

Journal *of* Proceedings
of the
House of Delegates
of
Maryland

2010 Regular Session

Volume IV

Compiled and edited by:

Sylvia Siegert
Journal Clerk
Chief Clerk's Office

...

Mary Monahan
Chief Clerk

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

For further information concerning this document contact:

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

Baltimore Area: (410-946-5400) Washington Area: (301-970-5400)

Other Areas: (1-800-492-7122)

TTY: (410-946-5401) (301-970-5401)

TTY users may also call the
Maryland Relay Service to contact the General Assembly.

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

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

2010 HOUSE JOURNAL

INDEX OF DAYS

<u>Legislative Day</u>	<u>Page</u>	<u>Legislative Day</u>	<u>Page</u>
January 13.....	1	March 3.....	1217
January 14.....	65	March 4.....	1242
January 15.....	70	March 5.....	1256
January 18.....	83	March 8.....	1271
January 19.....	105	March 9.....	1325
January 20.....	107	March 10.....	1356
January 21.....	134	March 11.....	1380
January 22.....	154	March 12.....	1400
January 25.....	180	March 15.....	1428
January 26.....	212	March 16.....	1450
January 27.....	217	March 17.....	1512
January 28.....	259	March 18.....	1559
January 29.....	283	March 19.....	1585
February 1.....	339	March 20.....	1635
February 2.....	378	March 21.....	1668
February 3.....	398	March 22.....	1747
February 4.....	466	March 23.....	1819
February 5.....	506	March 24.....	2069
February 9.....	550	March 25.....	2282
February 10.....	596	March 26.....	2347
February 11.....	653	March 27.....	2432
February 12.....	655	March 28.....	2516
February 15.....	741	March 29.....	2567
February 16.....	775	March 30.....	2599
February 17.....	786	March 31.....	2667
February 18.....	883	April 1.....	2748
February 19.....	1034	April 2.....	2877
February 22.....	1048	April 3.....	2995
February 23.....	1064	April 4.....	3183
February 24.....	1084	April 5.....	3286
February 25.....	1125	April 6.....	3303
February 26.....	1145	April 7.....	3386
March 1.....	1177	April 8.....	3476
March 2.....	1194	April 9.....	3594

Annapolis, Maryland
Legislative Day: March 31, 2010
Calendar Day: Wednesday, April 7, 2010

The House met at 10:09 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Keith E. Haynes of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 130 Members present.

(See Roll Call No. 949)

The Journal of March 30, 2010 was read and approved.

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

<u>NUMBER</u>	<u>SPONSOR</u>
HB 487	Del. McIntosh
HB 494	Del. Hubbard
HB 516	Del. Malone
HB 536	Ch. Hlth & Govt Ops
HB 606	Del. Love
HB 619	Del. James
HB 631	Del. Niemann
HB 668	Harford County Del.
HB 695	Del. Hecht
HB 733	Del. Beitzel
HB 734	Washington County Del.
HB 766	Del. Heller
HB 770	Del. Griffith
HB 771	Del. Griffith
HB 772	Del. Griffith
HB 773	Del. Griffith
HB 830	Del. Kramer
HB 839	Del. Heller
HB 849	Del. Hubbard
HB 854	Del. Stein

HB 855	Montgomery Co. Del.
HB 880	Del. Kramer
HB 948	Del. Olszewski
HB 981	St. Mary's County Del.
HB 1025	Del. Tarrant
HB 1032	Del. Kirk
HB 1033	Frederick County Del.
HB 1044	Del. Bronrott
HB 1059	Del. Eckardt
HB 1114	Carroll County Del.
HB 1134	Del. Griffith
HB 1152	Ch., Econ Matters Co.
HB 1167	Carroll County Del.
HB 1206	Del. Frick
HB 1219	Allegany County Del.
HB 1226	Del. Hubbard
HB 1254	Del. Vaughn
HB 1416	Del. Frush
HB 1471	Del. Rudolph
HB 1564	Ch. Hlth & Govt Ops

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 6	Del. F. Turner
HB 80	Ch., Econ Matters Co.
HB 82	Ch., Econ Matters Co.
HB 84	Ch., Econ Matters Co.
HB 87	Ch., Econ Matters Co.
HB 89	Del. O'Donnell
HB 110	Del. Eckardt
HB 113	Del. Eckardt
HB 130	The Speaker
HB 131	The Speaker
HB 133	The Speaker
HB 134	The Speaker
HB 135	The Speaker
HB 136	The Speaker
HB 162	Del. Anderson
HB 176	Del. Hixson
HB 179	Del. Elliott
HB 200	Del. Rosenberg
HB 209	Del. Vaughn
HB 214	Del. Pena-Melnyk

HB 215	Del. Nathan–Pulliam
HB 226	Del. Anderson
HB 245	Allegany County Del.
HB 246	Allegany County Del.
HB 260	Ch., Appropriations
HB 275	Ch., Appropriations
HB 279	Del. Robinson
HB 291	Del. King
HB 302	Del. Nathan–Pulliam
HB 340	Cecil County Del.
HB 346	Del. Hucker
HB 418	Del. Beitzel
HB 453	Washington County Del.
HB 459	Del. Healey

Read and ordered journalized.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #25

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

Senate Bill 41 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Clubs – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 43 – Senator Haines

AN ACT concerning

Public Safety – Board of Boiler Rules – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 47 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Restaurant Seating Requirement

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 122 – Senators Brochin and Stone

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 151 – Senators Pinsky and Harrington

AN ACT concerning

**Prince George’s County – Alcoholic Beverages – Class B–AE (Arts and
Entertainment) License**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 153 – Senators Glassman, Harris, and Jacobs

AN ACT concerning

Harford County – Liquor Control Board Membership – Nomination Process

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

**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**

SB0355/373895/1

BY: Economic Matters Committee

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 376 – ~~Senator Della~~ Senators Della and Jones

AN ACT concerning

**Baltimore City – Consumption of Alcoholic Beverages – Unlicensed
Restaurants**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 547 – Senators Pugh, Jones, and McFadden

AN ACT concerning

Insurance – Domestic Reinsurers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

**Senate Bill 643 – Senators Pugh, Currie, Forehand, Harrington, Jones, King,
Kramer, Lenett, Madaleno, ~~and Raskin~~ Raskin, and Exum**

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.

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

Senate Bill 647 – Senator Pugh

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.

