2010; OR

(3) IS CONVICTED OF ANY CRIME ON OR AFTER OCTOBER 1, 2010, AND HAS A PRIOR CONVICTION FOR AN OFFENSE FOR WHICH REGISTRATION AS A SEX OFFENDER IS REQUIRED UNDER THIS SUBTITLE.";

in lines 27 and 31, strike "**(D)**" and "**(E)**", respectively, and substitute "**(B)**" and "**(C)**", respectively; and in line 32, strike "**OR (B)**".

AMENDMENT NO. 4

On page 34, after line 24, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Criminal Procedure

11–701.

[(i)**] (K)** (1) Except as otherwise provided in this subsection, "release" means any type of release from the custody of a supervising authority.

(2) "Release" means:

(i) release on parole;

(ii) mandatory supervision release;

(iii) release from a correctional facility with no required period of supervision;

(iv) work release;

(v) placement on home detention; **[**and**]**

(vi) the first instance of entry into the community that is part of a supervising authority's graduated release program**; AND**

(VII) RELEASE FROM THE CUSTODY OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE.

(3) "Release" does not include:

(i) an escape; or

(ii) leave that is granted on an emergency basis.

11–723.

(a) Except where a term of natural life without the possibility of parole is imposed, a sentence for an extended parole supervision offender shall include a term of extended sexual offender parole supervision.

(b) The term of extended sexual offender parole supervision for a defendant sentenced on or after August 1, 2006, shall:

(1) be a minimum of 3 years to a maximum of a term of life; and

(2) commence on the expiration of the later of any term of imprisonment, probation, parole, **[**or**]** mandatory supervision**, OR COMMITMENT TO A FACILITY OWNED AND OPERATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE IN ACCORDANCE WITH § 10–641 OF THE HEALTH – GENERAL ARTICLE.**

Article – Health – General

1–101.

(a) In this article the following words have the meanings indicated.

(c) "Department" means the Department of Health and Mental Hygiene.

(k) "Secretary" means the Secretary of Health and Mental Hygiene.

10–101.

(e) (1) Except as otherwise provided in this title, "facility" means any public or private clinic, hospital, or other institution that provides or purports to provide treatment or other services for individuals who have mental disorders.

(2) "Facility" does not include a Veterans' Administration hospital.

(h) "State facility" means a facility that is owned or operated by the Department.

10–634. RESERVED.

10–635. RESERVED.

PART VI. SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

10–636.

(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "COMMISSIONER" MEANS THE COMMISSIONER OF CORRECTION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(C) "COMMITTED PERSON" MEANS A PERSON WHO HAS BEEN FOUND TO BE A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT UNDER § 10–638 OF THIS SUBTITLE AND HAS BEEN COMMITTED TO A STATE FACILITY.

(D) "MENTAL ABNORMALITY" MEANS A CONGENITAL OR AN ACQUIRED CONDITION THAT AFFECTS EMOTIONAL OR VOLITIONAL CAPACITY TO PREDISPOSE A PERSON TO COMMIT A SEXUALLY VIOLENT OFFENSE IN A DEGREE THAT MAKES THE PERSON A MENACE TO THE HEALTH AND SAFETY OF OTHERS.

(E) "PREDATORY ACT" MEANS AN ACT DIRECTED TOWARD:

(1) A STRANGER; OR

(2) AN INDIVIDUAL WITH WHOM A RELATIONSHIP HAS BEEN ESTABLISHED OR PROMOTED FOR THE PRIMARY PURPOSE OF VICTIMIZATION.

(F) "SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT" MEANS AN INDIVIDUAL WHO HAS COMMITTED A SEXUALLY VIOLENT OFFENSE AND WHO IS PLACED IN THE CUSTODY OF THE SECRETARY IN ACCORDANCE WITH § 10–643 OF THIS SUBTITLE.

(G) "SEXUALLY VIOLENT OFFENSE" HAS THE MEANING STATED IN § 11–701(L) OF THE CRIMINAL PROCEDURE ARTICLE.

10–637.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE COMMISSIONER SHALL GIVE WRITTEN NOTICE TO THE ATTORNEY GENERAL AT LEAST 90 DAYS BEFORE THE ANTICIPATED RELEASE FROM A CORRECTIONAL FACILITY OF A PERSON WHO HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE.

(B) IF A PERSON IS RETURNED TO A CORRECTIONAL FACILITY FOR NOT MORE THAN 90 DAYS AS A RESULT OF REVOCATION OF POSTRELEASE SUPERVISION, THE COMMISSIONER SHALL GIVE WRITTEN NOTICE AS SOON AS PRACTICABLE.

10–638.

A PERSON IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT IF THE PERSON:

(1) HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE; AND

(2) SUFFERS FROM A MENTAL ABNORMALITY OR PERSONALITY DISORDER, AS DETERMINED UNDER § 10–639 OF THIS SUBTITLE, THAT MAKES

THE PERSON LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE.

10–639.

(A) THE ATTORNEY GENERAL SHALL DETERMINE WHETHER A PERSON ABOUT WHOM THE COMMISSIONER GIVES NOTICE UNDER § 10–637 OF THIS SUBTITLE MEETS THE CRITERIA OF A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

(B) TO MAKE THIS DETERMINATION, THE ATTORNEY GENERAL SHALL RECEIVE RECOMMENDATIONS FROM:

(1) A REVIEW COMMITTEE OF PROSECUTORS, TO BE APPOINTED BY THE ATTORNEY GENERAL; AND

(2) A MULTIDISCIPLINARY TEAM, TO BE APPOINTED BY THE COMMISSIONER FROM REPRESENTATIVES OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

10–640.

THE COMMISSIONER, EMPLOYEES AND OFFICIALS OF THE DIVISION OF CORRECTION, MEMBERS AND STAFF OF THE MULTIDISCIPLINARY TEAM AND THE REVIEW COMMITTEE OF PROSECUTORS, AND PERSONS WHO CONTRACT OR VOLUNTEER FOR SERVICES ARE NOT CIVILLY LIABLE FOR ACTS PERFORMED IN GOOD FAITH IN CARRYING OUT THIS PART.

10–641.

(A) WITHIN 75 DAYS AFTER THE ATTORNEY GENERAL RECEIVES WRITTEN NOTICE FROM THE COMMISSIONER UNDER § 10–637 OF THIS SUBTITLE, THE ATTORNEY GENERAL MAY PETITION THE CIRCUIT COURT TO FIND THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT THE PERSON NAMED IN THE PETITION IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

(B) IF THE COURT FINDS PROBABLE CAUSE EXISTS, THE COURT SHALL:

(1) DIRECT THAT THE PERSON BE TAKEN INTO THE CUSTODY OF THE SECRETARY; AND

(2) CONDUCT A TRIAL WITHIN 60 DAYS AFTER THE DATE OF THE PROBABLE CAUSE HEARING TO DETERMINE THE STATUS OF THE PERSON AS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

(C) THE PERSON NAMED IN THE PETITION SHALL BE ENTITLED TO BE REPRESENTED BY COUNSEL, TO PRESENT EVIDENCE, TO CROSS–EXAMINE WITNESSES, AND TO VIEW AND COPY ALL PETITIONS AND REPORTS IN THE COURT FILE.

10–642.

(A) THE RULES OF EVIDENCE SHALL APPLY TO A TRIAL HELD UNDER THIS SECTION.

(B) IF THE PERSON NAMED IN THE PETITION IS INDIGENT, THE COURT SHALL APPOINT COUNSEL.

(C) (1) A PERSON NAMED IN THE PETITION MAY RETAIN AN EXPERT TO PERFORM AN EXAMINATION.

(2) IF A PERSON NAMED IN THE PETITION WISHES TO BE EXAMINED BY AN EXPERT OR OTHER INDIVIDUAL CHOSEN BY THE PERSON, THE EXAMINER SHALL BE ALLOWED TO HAVE REASONABLE ACCESS TO THE PERSON AS WELL AS TO RELEVANT MEDICAL AND PSYCHOLOGICAL RECORDS AND REPORTS.

(3) THE COURT SHALL ASSIST AN INDIGENT PERSON TO OBTAIN AN EXPERT OR OTHER INDIVIDUAL TO PERFORM AN EXAMINATION OR PARTICIPATE IN THE TRIAL ON BEHALF OF THE PERSON IF THE COURT

DETERMINES THE SERVICES ARE NECESSARY AND THE REQUESTED COMPENSATION FOR THE SERVICES IS REASONABLE.

(D) THE PERSON NAMED IN THE PETITION, THE ATTORNEY GENERAL, AND THE JUDGE ARE ENTITLED TO DEMAND THAT THE TRIAL BE BEFORE A JURY.

(E) AT A TRIAL UNDER THIS SECTION, THE STATE HAS THE BURDEN OF PROVING BEYOND A REASONABLE DOUBT THAT THE PERSON NAMED IN THE PETITION IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

10–643.

IF THE COURT OR JURY DETERMINES THAT A PERSON IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT, THE PERSON SHALL BE PLACED IN THE CUSTODY OF THE SECRETARY 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 PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.

10–644.

(A) (1) A COMMITTED PERSON IS SUBJECT TO AN ANNUAL MENTAL EXAMINATION IN A STATE FACILITY.

(2) AN OFFICIAL DESIGNATED BY THE PERSON IN CHARGE OF THE STATE FACILITY SHALL COMPLETE A REPORT OF THE MENTAL EXAMINATION AND SHALL FILE A COPY OF THE REPORT WITH THE COURT THAT ORDERED THE COMMITTED PERSON TO A STATE FACILITY UNDER THIS PART.

(B) THE COURT SHALL CONDUCT AN ANNUAL STATUS REVIEW HEARING FOR EACH COMMITTED PERSON.

(C) A COMMITTED PERSON SHALL BE ENTITLED TO PETITION THE COURT FOR DISCHARGE AT THE ANNUAL STATUS REVIEW HEARING OF THE COMMITTED PERSON.

(D) (1) THE SECRETARY SHALL PROVIDE THE COMMITTED PERSON WITH AN ANNUAL WRITTEN NOTICE OF THE RIGHT OF THE COMMITTED PERSON TO PETITION THE COURT FOR RELEASE.

(2) THE SECRETARY SHALL FORWARD THE NOTICE TO THE COURT WITH THE ANNUAL REPORT.

(3) THE COMMITTED PERSON IS ENTITLED TO AN ATTORNEY TO REPRESENT THE COMMITTED PERSON AT THE ANNUAL STATUS REVIEW HEARING, BUT THE COMMITTED PERSON IS NOT ENTITLED TO BE PRESENT AT THE HEARING.

10–645.

(A) (1) THE COURT SHALL SET A RELEASE HEARING IF THE COURT AT THE ANNUAL STATUS REVIEW HEARING DETERMINES THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT THE MENTAL ABNORMALITY OR PERSONALITY DISORDER OF THE COMMITTED PERSON HAS CHANGED SO THAT THE COMMITTED PERSON IS NOT LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.

(2) AT THE RELEASE HEARING, THE COMMITTED PERSON IS ENTITLED TO BE PRESENT AND TO USE ALL OF THE PROTECTIONS, INCLUDING THE USE OF EXPERT WITNESSES, THAT WERE AVAILABLE AT THE INITIAL HEARING UNDER § 10–642 OF THIS SUBTITLE.

(3) THE ATTORNEY GENERAL:

(I) SHALL REPRESENT THE STATE AT THE RELEASE HEARING;

(II) MAY REQUEST A JURY TRIAL; AND

(III) MAY REQUEST THAT THE COMMITTED PERSON BE EVALUATED BY EXPERTS CHOSEN BY THE STATE.

(4) THE STATE HAS THE BURDEN OF PROVING BEYOND A REASONABLE DOUBT THAT THE MENTAL ABNORMALITY OR PERSONALITY DISORDER OF THE COMMITTED PERSON REMAINS SO SEVERE AS TO MAKE THE COMMITTED PERSON LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.

(B) THE COURT SHALL RELEASE A COMMITTED PERSON FROM CUSTODY IF THE COURT FINDS AT A RELEASE HEARING THAT THE STATE HAS NOT PROVEN BEYOND A REASONABLE DOUBT THAT THE COMMITTED PERSON IS NOT SAFE TO BE AT LARGE OR IS LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.

10–646.

THIS PART DOES NOT AFFECT THE OPERATION OF TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE.";

in line 30, strike "3." and substitute "5."; and after line 35, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect October 1, 2011, contingent on the Governor providing full funding for the civil commitment provisions of this Act beginning with fiscal year 2012 and, if funding is not provided, Section 3 of this Act shall be null and void without the necessity of further action by the General Assembly.".