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

Senate Bill 688 – Senator Raskin

AN ACT concerning

Maryland General Corporation Law – Miscellaneous Provisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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**

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 898 – ~~Senator Glassman~~ Senators Glassman, Middleton, and Klausmeier

AN ACT concerning

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

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 943 – ~~Senators Pugh and Garagiola~~, Garagiola, and Exum

AN ACT concerning

Credit Regulation – Mortgage Brokers – Charges

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1006 – Senator Pugh

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.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #21

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

**Senate Bill 90 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Agriculture)**

AN ACT concerning

Secretary of Agriculture – Farm Quarantine

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 152 – Senators Glassman, Harris, and Jacobs

AN ACT concerning

Harford County – Sheriff's Office – Power to Enforce Noise Control Laws

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 509 – Senator Stoltzfus

AN ACT concerning

**~~Somerset, Wicomico, and Worcester Counties~~ – Vehicle Laws – Exceptional
Hauling Permits – Validity in Select Eastern Shore Counties**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 602 – Senators Raskin, Brochin, ~~and Pinsky~~ Pinsky, Forehand, Gladden, Jacobs, Simonaire, and Stone

AN ACT concerning

~~Vehicle Laws~~ **High Occupancy Vehicle (HOV) Lanes – Use by Plug-In Vehicles**

SB0602/450711/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 602
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after “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 3, in line 27, after “**THE**” insert “ADMINISTRATION, ON THE RECOMMENDATION OF THE”; and in the same line, after “ADMINISTRATION” insert a comma.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #13**

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

**House Bill 1034 – Delegates Costa, Benson, Bobo, Bronrott, Gaines, Guzzone,
Hubbard, Kullen, Manno, Mizeur, Montgomery, and Waldstreicher**

AN ACT concerning

**Community Services Reimbursement Rate Commission – Developmental
Disabilities and Community Mental Health Services – Rate Adjustments**

HB1034/406288/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1034

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Waldstreicher” and substitute “Waldstreicher, Hixson, Hammen, Pendergrass, Elliott, Jenkins, Krebs, McDonough, Morhaim, Nathan-Pulliam, Reznik, Riley, Tarrant, and V. Turner”; strike beginning with “develop” in line 5 down through “providers” in line 7 and substitute “determine a weighted average cost structure of certain developmental disabilities service providers and community mental health services providers in a certain manner”; in line 8, strike “update formula” and substitute “annual inflationary cost adjustment”; in line 11, strike “using a certain update formula”; in line 12, after “year,” insert “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;”; and in line 13, after “providers,” insert “requiring the Department to conduct a certain study in consultation with certain stakeholders and to report its findings and recommendations to the General Assembly on or before certain dates; providing for the termination of this Act;”.

AMENDMENT NO. 2

On page 2, strike beginning with “Develop” in line 18 down through “BY” in line 23 and substitute “**DETERMINE A WEIGHTED AVERAGE COST STRUCTURE OF PROVIDERS BY**”; in line 26, after the semicolon insert “**AND**”; and strike beginning with the second “AND” in line 29 down through the semicolon in line 33.

On page 3, in line 16, strike “UPDATE FORMULA” and substitute “ANNUAL INFLATIONARY COST ADJUSTMENT”; in line 17, strike “§ 13-806” and substitute “§ 16-201.2(D)”; in the same line, strike “SUBTITLE” and substitute “ARTICLE”; and strike beginning with “methodologies” in line 25 down through the comma in line 26 and substitute “WEIGHTED AVERAGE COST STRUCTURE OF PROVIDERS”.

AMENDMENT NO. 3

On page 4, strike beginning with “using” in line 24 down through “Commission” in line 26; after line 26, insert:

“(2) THE DEPARTMENT SHALL ESTABLISH AN ANNUAL INFLATIONARY COST ADJUSTMENT FOR PROVIDERS THAT SHALL BE ALIGNED WITH THE ANNUAL COST ADJUSTMENTS FOR UNITS OF STATE GOVERNMENT IN THE GOVERNOR’S PROPOSED BUDGET.

“(3) SUBJECT TO PARAGRAPHS (4) AND (5) OF THIS SUBSECTION, THE DEPARTMENT SHALL ENSURE THAT THE ANNUAL INFLATIONARY COST ADJUSTMENT FOR PROVIDERS IS EQUIVALENT TO THE ANNUAL INFLATIONARY COST ADJUSTMENTS FOR CATEGORIES OF COSTS FOR UNITS OF STATE GOVERNMENT IN THE GOVERNOR’S PROPOSED BUDGET BY USING THE WEIGHTED AVERAGE COST STRUCTURE SET FORTH IN § 13-806(B)(1) OF THIS ARTICLE.

“(4) THE ANNUAL INFLATIONARY COST ADJUSTMENTS FOR CATEGORIES OF COSTS FOR UNITS OF STATE GOVERNMENT USED TO ESTABLISH THE ANNUAL INFLATIONARY COST ADJUSTMENT FOR PROVIDERS MAY NOT BE LESS THAN 0%.

“(5) THE ANNUAL INFLATIONARY COST ADJUSTMENT FOR PROVIDERS MAY NOT EXCEED A MAXIMUM ADJUSTMENT OF 4%.”;

strike in their entirety lines 27 through 30, inclusive; and in line 31, strike “(3)” and substitute “(6)”.

AMENDMENT NO. 4

On page 4, after line 34, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall:

(a) (1) conduct a study, in consultation with community services stakeholders, including the Maryland Association of Community Services and the Community Behavioral Health Association of Maryland, for purposes of recommending a plan to develop, and a timeline to implement, a rate-setting methodology for community developmental disabilities and mental health services providers that would:

(i) promote the fiscally sound and efficient operation of community services providers; and

(ii) promote the highest level of quality of care for individuals with developmental disabilities and mental illness.

(2) include in the study an analysis of:

(i) the operating costs of community services providers;

(ii) the ability of community services providers to attract and retain a high quality work force;

(iii) any appropriate and feasible incentives for high quality performance of community services providers;

(iv) any capital infrastructure needs of community services providers;

(v) transportation costs of community services providers;

(vi) the appropriate future role of the Community Services Reimbursement Rate Commission and other entities involved in State rate-setting processes; and

(vii) any other issues related to the efficient and effective provision of community services; and

(b) (1) on or before December 1, 2012, report its preliminary findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article; and

(2) on or before January 1, 2013, report its findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article.”.

AMENDMENT NO. 5

On page 5, in line 1, strike “2.” and substitute “3.”; and in line 2, after “2010.” insert “It shall remain effective for a period of 5 years and 9 months and, at the end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 31 – Senator Lenett

EMERGENCY BILL

AN ACT concerning

Maryland Communities for a Lifetime Commission

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 52 – Chair, Finance Committee (By Request – Departmental – Disabilities)

AN ACT concerning

Department of Disabilities – Maryland Commission on Disabilities – Duties and Responsibilities

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 56 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Health Insurance – Medicare Supplement Policies – Repeal of Requirement to Offer Plan I

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 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

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

**Senate Bill 77 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Public Safety and
Correctional Services) and Senator Harrington**

AN ACT concerning

**Health General – Disease Prevention and Testing – Inmates of Correctional
Institutions**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

**Senate Bill 198 – Senators Glassman, Garagiola, Gladden, Harris, Jacobs,
Kasemeyer, Klausmeier, Kramer, Middleton, Mooney, Raskin,
Rosapepe, Stoltzfus, and Stone**

AN ACT concerning

**Farmer’s Markets – ~~Raw~~ Agricultural Product Sales – Producer Mobile
Farmer’s Market License**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 199 – Senators Glassman, Garagiola, Kasemeyer, Klausmeier, Kramer, Mooney, Raskin, Rosapepe, Stoltzfus, and Stone

AN ACT concerning

Seasonal Farmer’s Market Producer Sampling License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 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

Favorable report adopted.

Delegate O’Donnell moved to make the Bill a Special Order for the end of the second reading calendars.

The motion was adopted.

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

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

AN ACT concerning

**Developmental Disabilities Administration – Recipient ~~Reevaluations~~
Appeals**

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 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

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 920 – Senators ~~Kasemeyer and Madaleno~~, Madaleno, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Developmental Disabilities Administration – Low Intensity Support Services

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 923 – Carroll County Senators

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.

THE COMMITTEE ON JUDICIARY REPORT #20

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

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

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 61 – Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Family Law – Criminal History Records Checks – Employees and Employers in Facilities and Other Individuals That Care for or Supervise Children

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 119 – Senators Zirkin and Stone

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Civil Jury Trials – Amount in Controversy

SB0119/512611/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 119

(Third Reading File Bill)

On page 1, in line 11, strike “Articles” and substitute “Article”.

On page 2, in lines 11 and 18, in each instance, strike “**\$20,000**” and substitute “**\$15,000**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 340 – ~~Senator Frosh~~ Senators Frosh and Forehand

AN ACT concerning

Estates and Trusts – Maryland International Wills Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 411 – Senators Middleton, Astle, Brinkley, Colburn, DeGrange, Della, Edwards, Garagiola, Glassman, Jacobs, Kasemeyer, Kittleman, Klausmeier, Mooney, Munson, Peters, Raskin, ~~and Stone~~ Stone, Brochin, Forehand, Haines, and Simonaire

AN ACT concerning

Defense of Dwelling or Place of Business – Civil Immunity

SB0411/622813/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 411

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “requiring the” and substitute “authorizing a”.

AMENDMENT NO. 2

On page 2, after line 9, insert:

“(C) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO A PERSON WHO IS CONVICTED OF A CRIME OF VIOLENCE UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE, ASSAULT IN THE SECOND DEGREE, OR RECKLESS ENDANGERMENT ARISING OUT OF THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (B) OF THIS SECTION.”;

and in lines 10 and 12, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively.

AMENDMENT NO. 3

On page 2, in line 10, strike “SHALL” and substitute “MAY”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 531 – Senators Forehand, Haines, Jacobs, Klausmeier, and Muse

AN ACT concerning

Civil Actions – Limitation of Actions – Land Surveyors

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 560 – Senators Forehand, King, ~~and Madalene~~ Madaleno, Frosh, Gladden, Brochin, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Vehicle Laws – Traffic Citations – Option to Request Trial

SB0560/442316/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 560

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after “periods;” insert “establishing requirements for certain copies of a citation form;”; and in the same line, after “changes;” insert “declaring the intent of the General Assembly; providing for the effective dates of this Act;”.

AMENDMENT NO. 2

On page 1, in line 17, after “26-201(c)” insert “, (d), and (e)”; and after line 19, insert:

“BY adding to

Article - Transportation

Section 26-201(d)

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)”.

AMENDMENT NO. 3

On page 2, in line 7, strike “AT LEAST 14 POINT”.

AMENDMENT NO. 4

On page 3, after line 10, insert:

“(D) IF A CITATION IS MARKED “YOU HAVE THE RIGHT TO STAND TRIAL”:

(1) THE FORM OF THE DEFENDANT’S COPY OF THE CITATION SHALL INCLUDE IN BOLDFACE TYPE A DESCRIPTION OF THE FOLLOWING OPTIONS:

(I) PAYMENT OF THE FINE;

(II) REQUEST A TRIAL; AND

(III) REQUEST A “GUILTY WITH AN EXPLANATION” HEARING REGARDING SENTENCING AND DISPOSITION IN LIEU OF A TRIAL; AND

(2) THE FORM OF THE “RETURN TO COURT” COPY OF THE CITATION SHALL INCLUDE IN BOLDFACE TYPE A CHECK-OFF BOX FOR EACH OF THE OPTIONS DESCRIBED IN ITEM (1) OF THIS SUBSECTION.

[(d)] (E) A police officer who discovers a vehicle stopped, standing, or parked in violation of § 21–1003 or § 21–1010 of this article shall:

(1) Deliver a copy of a citation to the driver or, if the vehicle is unattended, attach a copy of a citation to the vehicle in a conspicuous place; and

(2) Keep a written or electronic copy of the citation, bearing the police officer’s certification under penalty of perjury that the facts stated in the citation are true.

[(e)] (F) (1) A police officer who discovers a motor vehicle parked in violation of § 13–402 of this article shall:

(i) Deliver a copy of a citation to the driver or, if the motor vehicle is unattended, attach a copy of a citation to the motor vehicle in a conspicuous place; and

(ii) Keep a written or electronic copy of the citation, bearing the law enforcement officer's certification under penalty of perjury that the facts stated in the citation are true.