On page 35, in line 1, strike "4." and substitute "7."; and in the same line, after "That" insert ", except as provided in Section 6 of this Act,".

AMENDMENT NO. 5

On page 5, in line 6, strike "**, FOR THE PURPOSE OF LIVING OR SLEEPING**".

On page 9, strike beginning with the comma in line 18 down through "**ADULT**" in line 19; strike in their entirety lines 24 through 28, inclusive; in lines 29 and 33,

strike "**(4)**" and "**(5)**", respectively, and substitute "**(3)**" and "**(4)**", respectively; and in line 31, strike "**(1), (2), OR (3)**" and substitute "**(1) OR (2)**".

On page 10, in lines 15 and 19, strike "**(6)**" and "**(7)**", respectively, and substitute "**(5)**" and "**(6)**", respectively.

On page 11, in line 4, strike "**§ 3–308, § 3–314,**" and substitute "**§ 3–314**"; in line 32, after the semicolon, insert "**OR**

(III) THE COMMON LAW OFFENSE OF SODOMY OR § 3–322 OF THE CRIMINAL LAW ARTICLE IF THE OFFENSE WAS COMMITTED WITH FORCE OR THREAT OF FORCE;";

in line 34, strike "**§ 3–308,**"; and in the same line, strike "**§ 3–321, § 3–322,**".

On page 12, strike beginning with "**CONSPIRING**" in line 6 down through "**(5)**" in line 12; and in lines 16, 18, 20, and 27, strike "**(6)**", "**(5)**", "**(7)**", and "**(5)**", respectively, and substitute "**(5)**", "**(3)**", "**(6)**", and "**(3)**", respectively.

On page 13, in lines 1 and 3, in each instance, strike the bracket.

On page 15, in line 33, after "**II**" insert "**SEX OFFENDER**".

On page 18, in lines 24 and 27, strike "(2)" and "(3)", respectively, and substitute "**(3)**" and "**(4)**", respectively.

On page 19, in line 3, strike "(4)" and substitute "**(5)**"; and in line 31, strike "**24 HOURS**" and substitute "**3 DAYS**".

On page 20, in line 1, strike "**THE**" and substitute "**A**"; and in line 17, strike the second "**THE**" and substitute "**EACH**".

On page 21, in line 5, strike the second "the" and substitute "**EACH**"; in lines 8 and 12, in each instance, strike "**THE**" and substitute "**EACH**"; in line 22, strike the first "**THE**" and substitute "**A**"; in line 30, strike "**LOCATION**" and substitute "**LOCATIONS**"; and after line 31, insert:

"**(J)** **A REGISTRANT WHO ESTABLISHES A NEW ELECTRONIC MAIL ADDRESS, COMPUTER LOG–IN OR SCREEN NAME OR IDENTITY, INSTANT–MESSAGE IDENTITY, OR ELECTRONIC CHAT ROOM IDENTITY SHALL SEND WRITTEN NOTICE OF THE NEW INFORMATION TO THE STATE REGISTRY WITHIN 3 DAYS AFTER THE ELECTRONIC MAIL ADDRESS, COMPUTER LOG–IN OR SCREEN NAME OR IDENTITY, INSTANT–MESSAGE IDENTITY, OR ELECTRONIC CHAT ROOM IDENTITY IS ESTABLISHED.**".

On page 25, in line 16, after "**(C)**" insert "**(1)**"; in lines 19, 21, 22, and 24, strike "**(1)**", "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; and after line 25, insert:

"**(2)** **THE TERM OF REGISTRATION FOR A REGISTRANT CONVICTED OF A TIER III SEX OFFENSE WHO WAS REQUIRED TO REGISTER ON THE BASIS OF A JUVENILE ADJUDICATION SHALL BE REDUCED TO 25 YEARS IF, IN THE 25 YEARS FOLLOWING THE DATE ON WHICH THE REGISTRANT WAS REQUIRED TO REGISTER, THE REGISTRANT:**

(I) **IS NOT CONVICTED OF ANY OFFENSE FOR WHICH A TERM OF IMPRISONMENT OF MORE THAN 1 YEAR MAY BE IMPOSED;**

(II) **IS NOT CONVICTED OF ANY SEX OFFENSE;**

(III) **SUCCESSFULLY COMPLETES, WITHOUT REVOCATION, ANY PERIOD OF SUPERVISED RELEASE, PAROLE, OR PROBATION; AND**

(IV) **SUCCESSFULLY COMPLETES AN APPROPRIATE SEX OFFENDER TREATMENT PROGRAM CERTIFIED BY THE STATE.**".

On page 26, in line 18, strike the second "the" and substitute "**EACH**"; and in line 19, after "reside" insert "**OR HABITUALLY LIVE**".

On page 28, in line 14, strike "**THE**" and substitute "**A**".

On page 29, in line 3, strike the third "the" and substitute "**EACH**"; in line 9, strike the fourth "the" and substitute "**EACH**"; and in line 33, strike the first "**THE**" and substitute "**A**".

On page 30, in line 17, in each instance, strike "**THE**" and substitute "**A**"; and in line 25, strike the first "the" and substitute "**EACH**".

On page 33, in line 23, strike the second "the" and substitute "**EACH**".

On page 34, in line 6, strike the first "**THE**" and substitute "**A**"; in the same line, strike "**RESIDES**" and substitute "**LIVES**"; and strike in their entirety lines 25 through 29, inclusive.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #33

CONSENT CALENDAR #72

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 365	FAV	Del Anderson, et al	Criminal Law – Assault – Law Enforcement Officers and Parole and Probation Agents
HB 785	FAV	Del Lee, et al	Identity Fraud – Uniform Reporting Form
HB 905	FAV	Del Valderrama, et al	Criminal Law – Prohibitions on Wearing, Carrying, or Transporting Firearms – Exceptions
HB 1023	FAV	Chr JUD (Md Jud Conf)	Criminal Procedure – Expiration Date of Sentences – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 1034 – Delegates Costa, Benson, Bobo, Bronrott, Gaines, Guzzone, Hubbard, Kullen, Manno, Mizeur, Montgomery, ~~and Waldstreicher~~ Waldstreicher, Hixson, Hammen, Pendergrass, Elliott, Jenkins, Krebs, McDonough, Morhaim, Nathan–Pulliam, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Community Services Reimbursement Rate Commission – Developmental Disabilities and Community Mental Health Services – Rate Adjustments

FOR the purpose of requiring the Community Services Reimbursement Rate Commission to ~~develop a certain update formula for determining rates paid to developmental disabilities service providers and community mental health services providers~~ determine a weighted average cost structure of certain developmental disabilities service providers and community mental health services providers in a certain manner; requiring the Commission to include in a certain existing annual report an analysis of the impact of a certain ~~update formula~~ annual inflationary cost adjustment on the financial condition of certain providers; requiring the Department of Health and Mental Hygiene to make a certain adjustment for inflation of the fees paid to certain providers ~~using a certain update formula~~ beginning in a certain fiscal year; requiring the Department to ensure that a certain annual inflationary cost adjustment is equivalent to certain other annual inflationary cost adjustments by using a certain weighted average cost structure; providing that certain annual inflationary cost adjustments used to establish a certain annual inflationary cost adjustment may not be less than a certain percentage; providing that a certain annual inflationary cost adjustment may not exceed a certain percentage; establishing the formula for the annual inflation rate adjustment for certain providers; 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 certain dates; providing for the termination of this Act; and generally relating to the Community Services Reimbursement Rate Commission and provider rate adjustments.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–806, 13–809, and 16–201.2
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 47 Members present.

(See Roll Call No. 1053)

ADJOURNMENT

At 2:00 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 9:00 A.M. on Legislative Day April 5, 2010, Calendar Day, Friday, April 9, 2010.

Annapolis, Maryland
Legislative Day: April 5, 2010
Calendar Day: Friday, April 9, 2010
9:00 A.M. Session

The Senate met at 9:09 A.M.

Prayer by Rabbi Seth Phillips, U.S. Naval Academy Jewish Chapel, guest of Senator Astle.

(See Exhibit A of Appendix III)

The Journal of April 4, 2010 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 1055)

QUORUM CALL

The presiding officer announced a quorum call, showing 41 Members present.

(See Roll Call No. 1056)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #74

Senate Bill 554 – Senator Gladden

AN ACT concerning

Rental Housing – Protection for Victims of Domestic Violence and Sexual Assault

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1057)

The Bill was then sent to the House of Delegates.

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

AN ACT concerning

Correctional Services – State Correctional Officers' Bill of Rights

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

Affirmative – 44 Negative – 2 (See Roll Call No. 1058)

The Bill was then sent to the House of Delegates.

Senate Bill 948 – ~~Senator Raskin~~ Senators Raskin, Brochin, Forehand, Jacobs, Simonaire, and Stone

AN ACT concerning

Child Abuse and Neglect – Disclosure of Information

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1059)

The Bill was then sent to the House of Delegates.

Senate Bill 1104 – Senator Astle

AN ACT concerning

Environment – Heating Oil – Sulfur Content

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1060)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 39 Negative – 7 (See Roll Call No. 1061)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #75
CONSENT CALENDAR #22

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 513	Sen. Conway	Natural Resources – No–Discharge Designation for Maryland Waters – Reports	EHE
SB 994	Sen. Pipkin	Queen Anne's County – Annual Financial Report – Filing Date	EHE
SB 1043	Sen. Stoltzfus	Hunting Wild Waterfowl – Dorchester, St. Mary's, Somerset, and Wicomico Counties	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 22 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1062)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #22
CONSENT CALENDAR #16

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 11	Del. Sophocleus	Student Stigma Act	EHE

HB 222	Del. Vaughn	Task Force on the Minority Business Enterprise Program and Equity Investment Capital	EHE
HB 295 (Emergency Bill)	Del. O'Donnell	Natural Resources – Incidental Taking Permit for Endangered Puritan Tiger Beetle – Requirements	EHE
HB 345	Del. Hucker	St Govt – St Designations – Review, Evaluation, and Recommendation by the St Archivist	EHE
HB 350	Del. Hucker	Education – Early Learning Challenge Fund – Application for Grants	EHE
HB 501	Del. Hammen	State Board of Dental Examiners – Sunset Extension and Revisions	EHE
HB 873	Del. Davis	Business Occupations and Professions – Individual Tax Preparers – Examination Requirements	EHE
HB 903	Del. Kramer	Transportation – Road Salt Management – Best Practices Guidance	EHE
HB 910	Del. Malone	State Government – Commemorative Days – Fire, Rescue, and Emergency Services Workers	EHE
HB 988	Del. George	Department of Natural Resources – Regulation of For–Hire Water Carriers	EHE
HB 1302	Del. Kipke	Health Occupations – Dental Hygienists – Practice in Long–Term Care Facilities	EHE
HB 1326	Del. Robinson	Baltimore City – Consumption of Alcoholic Beverages – Unlicensed Restaurants	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 16 were read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1063)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #23
CONSENT CALENDAR #17

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 693	Del. Hubbard	Health and Human Services Referral Board – 2–1–1 Maryland – Modifications	FIN
HB 804	Del. Kach	Health Insurance – Dental Provider Panels – Provider Contracts	FIN
HB 878	Del. Mizeur	Health Insurance – Annual Preventive Care	FIN
HB 929	The Speaker	Patient Centered Medical Home Program	FIN
HB 1093	Del. Donoghue	Health Insurance – Clinically Integrated Organizations	FIN
HB 1138 (AMENDED)	Del. Davis	Residential Multiple Occupancy Buildings and Shopping Centers – Master Meters	FIN

All of the above listed bills on the Third Reading Consent Calendar No. 17 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1064)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #24
CONSENT CALENDAR #18

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 218	Del. Elmore	Natural Resources – Oysters – Dredge Devices	EHE
HB 230	Howard County Del.	Howard County Ethics Law – Clarifications and Enhancements Ho. Co. 1–10	EHE
HB 511	St. Mary's County Del.	St. Mary's County – Annual Financial Report – Filing Date	EHE
HB 685 (AMENDED)	Del. Stein	Environment – Fluorescent and Compact Fluorescent Light Recycling – County Plans	EHE
HB 689	Del. Myers	Natural Resources – POWs and Disabled Veterans – Exception to Trout Stamp Requirement Billing	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 18 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1065)

The Bills were then sent to the House of Delegates.

House Bill 98 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Tidal Fish Licenses – Transfer and Suspension

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

Affirmative – 44 Negative – 1 (See Roll Call No. 1066)

The Bill was then sent to the House of Delegates.