(2) In the absence of the driver, the owner of the motor vehicle is presumed to be the person receiving the copy of a citation or warning."

AMENDMENT NO. 5

On page 5, strike in their entirety lines 11 and 12 and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that funding of up to \$250,000 be provided to the Judicial Branch in fiscal 2011 by the Governor's Office of Crime Control and Prevention to the Administrative Office of the Courts for computer programming changes to the case management system and written and electronic citations.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2011.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect July 1, 2010."

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

**Senate Bill 820 – Senators Forehand, Colburn, Klausmeier, Lenett, ~~and Stone~~
Stone, Jacobs, and Simonaire**

AN ACT concerning

Police Training Commission – Additional Minimum Training Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Public Safety – Sexual Offender Advisory Board

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #16

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

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

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 64 – Chair, Budget and Taxation Committee (By Request – Departmental – Business and Economic Development) and Senators Garagiola and Jones

AN ACT concerning

Maryland Research and Development Tax Credit – Sunset Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 139 – Senators Madaleno ~~and Miller~~, Miller, and Jones

AN ACT concerning

**~~Property Tax – Exemption for Disabled Veterans and Surviving Spouses –~~
~~Definition~~ Public Health Service and NOAA Officers and Surviving Spouses**

Favorable report adopted.

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

The motion was adopted.

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

Senate Bill 223 – Senator Colburn

AN ACT concerning

Dorchester County – County Transfer Tax – Repeal of Sunset Provision

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

**Senate Bill 281 – The President (By Request – Administration) and Senators
DeGrange, Robey, Kramer, King, Currie, Munson, Brochin, Forehand,
Frosh, Garagiola, Klausmeier, and Lenett**

AN ACT concerning

Motor Vehicle Excise Tax – Tax Credit for Electric Vehicles

SB0281/985963/1

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 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

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 387 – Senator Edwards

AN ACT concerning

Garrett County – Noncertificated Public School Employees – Service Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 536 – Senators Muse, Brochin, Conway, Exum, Harrington, Jones, King, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Miller, Peters, Pinsky, Pugh, Raskin, Rosapepe, Simonaire, and Stone

AN ACT concerning

State Board of Education – Student Member – Full Voting Rights Act

SB0536/615360/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 536

(Third Reading File Bill)

On page 1, in line 2, strike “– Full”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 683 – Senators Peters, Harrington, Currie, Exum, Miller, Muse, Pinsky, and Rosapepe

AN ACT concerning

Property Taxes – ~~Homestead Property Tax Credit~~ Bicounty Commissions

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 748 – ~~Senator Colburn~~ Senators Colburn and Stoltzfus

AN ACT concerning

**Somerset County, Wicomico County, and Worcester County – ~~Board~~ Boards
of Elections – Membership**

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 884 – Senators Klausmeier and Stone

AN ACT concerning

Baltimore County – Bargaining Unit for Public School Employees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Education Reform Act of 2010

SB0899/305169/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 899

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “public” and substitute “local”; and in line 8, after “provided” insert “certain guidance and instruction and”.

On pages 1 and 2, strike beginning with “requiring” in line 11 on page 1 down through “Certification” in line 9 on page 2, and substitute “requiring the State Board of Education to adopt regulations establishing standards for effective mentoring; providing that a tenured certificated employee who moves to another local school system in the State shall be tenured in the local school system to which the employee relocates under certain circumstances; authorizing the local school system to which an employee relocates to extend the employee’s probationary period under certain circumstances; requiring a county board to establish certain performance evaluation criteria for a certificated teacher or principal under certain conditions; requiring the performance evaluation criteria to include certain measures; requiring the State Board to establish by regulation general standards for teacher and principal performance evaluations, that the performance evaluation criteria include certain measures, and that certain criteria be accounted for in a certain manner; requiring the State Board to establish a certain program to support certain incentives, contingent on the receipt of certain federal funds”.

On page 2, in line 11, strike “public” and substitute “local”.

AMENDMENT NO. 2

On page 3, in line 16, strike “Except as provided in” and substitute “SUBJECT TO”; in the same line, strike “(3)” and substitute “(2)”; in line 17, strike “public” and substitute “LOCAL”; and in line 33, after “TENURE” insert “AT ANY FORMAL EVALUATION POINT”.

On page 4, in line 31, strike “1.”; strike beginning with “THAT” in line 32 down through “ISSUES” in line 35 and substitute “, INCLUDING PROVISIONS TO ENSURE THAT MENTORS PROVIDE MENTORING THAT IS FOCUSED, OF HIGH QUALITY, AND GEARED TO THE NEEDS OF EACH EMPLOYEE BEING MENTORED”.

On page 5, strike in their entirety lines 1 through 11, inclusive; in line 19, strike “ASSESSED” and substitute “MEASURED”; and in the same line, strike “MEASURES” and substitute “CRITERIA”.

On pages 5 and 6, strike beginning with line 21 on page 5 through line 9 on page 6, inclusive, and substitute:

“(2) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, A COUNTY BOARD SHALL ESTABLISH PERFORMANCE EVALUATION CRITERIA

FOR CERTIFICATED TEACHERS AND PRINCIPALS IN A LOCAL SCHOOL SYSTEM AFTER MEETING AND CONFERRING WITH THE EXCLUSIVE EMPLOYEE REPRESENTATIVE.

(3) THE STATE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH GENERAL STANDARDS FOR PERFORMANCE EVALUATIONS FOR CERTIFICATED TEACHERS AND PRINCIPALS.

(4) (I) PERFORMANCE EVALUATION CRITERIA FOR A CERTIFICATED TEACHER OR PRINCIPAL IN A LOCAL SCHOOL SYSTEM SHALL INCLUDE MULTIPLE MEASURES.

(II) STUDENT GROWTH SHALL ACCOUNT FOR 50% OF THE PERFORMANCE EVALUATION CRITERIA.

(III) NO SINGLE CRITERION SHALL ACCOUNT FOR MORE THAN 35% OF THE TOTAL PERFORMANCE EVALUATION CRITERIA.”.

AMENDMENT NO. 3

On page 6, in line 12, strike “FUNDS”; and strike beginning with “FEDERAL” in line 12 down through “TO” in line 13.

On pages 6 and 7, strike beginning with line 23 on page 6 through line 20 on page 7, inclusive, and substitute:

“(II) CONTINGENT ON THE RECEIPT OF RACE TO THE TOP GRANT FUNDS, THE STATE BOARD SHALL ESTABLISH A PROGRAM TO SUPPORT LOCALLY NEGOTIATED INCENTIVES FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN PUBLIC SCHOOLS IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING.”.

On page 7, in line 21, strike “3.” and substitute “2.”; in line 23, strike “public” and substitute “local”; and in line 25, strike “4.” and substitute “3.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 925 – Carroll County Senators

AN ACT concerning

Carroll County – Green Building Tax Credit

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS
REPORT #11**

CONSENT CALENDAR #7

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

House Bill 1567 – Delegate McHale

AN ACT concerning

**State Highway Administrator – County Construction Projects – Duty to
Provide Notice**

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

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

Senate Bill 114 – Senator Gladden

AN ACT concerning

Voter's Rights Protection Act of 2010

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

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

Senate Bill 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

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

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

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

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

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

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

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

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

Senate Bill 450 – Senators Brinkley and Mooney

EMERGENCY BILL

AN ACT concerning

Frederick County – Property Tax Setoff

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

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

Senate Bill 520 – Senator Robey

AN ACT concerning

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

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

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

Senate Bill 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

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

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

Senate Bill 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

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

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

**Senate Bill 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

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

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

Senate Bill 782 – Senator Raskin

AN ACT concerning

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

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

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

**Senate Bill 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

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

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

Senate Bill 815 – Senators Forehand, Colburn, Klausmeier, Lenett, and Stone

AN ACT concerning

Identity Fraud – Uniform Reporting Form

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

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

Senate Bill 828 – Senator Madaleno

AN ACT concerning

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

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

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

**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**

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

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

Senate Bill 857 – Senator Pipkin

AN ACT concerning

Queen Anne’s County – County Commissioners – Gaming Permits

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

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

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

AN ACT concerning

Domestic Violence – Protective Order – Extension

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

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

Senate Bill 911 – ~~Senator Astle~~ Senators Astle, Della, Exum, Garagiola, Glassman, Klausmeier, and Middleton

AN ACT concerning

Underground Facilities – Damage Prevention

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

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

Senate Bill 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

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

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

Senate Bill 929 – Senator Kasemeyer

AN ACT concerning

Estates and Trusts – Transfers – Recordation and Transfer Taxes

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

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

Senate Bill 992 – Senator Pipkin

AN ACT concerning

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

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

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

Senate Bill 1013 – Senator Jacobs

AN ACT concerning

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

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

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

Senate Bill 1041 – Senator Lenett

AN ACT concerning

State Board of Examiners of Psychologists – Criminal History Records Check

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

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

Senate Bill 1081 – Senators DeGrange and Garagiola

AN ACT concerning

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

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

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

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

AN ACT concerning

Maryland Higher Education Commission – Review of Program Proposals

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

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

Senate Bill 1107 – Senator Garagiola

AN ACT concerning

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

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

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

Senate Bill 1123 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

**Political Subdivisions – Collective Bargaining Agreements – Binding
Arbitration**

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

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

Senate Bill 1124 – Senator Kasemeyer

AN ACT concerning

**University System of Maryland – Audits – Communicating Preliminary
Findings**

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

SPECIAL ORDERS

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

**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

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

FLOOR AMENDMENT

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 ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

AMENDED IN THE SENATE

House Bill 103 – Delegates Lafferty and Malone

AN ACT concerning

Real Property – Mobile Home Parks – Plans for Dislocated Residents

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

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 not concurred in.

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 adopted.**AMENDED IN THE SENATE****House Bill 990 – Delegates Olszewski, Cardin, DeBoy, Frick, and Shewell**

AN ACT concerning

**Financial Institutions – Credit Unions – Authority to Conduct Savings
Promotion Raffles**

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

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 not concurred in.

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 adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 950)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #68

House Bill 180 – Delegates Hixson, Hucker, and Mizeur

AN ACT concerning

Financial Institutions – Automated Teller Machines – Video Cameras

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

Affirmative – 134 Negative – 5 (See Roll Call No. 951)

The Bill was then sent to the Senate.

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

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

Affirmative – 141 Negative – 0 (See Roll Call No. 952)

The Bill was then sent to the Senate.

House Bill 1164 – Delegate Niemann

AN ACT concerning

Green Maryland Act of 2010

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

Affirmative – 136 Negative – 5 (See Roll Call No. 953)

The Bill was then sent to the Senate.

**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

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

Affirmative – 141 Negative – 0 (See Roll Call No. 954)

The Bill was then sent to the Senate.

House Bill 1375 – Delegate Mizeur

AN ACT concerning

Kids First Express Lane Eligibility Act

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

Affirmative – 141 Negative – 0 (See Roll Call No. 955)

The Bill was then sent to the Senate.

House Bill 1407 – Delegate Conaway

AN ACT concerning

Financial Institutions – Mortgage Loan Originators – Prohibited Acts

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

Affirmative – 115 Negative – 25 (See Roll Call No. 956)

The Bill was then sent to the Senate.

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**

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

Affirmative – 137 Negative – 2 (See Roll Call No. 957)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #18

Senate Bill 11 – ~~Senator Conway~~ Senators Conway and Dyson

AN ACT concerning

Business Regulation – Returnable Containers – Plastic Secondary Packaging

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

Affirmative – 139 Negative – 0 (See Roll Call No. 958)

The Bill was then returned to the Senate.

Senate Bill 129 – Senators Pugh, Conway, Forehand, Jacobs, Jones, Kelley, King, ~~and Kramer~~ Kramer, Middleton, Astle, Exum, Garagiola, and Klausmeier

AN ACT concerning

International Marriage Brokers – Regulation

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

Affirmative – 140 Negative – 1 (See Roll Call No. 959)

The Bill was then returned to the Senate.

Senate Bill 302 – Senator Glassman

AN ACT concerning

**Commercial Law – Equipment Dealer Contract Act – Outdoor Power Sports
Equipment**

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

Affirmative – 140 Negative – 1 (See Roll Call No. 960)

The Bill was then returned to the Senate.

Senate Bill 482 – Senator Edwards

AN ACT concerning

Workers’ Compensation – Allegany County Deputy Sheriffs

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

Affirmative – 140 Negative – 0 (See Roll Call No. 961)

The Bill was then returned to the Senate.