House Bill 812 – Delegate Rudolph

AN ACT concerning

Environment – Water Service – ~~Property Owners~~ Billing

Senator Pipkin moved, duly seconded, to make the Bill a Special Order for April 10, 2010.

The motion was adopted.

THIRD READING CALENDAR (HOUSE BILLS) #25
CONSENT CALENDAR #19

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 319	Del. Kullen	St Bd of Nursing – Nurse Practitioners – Certfn Reqmts and Auth to Practice	EHE
HB 411	Del. Kach	Statewide Advisory Commission on Immunizations – Membership, Duties, and Sunset Repeal	EHE
HB 497	Del. G. Clagett	Public Safety – Statewide Emergency Medical Services Advisory Council – Membership	EHE
HB 777	The Speaker	Local Government – Applicability of Laws to Counties and Baltimore City	EHE
HB 863	Del. Hubbard	Maryland Professional Counselors and Therapists Act – Corrections	EHE
HB 1244	Del. Sossi	Municipal Corporations – Planning Commissions – Meetings	EHE
HB 1353	Del. Stein	Veterans Affairs – Military Health Care Provider Transition Plan	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 19 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1067)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #26

House Bill 339 – Caroline County Delegation

AN ACT concerning

Caroline County – Orphans' Court Judges – Pensions

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1068)

The Bill was then sent to the House of Delegates.

House Bill 368 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Human Services – Local Departments of Social Services – Audits

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1069)

The Bill was then sent to the House of Delegates.

House Bill 786 – Delegates Healey, Beidle, Bobo, Carr, Frush, Gaines, Glenn, Ivey, Lafferty, Niemann, Ross, ~~and Sossi~~ Sossi, McIntosh, Cane, V. Clagett, Holmes, Hucker, Malone, O'Donnell, Serafini, Shewell, Stein, Stull, and Weir

AN ACT concerning

State Highway Administration – Sidewalk or Bicycle Pathway Construction in Priority Funding Areas

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1070)

The Bill was then sent to the House of Delegates.

House Bill 923 – Delegates Levi, Benson, Haynes, Howard, Nathan–Pulliam, Oaks, Pena–Melnyk, Ramirez, Rice, Robinson, Stukes, Tarrant, Taylor, Valderrama, ~~and Vaughn~~ Vaughn, Hubbard, Kullen, Montgomery, Morhaim, Pendergrass, Reznik, and V. Turner

AN ACT concerning

Procurement – Minority Business Enterprises – Review of Application for Certification and Notice to Applicant

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1071)

The Bill was then sent to the House of Delegates.

House Bill 1056 – Dorchester County Delegation

AN ACT concerning

Dorchester County – Alcoholic Beverages – Restaurant Seating Capacity

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1072)

The Bill was then sent to the House of Delegates.

House Bill 1062 – Delegates Healey, Ross, Frick, Gaines, Hixson, Howard, Ivey, Stukes, and Walker

AN ACT concerning

Property Tax Credit – Urban Agricultural ~~Activities~~ Property

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1073)

The Bill was then sent to the House of Delegates.

House Bill 1135 – Delegates Ross, Holmes, Levi, ~~and Niemann~~ Niemann, Frick, and Ivey

AN ACT concerning

Property Tax Credit – Grocery Stores – Low–Income Areas

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1074)

The Bill was then sent to the House of Delegates.

House Bill 1201 – Calvert County Delegation

AN ACT concerning

Calvert County – Noise Control Ordinance

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1075)

The Bill was then sent to the House of Delegates.

House Bill 1267 – Delegate Niemann

AN ACT concerning

Business Regulation – Returnable Containers – Plastic Secondary Packaging

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1076)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #27

House Bill 50 – Delegate G. Clagett

AN ACT concerning

Agriculture – ~~Specialty Fertilizers~~ Lawn Fertilizer – Low Phosphorous Fertilizer

Senator Pipkin moved, duly seconded, to make the Bill a Special Order for April 10, 2010.

The motion was adopted.

House Bill 73 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Water Quality Revolving Loan Fund – Use of Funds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1077)

The Bill was then sent to the House of Delegates.

House Bill 111 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

~~Charter~~ Counties – Local Laws – ~~Digital~~ Copies for Legislative Delegations

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1078)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1079)

The Bill was then sent to the House of Delegates.

House Bill 420 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Secretary of Agriculture – Mosquito Control – Enforcement Authority

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

Affirmative – 31 Negative – 14 (See Roll Call No. 1080)

The Bill was then sent to the House of Delegates.

House Bill 551 – Wicomico County Delegation

AN ACT concerning

Wicomico County – Alcoholic Beverages – Beer Tasting – Workers in Licensed Establishments

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

The motion was adopted.

House Bill 851 – Talbot County Delegation

AN ACT concerning

Talbot County – Deer Hunting on Private Property – Sundays

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

Affirmative – 44 Negative – 1 (See Roll Call No. 1081)

The Bill was then sent to the House of Delegates.

House Bill 943 – Delegates McIntosh, Beidle, Bobo, Bronrott, Cane, Carr, DeBoy, Dumais, Frick, Frush, Glenn, Healey, Hecht, Howard, Hucker, Kaiser, Kullen, Lafferty, McHale, Montgomery, Morhaim, Niemann, Olszewski, Ramirez, Reznik, Riley, and Weir

AN ACT concerning

Chesapeake Conservation Corps Program

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

Affirmative – 36 Negative – 10 (See Roll Call No. 1082)

The Bill was then sent to the House of Delegates.

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

AN ACT concerning

Nutrient Trading – Voluntary Agricultural Nutrient Credit Certification Program

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

Affirmative – 43 Negative – 0 (See Roll Call No. 1083)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #28

House Bill 277 – Howard County Delegation

AN ACT concerning

Howard County and Prince George's County – Tax Sales – Auctioneers' Fees

Ho. Co. 4–10

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

Affirmative – 44 Negative – 1 (See Roll Call No. 1084)

The Bill was then sent to the House of Delegates.

House Bill 282 – ~~Delegate Pena–Melnyk~~ Delegates Pena–Melnyk and Bobo

AN ACT concerning

Transportation Projects – Bicycle and Pedestrian Access – Funding and Reporting

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

The motion was adopted.

House Bill 443 – Delegates Ivey, Vallario, Bartlett, Cardin, Elmore, Frick, George, Gilchrist, Howard, Kaiser, Murphy, Myers, Olszewski, Rice, Shank, Stukes, F. Turner, and Walker

AN ACT concerning

Inheritance Tax – Exemption – Surviving Spouses of Predeceasing Descendants

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1085)

The Bill was then sent to the House of Delegates.

House Bill 469 – The Speaker (By Request – Administration) and Delegates Rosenberg, Hixson, Doory, Cardin, Bartlett, Frick, Kaiser, Ross, F. Turner, Beidle, Bobo, Bronrott, Carr, DeBoy, Haddaway, Hecht, Levy, Love, Malone, Manno, Mathias, Niemann, Reznik, Shewell, ~~and Stein~~ Stein, Gilchrist, Ivey, Rice, Murphy, Howard, Barve, Walker, Olszewski, and Stukes

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 – 46 Negative – 0 (See Roll Call No. 1086)

The Bill was then sent to the House of Delegates.

House Bill 861 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Enterprise Zones – ~~County~~ Tax Credits

MC 2–10

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1087)

The Bill was then sent to the House of Delegates.

House Bill 915 – Delegates Jones, Benson, Bohanan, Burns, Cane, Carr, Davis, Gaines, Glenn, Griffith, Harrison, Haynes, Howard, Ivey, Kirk, Levi, Nathan–Pulliam, Oaks, Proctor, Rice, Robinson, Stukes, Taylor, F. Turner, Vallario, and Walker

AN ACT concerning

African American Heritage Preservation Program

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

Affirmative – 42 Negative – 3 (See Roll Call No. 1088)

The Bill was then sent to the House of Delegates.

House Bill 966 – Washington County Delegation

AN ACT concerning

Washington County – Salary Study Process

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1089)

The Bill was then sent to the House of Delegates.

House Bill 1161 – Delegates Jones, Burns, Busch, Hammen, and Nathan–Pulliam

AN ACT concerning

Tax Increment Financing and Special Taxing Districts – State Hospital Redevelopment

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1090)

The Bill was then sent to the House of Delegates.

House Bill 1200 – Calvert County Delegation

AN ACT concerning

Calvert County – Special Taxing Districts

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1091)

The Bill was then sent to the House of Delegates.

House Bill 1443 – Delegates Elmore, Cane, Conway, Eckardt, Haddaway, and Mathias

AN ACT concerning

~~Employees' Pension System – Eligibility Service Credit~~ State Retirement and Health Benefits – Early Service Retirement Allowance and Health Insurance Benefits – Eligibility

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1092)

The Bill was then sent to the House of Delegates.

House Bill 1466 – Delegates Bohanan, O'Donnell, and Wood

AN ACT concerning

St. Mary's County – Property Tax Credit – Property Leased to Nonprofit Schools

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1093)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #29
CONSENT CALENDAR #20

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 365	Del. Anderson	Criminal Law – Assault – Law Enforcement Officers and Parole and Probation Agents	JPR
HB 702	Del. Stein	Common Ownership Communities – Fidelity Insurance – Fidelity Bond	JPR
HB 785	Del. Lee	Identity Fraud – Uniform Reporting Form	JPR
HB 905	Del. Valderrama	Criminal Law – Prohibitions on Wearing, Carrying, or	JPR

		Transporting Firearms – Exceptions	
HB 1023	Ch., Judiciary Com.	Criminal Procedure – Expiration Date of Sentences – Repeal	JPR
HB 1141	Del. Dumais	Child Abuse and Neglect – Disclosure of Information	JPR
HB 1145 (AMENDED)	Del. Mathias	Crim Law – SA and SD – Distrib to and Possession by Indiv Under 21 Yrs of Age	JPR
HB 1275	Del. McComas	Maryland Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act	JPR
HB 1303	Del. Conway	Worcester County – Real Property – Recording	JPR
HB 1382	Del. Glenn	Rental Housing – Protection for Victims of Domestic Violence and Sexual Assault	JPR
HB 1501	Del. Rice	State Government – Human Relations – Closed–Captioning Activation Required	JPR

All of the above listed bills on the Third Reading Consent Calendar No. 20 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1094)

The Bills were then sent to the House of Delegates.

House Bill 1250 – Delegates Hucker, Rosenberg, Glenn, Ali, Anderson, Barnes, Benson, Bobo, Carr, Feldman, Gutierrez, Hecht, Holmes, Hubbard, Ivey, Jones, Lee, Levi, Manno, McHale, Montgomery, Niemann, Pena–Melnyk, Ramirez, Reznik, Rice, Ross, Schuler, Stukes, Taylor, V. Turner, Valderrama, and Vaughn

AN ACT concerning

Courts and Judicial Proceedings – Strategic Lawsuits Against Public Participation

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

Affirmative – 34 Negative – 11 (See Roll Call No. 1095)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #30

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

AN ACT concerning

Family Law – Maryland Uniform Interstate Family Support Act – Revision

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1096)

The Bill was then sent to the House of Delegates.

Prayer by His Eminence, Cardinal William H. Keeler, Archbishop of Baltimore, guest of the President and All Members.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 161 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
His Eminence, Cardinal William H. Keeler
in recognition of
his lasting contributions to the state of Maryland and your devoted service as the 14th Archbishop of Baltimore.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 9th day of April 2010.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1097)

THIRD READING CALENDAR (HOUSE BILLS) #30

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

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

Affirmative – 43 Negative – 0 (See Roll Call No. 1098)

The Bill was then sent to the House of Delegates.

House Bill 128 – ~~Delegate Rosenberg~~ Delegates Rosenberg, Anderson, and Dumais

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 – 45 Negative – 0 (See Roll Call No. 1099)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1100)

The Bill was then sent to the House of Delegates.

House Bill 436 – Delegates Barnes, Anderson, Conaway, Dwyer, Kelly, McConkey, Ramirez, Rosenberg, Schuler, Simmons, Smigiel, and Waldstreicher

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 – 35 Negative – 11 (See Roll Call No. 1101)

The Bill was then sent to the House of Delegates.

House Bill 485 – Delegate Malone

AN ACT concerning

Motor Vehicle Equipment – Spare Tire Requirement – Application

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1102)

The Bill was then sent to the House of Delegates.

House Bill 499 – ~~Delegate Malone~~ Delegates Malone, Bates, Conaway, Anderson, and Norman

AN ACT concerning

Motor Vehicles – Approaching Emergency Vehicles and Personnel

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1103)

The Bill was then sent to the House of Delegates.

House Bill 500 – Delegates Waldstreicher, Rosenberg, Anderson, Barnes, Branch, Dumais, Ivey, Lee, Levi, and Valderrama

AN ACT concerning

Child Support Guidelines – Revision

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

Affirmative – 34 Negative – 11 (See Roll Call No. 1104)

The Bill was then sent to the House of Delegates.

House Bill 625 – Delegates Simmons, Anderson, Eckardt, Lee, Smigiel, and Valderrama

AN ACT concerning

Domestic Violence – Domestic Violence Central Repository

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1105)

The Bill was then sent to the House of Delegates.

House Bill 659 – Delegates Simmons~~,~~ and Dumais, and Delegates Dwyer, Kipke, Kramer, Schuh, ~~and Sophocleus~~ Sophocleus, Barkley, Barve, Beidle, Bobo, Bronrott, Carr, G. Clagett, Conway, DeBoy, Doory, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Healey, Hecht, Heller, Hixson, Howard, James, Jameson, Jones, Kaiser, Kullen, Lee, Love, Malone, Manno, Mathias, McHale, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Olszewski, Pendergrass, Reznik, Rice, Robinson, Rudolph, Shewell, Stocksdale, Taylor, F. Turner, and Waldstreicher

AN ACT concerning

Maryland General and Limited Power of Attorney Act (Loretta's Law)

Senator Kelley moved, duly seconded, to make the Bill a Special Order for April 10, 2010.

The motion was adopted.

House Bill 661 – Delegate Barnes

AN ACT concerning

Criminal Procedure – Arrest – Violation of Protective Order

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1106)

The Bill was then sent to the House of Delegates.

House Bill 698 – Delegates Kelly, Vallario, Kramer, Simmons, and Smigiel

AN ACT concerning

District Court – Mailings – Notice of Dismissal, Nolle Prosequi, or Stet

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1107)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #31

House Bill 473 – The Speaker (By Request – Administration) and Delegates Busch, Vallario, Rosenberg, Ali, Anderson, Barkley, Barnes, Bartlett, Barve, Beidle, Branch, Bromwell, Cardin, Carr, Conway, Davis, DeBoy, Doory, Dumais, Dwyer, Eckardt, Elmore, Feldman, Frank, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Haddaway, Hammen, Haynes, Healey, Hecht, Hixson, Holmes, Howard, Hubbard, Ivey, Jennings, Jones, Kaiser, Kelly, King, Kirk, Kramer, Lee, Levi, Levy, Love, Malone, Manno, Mathias, McComas, McConkey, McDonough, McHale, McIntosh, Miller, Montgomery, Morhaim, Murphy, Niemann, O'Donnell, Oaks, Olszewski, Pena–Melnyk, Proctor, Ramirez, Reznik, Rice, Ross, Rudolph, Shewell, Smigiel, Stein, Stifler, Tarrant, Taylor, V. Turner, Valderrama, Vaughn, ~~and Walker~~ Walker, and Conaway

AN ACT concerning

Criminal Procedure – Sexual Offenders – Lifetime Supervision

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

The motion was adopted.

House Bill 801 – Delegates McHale, Hecht, Bartlett, Hammen, ~~Hecht, and Krysiak~~ Krysiak, Barkley, Beidle, Bobo, Bronrott, Carr, G. Clagett,

Doory, Feldman, Frick, George, Glenn, Holmes, Lee, Love, Manno, Mathias, Mizeur, Montgomery, Niemann, Pena–Melnyk, Riley, Stull, Burns, Braveboy, Davis, Haddaway, Harrison, Impallaria, Jameson, King, Minnick, Rudolph, Taylor, Vaughn, and Walkup

AN ACT concerning

Electricity – Net Energy Metering – Credits

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1108)

The Bill was then sent to the House of Delegates.

House Bill 891 – Montgomery County Delegation

AN ACT concerning

Montgomery County ~~Department of Economic Development~~ – Investment Authority

MC 18–10

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1109)

The Bill was then sent to the House of Delegates.

House Bill 931 – The Speaker (By Request – Administration) and Delegates Busch, Carter, G. Clagett, Conway, Ivey, Kelly, Schuler, Simmons, Valderrama, and Waldstreicher

AN ACT concerning

Public Safety – Sexual Offender Advisory Board

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1110)

The Bill was then sent to the House of Delegates.

House Bill 936 – The Speaker (By Request – Administration) and Delegates Conway, Mathias, Busch, Carter, G. Clagett, Davis, Ivey, Kelly, Minnick, Schuler, Simmons, Valderrama, ~~and Vaughn~~ Vaughn, Frank, Aumann,

George, Jennings, McComas, Olszewski, Shank, Smigiel, Stifler, McConkey, Barnes, Conaway, Dumais, Kramer, Rosenberg, Anderson, Dwyer, Levi, Ramirez, Hecht, Bobo, Carr, Frick, Glenn, Hucker, Kullen, Lee, Montgomery, Murphy, Niemann, Rice, and Rudolph

AN ACT concerning

Criminal Procedure – Sex Offenders – Notification and Registration

FLOOR AMENDMENT

HB0936/903422/1

BY: Senator Colburn

AMENDMENTS TO HOUSE BILL 936, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments (HB0936/418870/1), in line 3 of Amendment No. 1, strike "and"; and in the same line, after "Procedures" insert ", and Notation on Driver's License".

AMENDMENT NO. 2

On page 2 of the bill, in line 44, after "information;" insert "requiring the Department of Public Safety and Correctional Services, within a certain period of time after receiving a sexual offender registration statement, to send a copy of the registration statement to the Motor Vehicle Administration;".

AMENDMENT NO. 3

On page 3 of the Judicial Proceedings Committee Amendments, in line 4 of Amendment No. 1, after "Code;" insert "requiring the Motor Vehicle Administration, on receipt of a certain notice, to place a prominent notation on the driver's license or identification card issued to the individual who is the subject of the notice indicating that the individual is a sexual offender registrant; prohibiting the removal of a certain notation unless the Department provides a certain written notice to the Administration;"; in line 8, strike "and"; in line 9, after "procedures" insert ", and notations on drivers' licenses"; and in line 19, after "Supplement)" insert:

"BY adding to
Article – Transportation

Section 12–303.2
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 4

On page 32 of the bill, in line 24, strike "**AND**"; and in line 27, after "**REGISTRATION**" insert "**; AND**

(7) SHALL, WITHIN 5 WORKING DAYS AFTER RECEIVING A REGISTRATION STATEMENT UNDER THIS SUBTITLE, SEND A COPY OF THE REGISTRATION STATEMENT TO THE MOTOR VEHICLE ADMINISTRATION".

AMENDMENT NO. 5

On page 17 of the Judicial Proceedings Committee Amendments, in the second line from the bottom of Amendment No. 4, after "**ARTICLE.**" insert:

"Article – Transportation

12–303.2.

(A) ON RECEIPT OF NOTICE FROM THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES IN ACCORDANCE WITH § 11–713 OF THE CRIMINAL PROCEDURE ARTICLE THAT AN INDIVIDUAL WHO IS A HOLDER OF OR AN APPLICANT FOR A DRIVER'S LICENSE HAS REGISTERED UNDER § 11–704 OF THE CRIMINAL PROCEDURE ARTICLE, THE ADMINISTRATION SHALL PLACE ON A DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED OR REISSUED TO THE INDIVIDUAL, A PROMINENT NOTATION INDICATING THAT THE INDIVIDUAL IS A SEXUAL OFFENDER REGISTRANT.

(B) A NOTATION PLACED IN ACCORDANCE WITH THIS SECTION MAY BE REMOVED FROM A DRIVER'S LICENSE ONLY IF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES PROVIDES WRITTEN NOTICE TO THE ADMINISTRATION THAT THE INDIVIDUAL IS NO LONGER SUBJECT TO REGISTRATION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE.".

The preceding 5 amendments were read only.

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

The motion was adopted.

House Bill 995 – Delegate Kach

AN ACT concerning

Regulation of Crematories

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1111)

The Bill was then sent to the House of Delegates.

House Bill 1017 – Delegates Reznik, Barkley, Bronrott, Carr, Hubbard, Kaiser, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, and V. Turner

AN ACT concerning

Health Insurance – Child Wellness Benefits

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

Affirmative – 44 Negative – 1 (See Roll Call No. 1112)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #32

House Bill 465 – The Speaker (By Request – Administration) and Delegates Hucker, Anderson, Barve, Benson, Carter, Frick, Frush, Gutierrez, Guzzone, Hixson, Hubbard, Lafferty, Manno, McHale, McIntosh, Mizeur, Montgomery, Murphy, Nathan–Pulliam, Olszewski, Ramirez, Simmons, Tarrant, Taylor, V. Turner, Vaughn, and Waldstreicher

AN ACT concerning

Collective Negotiations by Family Child Care Providers

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

Affirmative – 29 Negative – 17 (See Roll Call No. 1113)

The Bill was then sent to the House of Delegates.

House Bill 799 – Delegates Kramer ~~and Manno~~, Manno, Barkley, Braveboy, Burns, Davis, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, Kirk, Krysiak, Love, Mathias, McHale, Minnick, Rudolph, Stifler, Taylor, and Vaughn

AN ACT concerning

Reverse Mortgage Homeowners Protection Act

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1114)

The Bill was then sent to the House of Delegates.

House Bill 816 – Delegates Cardin, Dumais, Hixson, Kaiser, Rice, ~~and Ross~~ Ross, George, and Shank

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 – 41 Negative – 4 (See Roll Call No. 1115)

The Bill was then sent to the House of Delegates.

House Bill 1076 – Delegate Feldman

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 – 44 Negative – 1 (See Roll Call No. 1116)

The Bill was then sent to the House of Delegates.

House Bill 1174 – ~~Delegate Kullen~~ Delegates Kullen, Sophocleus, and Mathias

EMERGENCY BILL

SECOND PRINTING

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1117)

The Bill was then sent to the House of Delegates.

House Bill 1202 – Delegate Stein

AN ACT concerning

Business Regulation – Franchises – Copies of Documents to Franchisees

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1118)

The Bill was then sent to the House of Delegates.

House Bill 1299 – Delegates Manno, Davis, Barkley, Braveboy, Burns, Feldman, Hecht, Hubbard, Hucker, Kirk, Krysiak, Love~~, Manno~~, McHale, Taylor, and Vaughn

AN ACT concerning

Labor and Employment – Healthy Retail Employee Act

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

Affirmative – 28 Negative – 16 (See Roll Call No. 1119)

The Bill was then sent to the House of Delegates.

House Bill 1402 – Delegates Conway, G. Clagett, DeBoy, Bates, Eckardt, Elmore, Haddaway, Mathias, Proctor, Sophocleus, and Wood

AN ACT concerning

Public Safety – Preemployment Polygraph Examinations for Correctional Officer Applicants

Senator Harris moved, duly seconded, to make the Bill a Special Order for April 10, 2010.

The motion was adopted.

MESSAGE TO THE SENATE

BILL: **SB 0142**
SPONSOR: The Pres (Admin)
SUBJECT: Capital Budget of 2010

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

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed: Senator DeGrange, Chair
Senator Currie
Senator McFadden
Senator Kasemeyer
Senator Munson

In addition, the Senate has appointed in advisory capacity: Senators King and Edwards.

The House appoints: Delegate Jones, Chair
Delegate Griffith
Delegate Proctor
Delegate Conway
Delegate Beitzel

In addition, the House has appointed in advisory capacity: Delegates Gaines, Bohanan and Guzzone.

Said Bill is returned herewith.

By Order,

Mary Monahan

Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 1018**
SPONSOR: Sen DeGrange
SUBJECT: Prior Authorizations of State Debt to Fund Capital Projects – Alterations

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

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed: Senator DeGrange, Chair
Senator Currie
Senator McFadden
Senator Kasemeyer
Senator Munson

In addition, the Senate has appointed in advisory capacity: Senators King and Edwards.