Senate Bill 529 – Senators Garagiola, Astle, Exum, and Pugh

AN ACT concerning

Net Energy Metering – Fuel Cell

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

Affirmative – 139 Negative – 1 (See Roll Call No. 962)

The Bill was then returned to the Senate.

Senate Bill 728 – Cecil County Senators

AN ACT concerning

Cecil County – Board of Electrical Examiners and Licensing of Electricians

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

Affirmative – 141 Negative – 0 (See Roll Call No. 963)

The Bill was then returned to the Senate.

Senate Bill 787 – Senator Pugh

AN ACT concerning

Financial Institutions – Mortgage Lenders – Net Worth Requirements

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

Affirmative – 140 Negative – 0 (See Roll Call No. 964)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #19

**Senate Bill 3 – Senators Klausmeier, Middleton, ~~and Robey~~ Robey, Colburn,
and Dyson**

AN ACT concerning

Environment – Wetlands and Waterways Program Fees – Aquaculture

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

Affirmative – 140 Negative – 1 (See Roll Call No. 965)

The Bill was then returned to the Senate.

Senate Bill 29 – Senator Astle

AN ACT concerning

**Department of Natural Resources – Preparation of Fishery Management
Plans – Authority**

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

Affirmative – 138 Negative – 2 (See Roll Call No. 966)

The Bill was then returned to the Senate.

Senate Bill 36 – Senator Colburn

AN ACT concerning

Dorchester County – Bay Restoration Fee – Lien Against Property

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

Affirmative – 139 Negative – 1 (See Roll Call No. 967)

The Bill was then returned to the Senate.

Senate Bill 40 – Senator Colburn

AN ACT concerning

Dorchester County – Membership of Sanitary Commission

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

Affirmative – 141 Negative – 0 (See Roll Call No. 968)

The Bill was then returned to the Senate.

**Senate Bill 60 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Environment) and Senators
Harrington and Lenett**

AN ACT concerning

**Commission on Environmental Justice and Sustainable Communities –
Membership**

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

Affirmative – 136 Negative – 5 (See Roll Call No. 969)

The Bill was then returned to the Senate.

**Senate Bill 62 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Agriculture)**

AN ACT concerning

Maryland Horse Industry Fund – Fees

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

Affirmative – 118 Negative – 23 (See Roll Call No. 970)

The Bill was then returned to the Senate.

**Senate Bill 81 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Agriculture)**

AN ACT concerning

**State Board of Veterinary Medical Examiners – License Suspensions and
Revocations – Maximum Penalties**

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

Affirmative – 141 Negative – 0 (See Roll Call No. 971)

The Bill was then returned to the Senate.

**Senate Bill 82 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Agriculture)**

AN ACT concerning

Maryland Commercial Feed Law – Definitions – Prohibition on Sale

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

Affirmative – 140 Negative – 0 (See Roll Call No. 972)

The Bill was then returned to the Senate.

**Senate Bill 88 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Environment)**

AN ACT concerning

Environment – Controlled Hazardous Substance Advisory Council

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

Affirmative – 141 Negative – 0 (See Roll Call No. 973)

The Bill was then returned to the Senate.

**Senate Bill 95 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Agriculture)**

AN ACT concerning

**Maryland Agricultural Land Preservation Foundation – Farmland
Preservation Partnership Program**

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

Affirmative – 141 Negative – 0 (See Roll Call No. 974)

The Bill was then returned to the Senate.

**Senate Bill 235 – Senators Robey, Currie, Forehand, Frosh, Gladden,
Harrington, Jones, Kasemeyer, King, Klausmeier, Lenett, Madaleno,
McFadden, Muse, Peters, Pugh, Raskin, Rosapepe, Stone, and Zirkin**

AN ACT concerning

Real Property – Mobile Home Parks – Plans for Dislocated Residents

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

Affirmative – 103 Negative – 37 (See Roll Call No. 975)

The Bill was then returned to the Senate.

Senate Bill 245 – Senator Simonaire

AN ACT concerning

School Bus Seat Belt Corrective Language Act

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

Affirmative – 137 Negative – 2 (See Roll Call No. 976)

The Bill was then returned to the Senate.

Senate Bill 289 – Senator Edwards

AN ACT concerning

Allegany County and Garrett County – Turkey Hunting – Sundays

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

Affirmative – 130 Negative – 10 (See Roll Call No. 977)

The Bill was then returned to the Senate.

Senate Bill 319 – Senators Miller, Currie, McFadden, Astle, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Peters, Pinsky, Pugh, Raskin, Robey, and Rosapepe

AN ACT concerning

African American Heritage Preservation Program

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

Affirmative – 113 Negative – 28 (See Roll Call No. 978)

The Bill was then returned to the Senate.

Senate Bill 326 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

Environment – State Board of Waterworks and Waste Systems Operators – Sunset Extension and Revisions

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

Affirmative – 141 Negative – 0 (See Roll Call No. 979)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #20

Senate Bill 71 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – General Services)

AN ACT concerning

Procurement – Small Business Reserve Program – Sunset Extension

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

Affirmative – 141 Negative – 0 (See Roll Call No. 980)

The Bill was then returned to the Senate.

Senate Bill 72 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Military)

AN ACT concerning

Maryland Militia – Membership

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

Affirmative – 140 Negative – 0 (See Roll Call No. 981)

The Bill was then returned to the Senate.

**Senate Bill 73 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Military)**

AN ACT concerning

Maryland Emergency Management Agency – Director

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

Affirmative – 140 Negative – 0 (See Roll Call No. 982)

The Bill was then returned to the Senate.

**Senate Bill 78 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Veterans Affairs)**

AN ACT concerning

Washington Cemetery Board of Trustees

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

Affirmative – 141 Negative – 0 (See Roll Call No. 983)

The Bill was then returned to the Senate.

**Senate Bill 79 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Deaf and Hard of Hearing,
Office of the)**

AN ACT concerning

Office of the Deaf and Hard of Hearing – Responsibilities

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

Affirmative – 141 Negative – 0 (See Roll Call No. 984)

The Bill was then returned to the Senate.

Senate Bill 313 – Senators King, Miller, Harrington, Conway, Currie, Exum, Forehand, Frosh, Garagiola, Gladden, Jones, Kasemeyer, Kelley, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, ~~and Stone~~ Stone, and Middleton

AN ACT concerning

Health Insurance – Annual Preventive Care

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

Affirmative – 140 Negative – 1 (See Roll Call No. 985)

The Bill was then returned to the Senate.