The House appoints: Delegate Jones, Chair
Delegate Griffith
Delegate Proctor
Delegate Conway
Delegate Beitzel

In addition, the House has appointed in advisory capacity: Delegates Gaines, Bohanan and Guzzone.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **HB 0768**
SPONSOR: Del Griffith (Chr Jt Com on Pnsns), et al
SUBJECT: Employees' Ret and Pension Systems – Md School for the Deaf Retirees – Overpayment of Benefits

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

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

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

Delegate Griffith, Chairman
Delegate Conway, and
Delegate Aumann.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0768**
SPONSOR: Del Griffith (Chr Jt Com on Pnsns), et al
SUBJECT: Employees' Ret and Pension Systems – Md School for the Deaf Retirees – Overpayment of Benefits

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Griffith, Chair
Delegate Conway
Delegate Aumann

The Senate appoints:
Senator McFadden, Chairman
Senator Kasemeyer
Senator Munson.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 0990**
SPONSOR: Del Olszewski, et al
SUBJECT: Financial Institutions – Credit Unions – Authority to Conduct Savings Promotion Raffles

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

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

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

Delegate Feldman, Chairman
Delegate Miller, and
Delegate Vaughn.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0990**
SPONSOR: Del Olszewski, et al
SUBJECT: Financial Institutions – Credit Unions – Authority to Conduct Savings Promotion Raffles

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Feldman, Chair
Delegate Miller
Delegate Vaughn

The Senate appoints:
Senator Klausmeier, Chairman
Senator Della
Senator Kittleman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #17

AMENDED IN THE HOUSE

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

Senator Frosh moved that the Senate not concur in the House amendment.

SB0856/652314/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 856
(Third Reading File Bill)

On page 4, in line 32, after "**PROCESS**;" insert "**AND**".

On page 5, strike beginning with the semicolon in line 4 down through "**CONGREGATE**" in line 9.

The preceding amendment was read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0856**
SPONSOR: The Pres (Admin), et al
SUBJECT: Public Safety – Sexual Offender Advisory Board

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

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

Senator Brochin, Chairman
Senator Raskin
Senator Haines.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

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

Senator Currie moved that the Senate not concur in the House amendments.

SB0281/985963/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 281
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "a"; in the same line, strike "year" and substitute "years"; and strike beginning with "requiring" in line 8 down through "years;" in line 10.

AMENDMENT NO. 2

On page 2, in line 27, strike "**HAS**" and substitute "**FOR A 4–WHEELED MOTOR VEHICLE, HAS**"; and strike beginning with "**FOR**" in line 28 down through "**AND**" in line 29 and substitute "**;**

2. FOR A 2–WHEELED OR 3–WHEELED MOTOR VEHICLE, HAS A CAPACITY OF NOT LESS THAN 2.5 KILOWATT HOURS; AND".

AMENDMENT NO. 3

On page 3, in line 1, strike "**2.**" and substitute "**3.**"; in line 3, strike "**ACQUIRED**" and substitute "**TITLED**"; in line 19, strike "**OWNER**" and substitute "**MANUFACTURER**"; in line 26, strike "for fiscal year 2011, $279,000" and substitute "the following amounts"; and in line 30, after "Act" insert ":

(1) for fiscal year 2011, $279,000;

(2) for fiscal year 2012, $939,600; and

(3) for fiscal year 2013, $1,287,000".

AMENDMENT NO. 4

On page 4, strike in their entirety lines 1 through 8, inclusive; and in line 9, strike "5." and substitute "4.".

The preceding 4 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0281**
SPONSOR: The Pres (Admin), et al
SUBJECT: Motor Vehicle Excise Tax – Tax Credit for Electric Vehicles

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

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

Senator Peters, Chairman
Senator Edwards
Senator Zirkin.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 310 – Senators Kasemeyer, Currie, DeGrange, Garagiola, Kittleman, Madaleno, McFadden, Middleton, and Munson

EMERGENCY BILL

AN ACT concerning

Education – Maintenance of Effort Requirement – Process and Factors

Senator Currie moved that the Senate not concur in the House amendments.

SB0310/655060/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 310
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "altering" insert "provisions of law relating to a waiver from the maintenance of effort requirement for funding public education; altering provisions specifying to whom and"; in line 4, strike "to the State Board of Education"; in line 6, strike "Board of Education" and substitute "Superintendent of Schools"; in line 8, strike "Board of Education" and substitute "Superintendent"; in line 9, after "denied;" insert "authorizing a county to appeal a decision by the State Superintendent regarding a waiver from the maintenance of effort requirement to the State Board of Education; requiring a county to file an appeal to the State Board within a certain period; requiring the State Board to conduct a hearing on the appeal, consider certain factors, and render a decision by a certain date; providing that the decision of the State Board is final; making the imposition of a penalty for a county's noncompliance with certain maintenance of effort provisions applicable in a certain fiscal year;"; in line 10, before "making" insert "requiring the Maryland State Department of Education to report to the General Assembly on or before a certain date;"; in the same line, after "measure;" insert "providing for the termination of this Act;"; and in line 14, after "5–202(d)" insert "and 5–213".

AMENDMENT NO. 2

On page 3, in lines 6 and 12, in each instance, strike "State Board of Education" and substitute "**STATE SUPERINTENDENT**"; in line 14, strike "**MAY 1**" and substitute "**APRIL 20**"; in lines 15 and 21, in each instance, strike "**BOARD OF EDUCATION**"

and substitute "**SUPERINTENDENT**"; in line 17, strike "**ITS**" and substitute "**THE**"; and in the same line, after "**REGULATIONS**" insert "**OF THE DEPARTMENT**".

AMENDMENT NO. 3

On page 4, in lines 7 and 11, in each instance, strike "State Board of Education" and substitute "**STATE SUPERINTENDENT**"; in line 7, after "county" insert "**IN WRITING**"; in line 9, strike "**45**" and substitute "**30**"; in line 10, strike "**JUNE 1**" and substitute "**MAY 20**"; after line 16, insert:

"**(VII) 1. IF THE STATE SUPERINTENDENT DENIES A COUNTY A WAIVER FOR A FISCAL YEAR IN WHOLE OR IN PART UNDER SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE COUNTY MAY APPEAL THE DECISION OF THE STATE SUPERINTENDENT TO THE STATE BOARD.**

2. THE APPEAL TO THE STATE BOARD SHALL BE IN WRITING AND FILED NO LATER THAN 5 DAYS AFTER THE COUNTY RECEIVES THE DECISION OF THE STATE SUPERINTENDENT.

3. THE STATE BOARD PROMPTLY SHALL CONDUCT A HEARING ON THE APPEAL AND RENDER A WRITTEN DECISION WHETHER TO UPHOLD, MODIFY, OR OVERTURN THE DECISION OF THE STATE SUPERINTENDENT BY THE EARLIER OF 7 DAYS AFTER THE STATE BOARD RECEIVES THE APPEAL OR JUNE 1 OF THE PRIOR FISCAL YEAR.

4. THE DECISION OF THE STATE BOARD SHALL BE MADE ON SUBSTANTIVE GROUNDS IN ACCORDANCE WITH THE FACTORS DESCRIBED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH.

5. THE DECISION OF THE STATE BOARD IS FINAL.

5–213.

(a) After notification from the State Superintendent that a county is not complying with the provisions of the State program of public education, the State Comptroller shall withhold any installment due the county from the General State School Fund.

(b) (1) If the Superintendent finds that a county is not complying with the maintenance of local effort provisions of § 5–202 of this subtitle or that a county fails to meet the requirements of Subtitle 4 of this title, the Superintendent shall notify the county of such noncompliance.

(2) If a county disputes the finding within 30 days of the issuance of such notice, the dispute shall be promptly referred to the State Board of Education which shall make a final determination.

(3) Upon receipt of certification of noncompliance by the Superintendent or the State Board, as the case may be, the Comptroller shall suspend, until notification of compliance is received**:**

(I) FOR NONCOMPLIANCE WITH SUBTITLE 4 OF THIS TITLE, payment of any funds due the county for the current fiscal year, as provided under § 5–202 of this subtitle which are appropriated in the General State School Fund, to the extent that the State's aid due the county in the current fiscal year under that section in the Fund exceeds the amount which the county received in the prior fiscal year**; AND**

(II) FOR NONCOMPLIANCE WITH § 5–202(D) OF THIS SUBTITLE, PAYMENT OF ANY FUNDS DUE THE COUNTY FOR THE FOLLOWING FISCAL YEAR, AS PROVIDED UNDER § 5–202 OF THIS SUBTITLE WHICH ARE APPROPRIATED IN THE GENERAL STATE SCHOOL FUND, IN THE AMOUNT THAT THE STATE'S AID DUE THE COUNTY IN THE CURRENT FISCAL YEAR UNDER THAT SECTION IN THE FUND EXCEEDED THE AMOUNT THAT THE COUNTY RECEIVED IN THE PRIOR FISCAL YEAR.";

before line 17, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2012, the Maryland State Department of Education shall report to the House Ways and Means Committee and the Senate Budget and Taxation Committee, in accordance with § 2–1246 of the State Government Article, on the implementation of this Act.";

in line 17, strike "2." and substitute "3."; and in line 21, after "enacted." insert "It shall remain effective through June 30, 2013, and, at the end of June 30, 2013, with no

further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0310**
SPONSOR: Sen Kasemeyer, et al
SUBJECT: Education – Maintenance of Effort Requirement – Process and Factors

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

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

Senator Kasemeyer, Chairman
Senator Robey
Senator Brinkley.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 886 – ~~**Senator Klausmeier**~~ **Senators Klausmeier and Middleton**

AN ACT concerning

Financial Institutions – Credit Unions and Depository Institutions – Authority to Conduct Savings Promotion Raffles

Senator Middleton moved that the Senate not concur in the House amendments.

SB0886/333999/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 886
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "and Depository Institutions"; strike beginning with "authorizing" in line 6 down through "institution;" in line 8; in line 9, strike "and a depository institution"; in line 10, strike "certain" and substitute "a"; in the same line, strike "raffles" and substitute "raffle"; strike beginning with "and" in line 13 down through "institution" in line 14; strike beginning with "making" in line 15 down through "circumstances;" in line 19; and in line 19, before "savings" insert "credit unions and".

On page 2, in line 10, strike "1–211 and".

AMENDMENT NO. 2

On page 2, strike beginning with "**OR**" in line 28 down through "**ARTICLE**" in line 30.

On page 5, in line 29, strike "**(1)**".

On page 6, strike in their entirety lines 1 through 4, inclusive.

On pages 6 and 7, strike in their entirety the lines beginning with line 6 on page 6 through line 21 on page 7, inclusive.

On pages 8 and 9, strike in their entirety the lines beginning with line 28 on page 8 through line 10 on page 9, inclusive.

On page 9, in line 11, strike "3." and substitute "2."; and strike beginning with the second comma in line 11 down through "Act," in line 12.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0886**
SPONSOR: Sens Klausmeier and Middleton
SUBJECT: Financial Instns – Credit Unions and Depository Instns – Auth to Conduct Savings Promotion Raffles

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

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

Senator Klausmeier, Chairman
Senator Della
Senator Kittleman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #13

AMENDED IN THE HOUSE

Senate Bill 17 – Senator Colburn

AN ACT concerning

Criminal Law – Salvia Divinorum and Salvinorin A – Distribution to and Possession by Individual Under 21 Years of Age

Senator Frosh moved that the Senate concur in the House amendments.

SB0017/272110/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 17

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 17, after "date;" insert "providing for the application of this Act;"; and in line 18, after "term;" insert "making conforming changes;".

AMENDMENT NO. 2

On page 3, in line 4, after "**(B)**" insert "**NOTHING IN THIS PART SHALL PROHIBIT AN ACCREDITED ACADEMIC OR MEDICAL INSTITUTION OR RESEARCH FACILITY FROM CONDUCTING RESEARCH ON SALVIA DIVINORUM OR SALVINORIN A OR A DERIVATIVE OF SALVIA DIVINORUM OR SALVINORIN A.**

(C)";

in line 12, after "**EMPLOYER,**" insert "**A**"; and in line 13, after "**OR**" insert "**AN**".

On page 4, in line 2, before "**A**" insert "**IN STATE FORESTRY RESERVATIONS, STATE PARKS, HISTORIC MONUMENTS, AND RECREATION AREAS,**"; and in line 21, after "**SEND**" insert "**TO**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 45 Negative – 1 (See Roll Call No. 1120)

CONCURRENCE CALENDAR #14

AMENDED IN THE HOUSE

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

Senator Conway moved that the Senate concur in the House amendments.

SB0028/785868/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 28
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 5 down through "voting;" in line 6 and substitute "providing that an individual under guardianship for mental disability is not qualified to be a registered voter if a certain court has made a certain finding concerning the individual's desire to participate in the voting process;".

AMENDMENT NO. 2

On page 2, in line 9, strike "**OR**"; in lines 10 and 11, in each instance, strike the bracket; in line 10, after "disability" insert "**AND A COURT OF COMPETENT JURISDICTION HAS SPECIFICALLY FOUND BY CLEAR AND CONVINCING EVIDENCE THAT THE INDIVIDUAL CANNOT COMMUNICATE, WITH OR WITHOUT ACCOMMODATIONS, A DESIRE TO PARTICIPATE IN THE VOTING PROCESS**"; and in line 13, strike "July" and substitute "June".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 42 Negative – 2 (See Roll Call No. 1121)

AMENDED IN THE HOUSE

Senate Bill 47 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Restaurant Seating Requirement

Senator Conway moved that the Senate concur in the House amendments.

SB0047/613097/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 47
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Requirement" and substitute "Capacity"; in line 3, strike "lowering" and substitute "altering"; in the same line, strike "requirement" and substitute "capacity required"; in line 4, strike "restaurants, motels, or hotels having certain" and substitute "restaurants and"; in the same line, after "facilities" insert "to obtain a beer, wine, and liquor license"; in line 5, strike "making certain stylistic changes;"; and in line 6, strike "licenses".

AMENDMENT NO. 2

On page 1 in line 17 and on page 2 in line 3, in each instance, strike the bracket.

On page 2, in line 1, strike "75" and substitute "**50**"; strike beginning with "**AN**" in line 3 down through "**2.**" in line 9; and strike beginning with "**SEATING**" in line 10 down through "**COUNTERS.**" in line 11.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1122)

AMENDED IN THE HOUSE

Senate Bill 748 – ~~Senator Colburn~~ Senators Colburn and Stoltzfus

AN ACT concerning

Somerset County, Wicomico County, and Worcester County – ~~Board~~ Boards of Elections – Membership

Senator Conway moved that the Senate concur in the House amendments.

SB0748/555960/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 748
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Somerset County,"; in the same line, strike "and"; in the same line, after "County" insert ", and Somerset County"; in line 4, strike "Somerset County Board of Elections,"; in line 5, strike "and"; in line 6, after "Elections" insert ", and the Somerset County Board of Elections"; in line 10, strike "Somerset County Board of Elections,"; in the same line, strike "and"; and in line 11, after "Elections" insert ", and the Somerset County Board of Elections".

AMENDMENT NO. 2

On page 4, in line 25, strike "**SOMERSET COUNTY,**"; in the same line, strike "**AND**"; and in line 26, after "**COUNTY,**" insert "**AND SOMERSET COUNTY,**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1123)

CONCURRENCE CALENDAR #15

AMENDED IN THE HOUSE

Senate Bill 31 – Senator Lenett

EMERGENCY BILL

AN ACT concerning

Maryland Communities for a Lifetime Commission

Senator Middleton moved that the Senate concur in the House amendments.

SB0031/116487/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 31
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "expenses;" insert "requiring the Commission to be funded with federal funds;".

AMENDMENT NO. 2

On page 3, in line 15, after "(3)" insert "(i) Subject to subparagraph (ii) of this paragraph, the Commission shall be funded with federal funds.

(ii)";

and in line 15, strike "in the State budget or".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1124)

AMENDED IN THE HOUSE

Senate Bill 52 – Chair, Finance Committee (By Request – Departmental – Disabilities)

AN ACT concerning

Department of Disabilities – Maryland Commission on Disabilities – Duties and Responsibilities

Senator Middleton moved that the Senate concur in the House amendments.

SB0052/926388/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 52

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 9 down through "date;" in line 10.

AMENDMENT NO. 2

On page 7, strike in their entirety lines 4 through 16, inclusive; and in line 17, strike "3." and substitute "2.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1125)

AMENDED IN THE HOUSE

Senate Bill 57 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland) and Senators Astle, Della, Exum, Garagiola, Glassman, Kelley, Klausmeier, Middleton, and Pugh

EMERGENCY BILL

AN ACT concerning

Health Insurance – Mental Health Benefits ~~– Group Health Plans~~ and Medical and Surgical Benefits for Mastectomies – Parity with Federal Law

Senator Middleton moved that the Senate concur in the House amendments.

SB0057/346582/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 57

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Insurance –" insert "Conformity with Federal Law –"; in the same line, strike "and" and substitute a comma; in line 3, strike "– Parity with Federal Law" and substitute ", and the Federal Patient Protection and Affordable Care Act"; in line 20, after "manner;" insert "providing that certain provisions of law enacted after a certain date do not apply to certain group health plans and certain health insurance coverage under certain circumstances; providing for a certain exception; providing that certain provisions of federal law apply to certain insurers, nonprofit health service plans, and health maintenance organizations; authorizing the Maryland Insurance Commissioner to enforce certain provisions of law; making certain provisions of this Act applicable to health maintenance organizations;".

On page 2, in line 1, after the semicolon insert "providing for the termination of certain provisions of this Act;"; and after line 7, insert:

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

BY adding to
Article – Insurance
Section 15–134 and 15–135
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 6, after line 15, insert:

"19–706.

(CCCC) THE PROVISIONS OF § 15–134 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.";

and after line 16, insert:

"**15–134.**

(A) IN THIS SECTION, "GRANDFATHERED HEALTH PLAN" HAS THE MEANING STATED IN THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT, AS AMENDED BY THE FEDERAL HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PROVISION OF THIS TITLE OR TITLE 14 OF THIS ARTICLE ENACTED AFTER JANUARY 1, 2010, MAY NOT APPLY TO A GROUP HEALTH PLAN THAT IS A GRANDFATHERED HEALTH PLAN OR HEALTH INSURANCE COVERAGE THAT IS A GRANDFATHERED HEALTH PLAN IF THE PROVISION WOULD PREVENT THE GROUP HEALTH PLAN OR HEALTH INSURANCE COVERAGE FROM BEING CONSIDERED A GRANDFATHERED HEALTH PLAN.

(C) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO ANY PROVISION OF THIS TITLE OR TITLE 14 OF THIS ARTICLE ENACTED AFTER JANUARY 1, 2010, TO ENFORCE A PROVISION OF FEDERAL LAW THAT WAS ENACTED ON OR BEFORE JANUARY 1, 2010.".

AMENDMENT NO. 3

On page 11, after line 9, insert:

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

Article – Health – General

19–706.

(DDDD) THE PROVISIONS OF § 15–135 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

Article – Insurance

15–135.

(A) THE PROVISIONS OF TITLE I, SUBTITLES A AND C OF THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT, AS AMENDED BY §§ 10101

AND 10103 OF THAT ACT AND THE FEDERAL HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010, APPLY TO ALL INSURERS, NONPROFIT HEALTH SERVICE PLANS, AND HEALTH MAINTENANCE ORGANIZATIONS THAT DELIVER OR ISSUE FOR DELIVERY INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS IN THE STATE.

(B) THE COMMISSIONER MAY ENFORCE THIS SECTION UNDER ANY APPLICABLE PROVISIONS OF THIS ARTICLE.".

AMENDMENT NO. 4

On page 11, in line 10, strike "2." and substitute "3."; and in line 14, after the period insert "Section 2 of this Act shall remain effective through June 30, 2011, and, at the end of June 30, 2011, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.".

The preceding 4 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1126)

AMENDED IN THE HOUSE

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

Senator Middleton moved that the Senate concur in the House amendments.

SB0129/493693/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 129
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, strike "services" and substitute "certain information".

AMENDMENT NO. 2

On page 3, strike beginning with "**ORGANIZATION**" in line 12 down through "**PROVIDED**" in line 14 and substitute "**ENTITY THAT PROVIDES DATING SERVICES IF ITS PRINCIPAL BUSINESS IS NOT TO PROVIDE INTERNATIONAL DATING SERVICES BETWEEN MARYLAND RESIDENTS AND FOREIGN NATIONALS AND IT CHARGES COMPARABLE RATES AND OFFERS COMPARABLE SERVICES TO ALL INDIVIDUALS IT SERVES REGARDLESS OF THE INDIVIDUAL'S GENDER OR COUNTRY OF CITIZENSHIP**"; and in line 29, strike "**ANY**" and substitute "**PERSONAL CONTACT**".

On page 4, in line 15, after "**BROKER;**" insert "**AND**"; strike in their entirety lines 16 and 17; in line 18, strike "**(3)**" and substitute "**(2)**"; in line 27, strike "**SERVICES**" and substitute "**PERSONAL CONTACT INFORMATION**"; and in the same line, after "**RECRUIT**" insert "**, INCLUDING THE LAST NAME, PHONE NUMBER, ADDRESS, OR ELECTRONIC MAIL ADDRESS OF THE CLIENT OR THE RECRUIT,**".

On page 5, strike beginning with "**AT**" in line 8 down through "**CLIENT,**" in line 9 and substitute "**PRIOR TO THE RELEASE OF ANY PERSONAL CONTACT INFORMATION TO THE CLIENT OR THE RECRUIT,**".

On page 6, in line 2, after "**DISCLOSE**" insert "**PERSONAL CONTACT**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1127)

AMENDED IN THE HOUSE

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

Senator Middleton moved that the Senate concur in the House amendments.

SB0408/333829/1

BY: Delegate O'Donnell

AMENDMENTS TO SENATE BILL 408
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; and in line 5, after "circumstances;" insert "making this Act an emergency measure;".

AMENDMENT NO. 2

On page 2, in lines 14 and 15, strike "shall take effect October 1, 2010" 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 concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1128)

CONCURRENCE CALENDAR #16

AMENDED IN THE HOUSE

Senate Bill 683 – Senators Peters, Harrington, Currie, Exum, Miller, Muse, Pinsky, and Rosapepe

AN ACT concerning

Property Taxes – ~~Homestead Property Tax Credit~~ Bicounty Commissions

Senator Currie moved that the Senate concur in the House amendments.

SB0683/265964/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 683
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "term;" insert "altering a certain definition; providing for the calculation of the homestead property tax credit for a certain taxable year for property tax imposed for certain bicounty commissions;".

On page 2, in line 3, strike "9–105(b), (e)(2)" and substitute "9–105(a)(5), (b), (e)(1) and (2)".

AMENDMENT NO. 2

On page 2, after line 10, insert:

"(5) "Taxable assessment" means the assessment on which the [State, county, or municipal corporation] property tax rate was imposed in the preceding taxable year, adjusted by the phased–in assessment increase resulting from a revaluation under § 8–104(c)(1)(iii) of this article, less the amount of any assessment on which a property tax credit under this section is authorized.";

and in line 30, after "(e)" insert "(1) For each taxable year, the property tax credit under this section is calculated by:

(i) multiplying the prior year's taxable assessment by the homestead credit percentage as provided under paragraph (2) of this subsection;

(ii) subtracting that amount from the current year's assessment; and

(iii) if the difference is a positive number, multiplying the difference by the applicable [State, county, or municipal corporation] property tax rate for the current year.".

On page 4, after line 2, insert:

"(c) For the purpose of calculating the homestead tax credit under § 9–105 of the Tax – Property Article, as enacted by Section 1 of this Act, for the tax year beginning July 1, 2010, the prior year's taxable assessment used for purposes of calculating the credit for property tax imposed for a bicounty commission shall be the prior year's taxable assessment used for calculating the credit for the State property tax.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1129)

AMENDED IN THE HOUSE

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

Senator Middleton moved that the Senate concur in the House amendments.

SB0355/373895/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 355
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike lines 2 and 3 in their entirety and substitute "Electricity – Net Energy Metering – Credits"; in line 21, after "date;" insert "requiring the Commission to report to certain persons and certain legislative committees on certain matters by a certain date;"; and in line 22, strike "the".

AMENDMENT NO. 2

On page 5, in line 8, strike "**A**" and substitute "**THE**"; in line 10, after "**THE**" insert "**ELIGIBLE**"; and in line 17, strike "**ELIGIBLE CUSTOMER–GENERATOR'S**".

AMENDMENT NO. 3

On page 6, in line 26 strike ", on" and substitute ":

(a) On";

after line 29, insert:

"(b) In developing the regulations, the Commission shall convene a technical working group to address the metering and associated pricing mechanisms appropriate to net energy metering for various customer classes in the various service territories, including the advisability of and means to address credits associated with generation at different hours and seasons with appropriate metering equipment and appropriate mechanisms to aggregate generation and consumption of electricity across separate accounts in common ownership, whether on a kilowatt–hour or dollar basis.

(c) On or before January 1, 2011, the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Finance Committee and the House Economic Matters Committee on the recommendations of the technical advisory group and the regulations adopted under this section.";

and in line 32, strike "subject to" and substitute "except as provided in".

The preceding 3 amendments were read and concurred in.

SB0355/783624/1

BY: Delegate George

AMENDMENTS TO SENATE BILL 355, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Economic Matters Committee Amendments (SB0355/373895/1), in line 4 of Amendment No. 1, after "date;" insert "requiring a certain technical working group to consider certain matters;".