Senate Bill 328 – Senators Middleton ~~and Della~~, Della, Exum, Kelley, Klausmeier, and Pugh

AN ACT concerning

Hospitals – Financial Assistance and Debt Collection

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

Affirmative – 140 Negative – 1 (See Roll Call No. 986)

The Bill was then returned to the Senate.

Senate Bill 605 – Senators King, Conway, Frosh, Garagiola, Harrington, Kramer, Lenett, Madaleno, ~~and Middleton~~ Middleton, Gladden, Brochin, Forehand, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Angel's Law – Foster Care and Child Care – ~~Cordless~~ Window Coverings

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

Affirmative – 139 Negative – 1 (See Roll Call No. 987)

The Bill was then returned to the Senate.

Senate Bill 700 – Senator Exum

AN ACT concerning

Health Insurance – Child Wellness Benefits

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

Affirmative – 141 Negative – 0 (See Roll Call No. 988)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #21

**Senate Bill 74 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Education)**

AN ACT concerning

Education – Comprehensive Master Plans

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

Affirmative – 141 Negative – 0 (See Roll Call No. 989)

The Bill was then returned to the Senate.

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

AN ACT concerning

Education – Nonpublic School Employees – Criminal Convictions

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

Affirmative – 141 Negative – 0 (See Roll Call No. 990)

The Bill was then returned to the Senate.

**Senate Bill 76 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Education)**

AN ACT concerning

Education – Disruptive Youth – Funding

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

Affirmative – 141 Negative – 0 (See Roll Call No. 991)

The Bill was then returned to the Senate.

**Senate Bill 87 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Education)**

AN ACT concerning

**Education – Physical Education and Athletic Programs for Students with
Disabilities – Reporting Requirements**

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

Affirmative – 140 Negative – 0 (See Roll Call No. 992)

The Bill was then returned to the Senate.

**Senate Bill 256 – Senators Harrington, Frosh, Garagiola, Kasemeyer, Lenett,
Madaleno, McFadden, Peters, Pinsky, Pugh, Raskin, and Robey**

AN ACT concerning

Public Schools – Physical Education Facilities

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

Affirmative – 138 Negative – 0 (See Roll Call No. 993)

The Bill was then returned to the Senate.

**Senate Bill 336 – Senators King, Currie, Harrington, Lenett, McFadden,
Pinsky, and Raskin**

AN ACT concerning

Maryland Business Tax Reform Commission – Reporting Requirements

FLOOR AMENDMENT

SB0336/613528/1

BY: Delegate O'Donnell

AMENDMENTS TO SENATE BILL 336

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “requiring the Maryland Business Tax Reform Commission to review and evaluate the impact of the State’s tax competitiveness and tax climate on the migration of taxpayers to states with a lower tax burden.”.

AMENDMENT NO. 2

On page 2, after line 17, insert:

“(4) THE COMMISSION SHALL REVIEW AND EVALUATE THE IMPACT OF THE STATE’S TAX COMPETITIVENESS AND TAX CLIMATE ON THE MIGRATION OF TAXPAYERS TO STATES WITH A LOWER TAX BURDEN.”.

The preceding 2 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 45 Negative – 96 (See Roll Call No. 994)

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

Affirmative – 104 Negative – 35 (See Roll Call No. 995)

The Bill was then returned to the Senate.

Senate Bill 540 – Senators Harrington, Conway, Kramer, Lenett, Madaleno, Peters, Rosapepe, and Zirkin

AN ACT concerning

Child with a Disability – Individualized Education Program

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

Affirmative – 141 Negative – 0 (See Roll Call No. 996)

The Bill was then returned to the Senate.

Senate Bill 658 – Senators DeGrange, Astle, and Rosapepe

AN ACT concerning

**Anne Arundel County – Property Tax Credit – Habitat for Humanity of the
Chesapeake ReStore**

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

Affirmative – 140 Negative – 1 (See Roll Call No. 997)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #22**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****FLOOR AMENDMENT**

SB0142/723028/1

BY: Delegate Krebs

AMENDMENTS TO SENATE BILL 142

(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 6, in line 3, strike “5,109,000” and substitute “6,229,000”.

AMENDMENT NO. 2

On page 33, in lines 7 and 13, strike “\$150,000” and “150,000”, respectively, and substitute “\$0” and “0”, respectively.

AMENDMENT NO. 3

On page 36, in lines 32 and 38, strike “\$25,000” and “25,000”, respectively, and substitute “\$0” and “0”, respectively.

AMENDMENT NO. 4

On page 39, in lines 4 and 10, strike “\$125,000” and “125,000”, respectively, and substitute “\$0” and “0”, respectively; and in line 41, strike “\$75,000” and substitute “\$0”.

AMENDMENT NO. 5

On page 40, in line 7, strike “75,000” and substitute “0”; and in lines 17 and 25, strike “\$375,000” and “375,000”, respectively, and substitute “\$0” and “0”, respectively.

AMENDMENT NO. 6

On page 43, in lines 25 and 27, strike “\$40,000” and “40,000”, respectively, and substitute “\$0” and “0”, respectively; and in lines 34 and 40, strike “\$50,000” and “50,000”, respectively, and substitute “\$0” and “0”, respectively.

AMENDMENT NO. 7

On page 44, in lines 1 and 4, strike “\$40,000” and “40,000”, respectively, and substitute “\$0” and “0”, respectively; and in lines 5 and 8, strike “\$40,000” and “40,000”, respectively, and substitute “\$0” and “0”, respectively.

AMENDMENT NO. 8

On page 47, in line 42, strike “\$200,000” and substitute “\$0”.

On page 48, in line 5, strike “200,000” and substitute “0”.

The preceding 8 amendments were read and rejected by a roll call vote as follows:

Affirmative – 35 Negative – 102 (See Roll Call No. 998)

FLOOR AMENDMENT

SB0142/883125/1

BY: Delegate O'Donnell

AMENDMENTS TO SENATE BILL 142

(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, strike beginning with “One” in line 7 down through “(\$1,031,794,000)” in line 8 and substitute “Eight Hundred and Eighty-Three Million, Six Hundred and Seventy-Three Thousand Dollars (\$883,673,000)”.