AMENDMENT NO. 2

On page 1 of the Economic Matters Committee Amendments, in line 4 of Amendment No. 3, after "(b)" insert "(1)"; and after line 10, insert:

"(2) In developing its recommendations, the technical working group shall consider, among other matters:

(i) meter aggregation that allows the combination of readings from, and billing for multiple meters, with or without regard to the rate class on properties:

1. owned or leased and operated by an eligible customer–generator for agricultural and other uses; and

2. located within the service territory of a single electric company;

(ii) the transfer of generation credits or aggregation of generation by a not–for–profit eligible customer–generator between properties of the same or different rate classes that are owned, leased, or operated by the not–for–profit eligible customer–generator within a single service territory; and

(iii) 1. the availability of net energy metering to a municipality as an eligible customer–generator; and

2. the transfer of generation credits or aggregation of generation by a municipality between certain properties of the same or different rate classes that are owned, leased, or operated by the municipality within a single service territory.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1130)

AMENDED IN THE HOUSE

Senate Bill 465 – Senators Lenett, Kelley, Madaleno, Middleton, and Zirkin

AN ACT concerning

Developmental Disabilities Administration – Recipient ~~Reevaluations~~ Appeals

Senator Middleton moved that the Senate concur in the House amendment.

SB0465/506284/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 465
(Third Reading File Bill)

On page 3, in line 1, after the comma, insert "**AN**".

The preceding amendment was read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1131)

AMENDED IN THE HOUSE

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

Senator Middleton moved that the Senate concur in the House amendments.

SB0774/846883/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 774

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 20, strike "insurance" and substitute "life insurance, health insurance, or annuities".

AMENDMENT NO. 2

On page 5, in line 34, strike "**INSURANCE**" and substitute "**LIFE INSURANCE, HEALTH INSURANCE, OR ANNUITIES**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1132)

AMENDED IN THE HOUSE

Senate Bill 898 – ~~Senator Glassman~~ Senators Glassman, Middleton, and Klausmeier

AN ACT concerning

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

Senator Middleton moved that the Senate concur in the House amendments.

SB0898/193596/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 898

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "loan" insert "if the loan exceeds a certain amount".

AMENDMENT NO. 2

On page 2, in line 11, strike "If" and substitute "**(I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF**"; strike beginning with "**OR**" on line 12 down through "**$30,000**" in line 14; in line 16, strike "(2)" and substitute "**(II)**"; and after line 23, insert:

"**(2) A CREDIT GRANTOR MAY REQUIRE A SCHEDULE OF REPAYMENT UNDER WHICH A CONSUMER BORROWER MAY BE REQUIRED TO PAY A BALLOON PAYMENT AT MATURITY IF:**

(I) THE AMOUNT OF THE INSTALLMENT LOAN EXCEEDS $30,000; AND

(II) THE INSTALLMENT LOAN IS SECURED BY A LIEN ON A MOTOR VEHICLE.".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 45 Negative – 1 (See Roll Call No. 1133)

MESSAGE TO THE SENATE

BILL: **HB 0775**
SPONSOR: Del Griffith, et al
SUBJECT: St Ret and Pnsn Sys – Retirees and Beneficiaries of Retirees – Annual Ret Allowance Adjustments

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

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

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

Delegate Griffith, Chairman
Delegate James, and
Delegate Schuh.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

Senator Currie moved, duly seconded, that the Senate recede from its position.

The motion was adopted.

HB0775/759038/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 775
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 5 down through "circumstances;" in line 7; and strike beginning with "certain" in line 12 down through "of" in line 13.

AMENDMENT NO. 2

On pages 1 through 9, strike in their entirety the lines beginning with line 16 on page 1 through line 30 on page 9, inclusive.

AMENDMENT NO. 3

On page 9, after line 30, insert:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, notwithstanding any other provision of law:

(a) (1) In this section the following words have the meanings indicated.

(2) "Adjustment" means the dollar amount by which either the current allowance or initial allowance of an individual is adjusted on July 1 of each year under § 24–401(e) and Title 29, Subtitle 4 of the State Personnel and Pensions Article.

(3) "Current allowance" means the retirement allowance that an individual is receiving on June 30, 2010.

(4) "Individual" means a former member, retiree, or surviving beneficiary of a deceased member, former member or retiree of the several systems of the State Retirement and Pension System.

(5) "Initial allowance" means:

(i) the retirement allowance computed at the time of a retirement of a former member or retiree of the several systems of the State Retirement and Pension System, including any modifications to the retirement allowance to reflect a retiree's election to receive an optional form of allowance as provided under § 21–403 of the State Personnel and Pensions Article; or

(ii) the retirement allowance for a surviving beneficiary of a deceased member, former member, or retiree of the several systems of the State Retirement and Pension System computed at the time of death of the member, former member, or retiree.

(b) (1) This subsection applies to any individual who is subject to an annual retirement allowance adjustment under § 24–401(e) of the State Personnel and Pensions Article.

(2) If the fraction described under § 24–401(e)(2) of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's current allowance on July 1, 2010, is less than the fraction used to adjust an allowance on July 1, 2009, the adjustment to the current allowance shall equal $0.00 on July 1, 2010.

(c) (1) This subsection applies to any individual who is subject to an annual retirement allowance adjustment under Title 29, Subtitle 4, Part II of the State Personnel and Pensions Article.

(2) If the fraction calculated under § 29–406 of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's initial allowance on July 1, 2010, is determined to be a negative fraction, the adjustment under § 29–406 of the State Personnel and Pensions Article to the current allowance shall equal $0.00 on July 1, 2010.

(d) (1) This subsection applies to any individual who is subject to an annual retirement allowance adjustment under Title 29, Subtitle 4, Part III of the State Personnel and Pensions Article.

(2) If the fraction calculated under § 29–412 of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's initial allowance on July 1, 2010, is less than the fraction used to adjust an allowance on July 1, 2009, the adjustment under § 29–412 of the State Personnel and Pensions Article to the current allowance shall equal $0.00 on July 1, 2010.

(e) (1) This subsection applies to any individual who is subject to an annual retirement allowance adjustment under Title 29, Subtitle 4, Part IV of the State Personnel and Pensions Article.

(2) If the fraction used to determine the rate under § 29–418 of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's current allowance on July 1, 2010, is less than one, the adjustment to the current allowance shall equal $0.00 on July 1, 2010.

(f) (1) This subsection applies to any individual who is subject to an annual retirement allowance adjustment under Title 29, Subtitle 4, Part V of the State Personnel and Pensions Article.

(2) (i) If the fraction calculated under § 29–422(b)(1) of the State Personnel and Pensions Article that is used to adjust an individual's initial allowance on July 1, 2010, is less than the fraction used to adjust an allowance on July 1, 2009, the adjustment to the current allowance for creditable service earned prior to the date that the retiree elected Selection C, as defined under § 22–221 of the State Personnel and Pensions Article, shall equal $0.00 on July 1, 2010.

(ii) If the fraction used to determine the rate under § 29–422(b)(2) of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's current allowance on July 1, 2010, is less than one, the adjustment to the current allowance for creditable service earned on or after the date that the retiree elected Selection C, as defined under § 22–221 of the State Personnel and Pensions Article, shall equal $0.00 on July 1, 2010.

(3) (i) If the fraction used to determine the rate under § 29–422(c)(1) of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's current allowance on July 1, 2010, is less than one, the adjustment to the current allowance for creditable service earned prior to the date that the retiree elected Selection C, as defined under § 22–221 of the State Personnel and Pensions Article, shall equal $0.00 on July 1, 2010.

(ii) If the fraction used to determine the rate under § 29–422(c)(2) of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's current allowance on July 1, 2010, is less than one, the adjustment to the current allowance for creditable service earned on or after the date that the retiree elected Selection C, as defined under § 22–221 of the State Personnel and Pensions Article, shall equal $0.00 on July 1, 2010.

(g) (1) This subsection applies to any individual who is subject to an annual retirement allowance adjustment under Title 29, Subtitle 4, Part VI of the State Personnel and Pensions Article.

(2) If the fraction used to determine the rate under § 29–427 of the State Personnel and Pensions Article that is used in the calculation to adjust an individual's current allowance on July 1, 2010, is less than one, the adjustment to the current allowance shall equal $0.00 on July 1, 2010.

(h) (1) The Board of Trustees for the State Retirement and Pension System shall study:

(i) the effects that the Consumer Price Index (All Urban Consumers – United States City Average – All Items) as of December 31, 2009, as published by the United States Department of Labor Bureau of Labor Statistics, had on the annual retirement allowance adjustments applied to retirees of other public state pension plans; and

(ii) the actions other public state pension plans have taken in response to the effects that the Consumer Price Index (All Urban Consumers – United States City Average – All Items) as of December 31, 2009, as published by the United States Department of Labor Bureau of Labor Statistics, has had on the retirees and beneficiaries of deceased retirees of these plans.

(2) On or before October 1, 2010, the Board of Trustees shall submit a report in accordance with § 2–1246 of the State Government Article to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the Joint Committee on Pensions that provides:

(i) a summary of its findings under paragraph (1) of this subsection; and

(ii) recommendations to avoid benefit reductions to retirees of the several systems when the annual Consumer Price Index results in a decrease in annual retirement allowances for retirees and beneficiaries of deceased retirees of the several systems of the State Retirement and Pension System.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective through June 30, 2011, and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect."

The Senate receded on the preceding 3 amendments and the amendments were removed.

House Bill 775 – Delegates Griffith, Branch, Bronrott, Conway, Gaines, Guzzone, Haynes, Heller, James, Jones, Levy, and Proctor

EMERGENCY BILL

AN ACT concerning

State Retirement and Pension System – Retirees and Beneficiaries of Retirees – Annual Retirement Allowance Adjustments

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1134)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0775**
SPONSOR: Del Griffith, et al
SUBJECT: St Ret and Pnsn Sys – Retirees and Beneficiaries of Retirees – Annual Ret Allowance Adjustments

The Senate recedes from its position on HB 0775.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 41	Sen. Colburn	Dorchester County – Alcoholic Beverages – Clubs – Membership
SB 43	Sen. Haines	Public Safety – Board of Boiler Rules – Membership
SB 56	Ch., Finance Com.	Health Insurance – Medicare Supplement Policies – Repeal of Requirement to Offer Plan I
SB 61	Ch., Jud. Proceed.	Fam Law – Crim Hist Rcds Chcks – Empls and Emps in Facs & Other Inds That Care for or Sup Chdrn
SB 64	Ch., Budget & Tax	Maryland Research and Development Tax Credit – Sunset Extension
SB 77	Chair, EHE Com.	Health General – Disease Prevention and Testing – Inmates of Correctional Institutions
SB 90	Chair, EHE Com.	Secretary of Agriculture –

		Farm Quarantine
SB 122	Sen. Brochin	Balt Co – Towson Cml Revitalization Dist – Alc Bevs Lics – Restrs – Min Capital Invsmt and Transfs
SB 151	Sen. Pinsky	Prince George's County – Alcoholic Beverages – Class B–AE (Arts and Entertainment) License
SB 153	Sen. Glassman	Harford County – Liquor Control Board Membership – Nomination Process
SB 223	Sen. Colburn	Dorchester County – County Transfer Tax – Repeal of Sunset Provision
SB 340	Sen. Frosh	Estates and Trusts – Maryland International Wills Act
SB 376	Sen. Della	Baltimore City – Consumption of Alcoholic Beverages – Unlicensed Restaurants
SB 387	Sen. Edwards	Garrett County – Noncertificated Public School Employees – Service Fees
SB 509	Sen. Stoltzfus	Vehicle Laws – Exceptional Hauling Permits – Validity in Select Eastern Shore Counties
SB 531	Sen. Forehand	Civil Actions – Limitation of Actions – Land Surveyors
SB 547	Sen. Pugh	Insurance – Domestic Reinsurers
SB 643	Sen. Pugh	Telephone Bills – Third–Party Vendor Billing
SB 647	Sen. Pugh	Homeowner's, Farmowner's, and Dwelling Insurance Policies – Claims for Additional Payments
SB 688	Sen. Raskin	Maryland General Corporation Law – Miscellaneous Provisions
SB 820	Sen. Forehand	Police Training Commission – Additional Minimum Training Requirements
SB 884	Sen. Klausmeier	Baltimore County – Bargaining Unit for Public School Employees
SB 920	Sen. Kasemeyer	Developmental Disabilities Administration – Low

		Intensity Support Services
SB 923	Carroll Co. Senators	Carroll County – Homemade Food Sales – County Parks and Facilities
SB 925	Carroll Co. Senators	Carroll County – Green Building Tax Credit
SB 943	Sen. Pugh	Credit Regulation – Mortgage Brokers – Charges
SB 1006	Sen. Pugh	Baltimore City – Sale of Motor Fuel for Dirt Bikes – Prohibition

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

THE COMMITTEE ON RULES REPORT #14

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

House Bill 318 – Delegates Sophocleus, Dwyer, and McConkey

AN ACT concerning

Business Regulation – Secondhand Precious Metal Object Dealers

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:

House Bill 756 – Delegates Levi, James, Anderson, Beidle, Bohanan, Dumais, Dwyer, Feldman, Frank, Jameson, Jennings, Kelly, Kramer, Mathias, McComas, McHale, Morhaim, Rice, Riley, Tarrant, Valderrama, Vaughn, ~~and Walker~~ Walker, Waldstreicher, Simmons, Barnes, Carter, Lee, McConkey, Rosenberg, Love, Costa, George, King, Kipke, Schuh, Sophocleus, and Smigiel

AN ACT concerning

Maryland Gang Prosecution 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:

House Bill 1034 – Delegates Costa, Benson, Bobo, Bronrott, Gaines, Guzzone, Hubbard, Kullen, Manno, Mizeur, Montgomery, ~~and Waldstreicher~~ Waldstreicher, Hixson, Hammen, Pendergrass, Elliott, Jenkins, Krebs, McDonough, Morhaim, Nathan–Pulliam, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Community Services Reimbursement Rate Commission – Developmental Disabilities and Community Mental Health Services – Rate Adjustments

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:

House Bill 1120 – Delegate Niemann (Task Force to Study Motor Vehicle Towing Practices) and Delegates Beidle, Frush, Gaines, Glenn, Holmes, and Stukes

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

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:

House Bill 1375 – Delegate Mizeur

AN ACT concerning

Kids First Express Lane Eligibility 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:

House Bill 1457 – Delegates Dumais, Anderson, Barnes, Carter, Conaway, Dwyer, Frank, Jennings, Levi, McComas, McConkey, Rosenberg, Schuler, and Valderrama

AN ACT concerning

Civil Liability – AMBER, Silver, or Emergency Alert Dissemination – Immunity for Broadcast Media

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:

House Bill 1512 – Frederick County Delegation

AN ACT concerning

Frederick County – Archery Hunting – Safety Zone

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:

House Bill 1558 – Delegate Benson

AN ACT concerning

Commercial Law – Sales of Unpackaged Cigarettes – Prohibitions and Penalties

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

SPECIAL ORDERS

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

Senate Bill 627 – Senators Brinkley, Raskin, Colburn, Garagiola, Jacobs, Kittleman, Kramer, Madaleno, Miller, and Zirkin

AN ACT concerning

Public Health – Medical Marijuana

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

FLOOR AMENDMENT

SB0627/203422/1

BY: Senator Harris

AMENDMENTS TO SENATE BILL 627
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after "circumstances;" insert "prohibiting DHMH from issuing more than a certain number of registry identification cards;".

AMENDMENT NO. 2

On page 8, in line 25, strike "**THE**" and substitute "**SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**".

On page 9, after line 28, insert:

"**(3) THE DEPARTMENT MAY ISSUE ONLY 1,500 QUALIFYING PATIENT REGISTRY IDENTIFICATION CARDS UNDER THIS SUBSECTION.**";

in line 29, after "**(B)**" insert "**(1)**"; and in the same line, strike "**THE**" and substitute "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**".

On page 10, in lines 1, 3, 5, and 7, strike "**(1)**", "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; after line 8, insert:

"**(2) THE DEPARTMENT MAY ISSUE ONLY 1,500 PRIMARY CAREGIVER REGISTRY IDENTIFICATION CARDS UNDER THIS SUBSECTION.**";

in line 18, strike "**ONLY**"; in the same line, strike the first "**THE**" and substitute "**:**

(I) THE";

in line 19, strike "**OR IF THE**" and substitute "**;**

(II) THE";

and in line 20, after "**FALSIFIED**" insert "**; OR**

(III) THE DEPARTMENT HAS ALREADY ISSUED THE AUTHORIZED NUMBER OF PERMITS UNDER SUBSECTION (A)(3) OF THIS SECTION OR SUBSECTION (B)(2) OF THIS SECTION.".

AMENDMENT NO. 3

On page 15, in line 12, after "**2011**" insert "**OR WHEN THE DEPARTMENT HAS ISSUED 1,000 OF 1,500 AUTHORIZED QUALIFYING PATIENT REGISTRY IDENTIFICATION CARDS**"; in line 27, strike "**AND**"; and in line 29, after "**PATIENTS**" insert "**; AND**

(9) THE ACTUAL AMOUNT OF MARIJUANA DISPENSED FROM EACH DISPENSING CENTER OR AUTHORIZED PHARMACY".

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

Affirmative – 10 Negative – 33 (See Roll Call No. 1135)

FLOOR AMENDMENT

SB0627/863928/1

BY: Senator Harris

AMENDMENTS TO SENATE BILL 627, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments (SB0627/878670/1), in Amendment No. 1, in lines 13 and 18, in each instance, strike "or dispensing centers"; in lines 15 and 16, strike "and dispensing centers"; in line 20, strike "and dispensing centers"; and in line 22, strike "or dispensing center".

On page 5 of the Judicial Proceedings Committee Amendments, in Amendment No. 4, in lines 6 and 7, strike "**DISPENSING CENTER OR**"; and in line 12, strike "**DISPENSING CENTER OR**".

On page 6 of the Judicial Proceedings Committee Amendments, in line 18 of Amendment No. 5, strike "**DISPENSING CENTER OR**".

On page 7 of the Judicial Proceedings Committee Amendments, in line 3 of Amendment No. 5, strike "**DISPENSING CENTER OR**".

On page 8 of the Judicial Proceedings Committee Amendments, in lines 5 and 6 of Amendment No. 5, strike "**DISPENSING CENTER OR**".

On page 8 of the Judicial Proceedings Committee Amendments, in Amendment No. 6, in line 13, strike "**OR A DISPENSING CENTER**"; and in lines 13 and 14, strike "**OR DISPENSING CENTER**".

On page 9 of the Judicial Proceedings Committee Amendments, in Amendment No. 7, in line 6, strike "**OR A DISPENSING CENTER**"; in lines 11, 15, and 17, in each instance, strike "**OR DISPENSING CENTER**"; and in lines 13 and 14, strike "**OR DISPENSING CENTER**".

On page 10 of the Judicial Proceedings Committee Amendments, in Amendment No. 7, in lines 1 and 5, in each instance, strike "**OR DISPENSING CENTER**"; and in line 13, strike "**AND DISPENSING CENTER**".

On page 11 of the Judicial Proceedings Committee Amendments, in lines 7 and 13 of Amendment No. 7, in each instance, strike "**OR DISPENSING CENTER**".

On page 12 of the Judicial Proceedings Committee Amendments, in Amendment No. 7, in line 4, strike "**OR DISPENSING CENTER**"; and in lines 7 and 8, strike "**OR DISPENSING CENTER**".

AMENDMENT NO. 2

On page 2 of the bill, in line 4, strike "and dispensing centers"; in lines 5 and 6, strike "or dispensing center"; in line 8 strike the first comma and substitute "and"; and in the same line, strike ", and dispensing centers".

On page 3 of the bill, strike in their entirety lines 19 through 22, inclusive; and in lines 23, 25, and 30, strike "**(F)**", "**(G)**", and "**(H)**", respectively, and substitute "**(E)**", "**(F)**", and "**(G)**", respectively.

On page 4 of the bill, in lines 1, 14, 17, 20, and 25, strike "**(I)**", "**(J)**", "**(K)**", "**(L)**", and "**(M)**", respectively, and substitute "**(H)**", "**(I)**", "**(J)**", "**(K)**", and "**(L)**", respectively.

On page 6 of the bill, strike beginning with the colon in line 16 down through "**A**" in line 17 and substitute "**A**"; strike beginning with the semicolon in line 18 down through "**SECTION**" in line 20; and in lines 24, 27, and 29, in each instance, strike "**OR DISPENSING CENTER**".

On page 7 of the bill, in lines 1 and 2, strike "**OR DISPENSING CENTER**"; and in lines 28, 29, 33, and 34, in each instance, strike "**DISPENSING CENTER OR**".

On page 8 of the bill, in line 2, strike "**DISPENSING CENTER OR**"; and in lines 12 and 13, 13, and 19, in each instance, strike "**OR DISPENSING CENTER**".

On page 14 of the bill, in lines 17 and 18 and 22 and 23, strike "**OR DISPENSING CENTER**".

On page 16 of the bill, in line 10, strike "**AND DISPENSING CENTERS**"; and in lines 15 and 16, strike "**OR DISPENSING CENTER**".

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

Affirmative – 17 Negative – 28 (See Roll Call No. 1136)

FLOOR AMENDMENT

SB0627/343020/1
BY: Senator Harris

AMENDMENT TO SENATE BILL 627
(First Reading File Bill)

On page 13, in line 10, after "**INCLUDING**" insert "**A**"; and strike beginning with "**OR**" in line 10 down through "**BOARD**" in line 11.

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

Affirmative – 13 Negative – 30 (See Roll Call No. 1137)

FLOOR AMENDMENT

SB0627/273428/1

BY: Senator Harris

AMENDMENTS TO SENATE BILL 627
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "growers;" insert "prohibiting an authorized grower from holding any other permit issued under a certain provision of law or being a physician who prepares a certain written certification;"; and in line 15, strike "authorizing the same entity to grow and dispense marijuana" and substitute "prohibiting certain individuals issued a certain permit from holding any other permit issued under a certain provision of law or being a physician who prepares a certain written certification; prohibiting a physician that prepares a certain written certification from holding a permit issued under a certain provision of law".

AMENDMENT NO. 2

On page 5, after line 20, insert:

"**(D) AN AUTHORIZED GROWER MAY NOT:**

(1) HOLD ANY OTHER PERMIT ISSUED UNDER THIS SUBTITLE; OR

(2) BE A PHYSICIAN WHO PREPARES A WRITTEN CERTIFICATION SUBMITTED TO THE DEPARTMENT UNDER § 13–3004 OF THIS SUBTITLE.";

and in lines 21 and 28, strike "**(D)**" and "**(E)**", respectively, and substitute "**(E)**" and "**(F)**", respectively.

On page 8, strike beginning with "**THE**" in line 21 down through "**SECTION**" in line 23 and substitute "**AN INDIVIDUAL WHO HAS BEEN ISSUED A PERMIT UNDER THIS SECTION MAY NOT:**

(1) HOLD ANY OTHER PERMIT ISSUED UNDER THIS SUBTITLE; OR

(2) BE A PHYSICIAN WHO PREPARES A WRITTEN CERTIFICATION SUBMITTED TO THE DEPARTMENT UNDER § 13–3004 OF THIS SUBTITLE".

On page 9, after line 28, insert:

"**(3) A PHYSICIAN WHO PREPARES A WRITTEN CERTIFICATION SUBMITTED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION MAY NOT HOLD ANY PERMIT ISSUED UNDER THIS SUBTITLE.**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 1057 – Senator Stone

AN ACT concerning

Criminal Law – Leaving Dogs Outside and Unattended by Use of Restraint – Restricted Hours and Conditions

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

Favorable report rejected by a roll call vote as follows:

Affirmative – 19 Negative – 27 (See Roll Call No. 1138)

RECESS

At 12:34 P.M. on motion of Senator Kasemeyer, seconded, the Senate recessed until 1:00 P.M. on Legislative Day, April 5, 2010, Calendar Day, Friday, April 9, 2010.

AFTER RECESS
Annapolis, Maryland
Legislative Day: April 5, 2010
Calendar Day: Friday, April 9, 2010

At 1:25 P.M. the Senate resumed its session.

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

QUORUM CALL

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

(See Roll Call No. 1139)

CONFERENCE COMMITTEE REPORT

REPORT OF THE CONFERENCE COMMITTEE ON
SENATE BILL 140 – THE BUDGET BILL
(See Exhibit L of Appendix III)

Conference Committee Report read and adopted by a roll call vote as follows:

Affirmative – 38 Negative – 8 (See Roll Call No. 1140)

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 37 Negative – 9 (See Roll Call No. 1141)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE

CONFERENCE COMMITTEE REPORT ON SENATE BILL 140 – THE BUDGET BILL AND
SENATE BILL 141 – THE BUDGET RECONCILIATION AND FINANCING ACT
(See Exhibit M of Appendix III)

Conference Committee Report read and adopted by a roll call vote as follows:

Affirmative – 37 Negative – 9 (See Roll Call No. 1142)

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 37 Negative – 9 (See Roll Call No. 1143)

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. 1144)

ADJOURNMENT

At 2:05 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day April 6, 2010, Calendar Day, Saturday, April 10, 2010.