AMENDMENT NO. 2

On page 4, in line 21, strike “\$1,031,794,000” and substitute “\$883,673,000”.

AMENDMENT NO. 3

On page 5, in line 27, strike “10,000,000” and substitute “0”.

AMENDMENT NO. 4

On page 6, in line 29, strike “23,272,000” and substitute “0”.

AMENDMENT NO. 5

On page 8, in lines 22, 26, 29, and 31, strike “70,190,000”, “10,013,000”, “1,669,000”, and “2,967,000”, respectively, and substitute “55,541,000”, “0”, “0”, and “0”, respectively.

AMENDMENT NO. 6

On page 9, in line 29, strike “17,814,000” and substitute “0”.

AMENDMENT NO. 7

On page 12, in line 4, strike “100,000” and substitute “0”.

AMENDMENT NO. 8

On page 12, in line 25, strike “2,500,000” and substitute “0”.

AMENDMENT NO. 9

On page 12, in line 32, strike “1,000,000” and substitute “0”.

AMENDMENT NO. 10

On page 12, in line 37, strike “3,000,000” and substitute “0”.

AMENDMENT NO. 11

On page 14, in line 41, strike “3,265,000” and substitute “1,189,000”.

AMENDMENT NO. 12

On page 17, in line 33, strike “125,000,000” and substitute “85,300,000”.

AMENDMENT NO. 13

On page 20, in line 7, strike “83,604,441” and substitute “66,993,441”.

AMENDMENT NO. 14

On page 21, in lines 4 and 13, strike “\$3,000,000” and “3,000,000”, respectively, and substitute “\$1,500,000” and “1,500,000”, respectively; and in lines 16 and 26, strike “\$2,000,000” and “2,000,000”, respectively, and substitute “\$1,000,000” and “1,000,000”, respectively.

AMENDMENT NO. 15

On page 21, in lines 29 and 38, strike “\$3,000,000” and “3,000,000”, respectively, and substitute “\$1,500,000” and “1,500,000”, respectively.

AMENDMENT NO. 16

On page 22, in lines 36, 37, and 40, strike “1,500,000”, “\$200,000” and “200,000”, respectively, and substitute “0”, “\$0”, and “0”, respectively.

AMENDMENT NO. 17

On page 23, in lines 1 and 4, strike “\$100,000” and “100,000”, respectively, and substitute “\$0” and “0”, respectively.

AMENDMENT NO. 18

On pages 24 through 51, strike in their entirety the lines beginning with line 28 on page 24 through line 19 on page 51, inclusive.

AMENDMENT NO. 19

On page 76, in line 23, strike “\$1,140,000,000” and substitute “\$991,879,000”; and in line 26, strike “1,031,794,000” and substitute “883,673,000”.

AMENDMENT NO. 20

On page 77, in line 24, strike “1,177,725,000” and substitute “1,029,604,000”; and in line 28, strike “1,140,000,000” and substitute “991,879,000”.

The preceding 20 amendments were read only.

Delegate Cane moved the previous question.

The motion was adopted.

The preceding 20 amendments were read and rejected by a roll call vote as follows:

Affirmative – 33 Negative – 104 (See Roll Call No. 999)

FLOOR AMENDMENT

SB0142/533727/1

BY: Delegate O'Donnell

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

AMENDMENT NO. 1

On page 1, strike beginning with “One” in line 7 down through “(\$1,031,794,000)” in line 8 and substitute “One Billion, Thirty-One Million, Five Hundred and Ninety-Four Thousand Dollars (\$1,031,594,000)”.

AMENDMENT NO. 2

On page 4, in line 21, strike “\$1,031,794,000” and substitute “\$1,031,594,000”.

AMENDMENT NO. 3

On page 47, in line 42, strike “\$200,000” and substitute “\$0”.

AMENDMENT NO. 4

On page 48, in line 5, strike “200,000” and substitute “0”.

AMENDMENT NO. 5

On page 76, in lines 23 and 26, strike “\$1,140,000,000” and “1,031,794,000”, respectively, and substitute “\$1,139,800,000” and “1,031,594,000”, respectively.

AMENDMENT NO. 6

On page 77, in lines 24 and 28, strike “1,177,725,000” and “1,140,000,000”, respectively, and substitute “1,177,525,000” and “1,139,800,000”, respectively.

The preceding 6 amendments were read only.

Delegate Ross moved the previous question.

The motion was adopted.

The preceding 6 amendments were read and rejected by a roll call vote as follows:

Affirmative – 47 Negative – 89 (See Roll Call No. 1000)

FLOOR AMENDMENT

SB0142/713422/1

BY: Delegate Barkley

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

AMENDMENT NO. 1

On page 61, in line 12, strike “**72-BED**” and substitute “**48-BED**”.

AMENDMENT NO. 2

On page 63, in line 18, strike “**72-BED**” and substitute “**48-BED**”.

The preceding 2 amendments were read and rejected.

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

Affirmative – 108 Negative – 33 (See Roll Call No. 1001)

The Bill was then returned to the Senate.

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 – 140 Negative – 1 (See Roll Call No. 1002)

The Bill was then returned to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

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

FOR the purpose of ~~prohibiting a person from offering, providing, or attempting to provide debt settlement services in the State except as allowed under this Act; prohibiting a debt settlement services provider from receiving certain funds or payments or imposing certain fees or charges on a consumer, except for certain fees for certain services, until a debt settlement services agreement is executed and the debt settlement services are completed; limiting to a certain amount the fee that a debt settlement services provider may charge for debt settlement services; prohibiting a debt settlement services provider from charging a fee for certain services or to rescind a debt settlement services agreement; prohibiting a debt settlement services provider from making a certain representation; requiring or advising a consumer to stop making certain payments, or requiring a consumer to make a certain contribution; requiring that a debt settlement services agreement be signed and dated by the debt settlement services provider and the consumer and include certain information and disclosures; requiring that an advertisement for debt settlement services include certain disclosures; providing that a violation of this Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; providing for the application of this Act; establishing a certain short title; defining certain terms; 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; and generally relating to debt settlement services and debt settlement services providers.~~

~~BY repealing and reenacting, with amendments,~~

~~Article — Commercial Law~~

~~Section 13 — 301(14)(xxvi)~~

~~Annotated Code of Maryland~~

~~(2005 Replacement Volume and 2009 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article — Commercial Law~~

~~Section 13 — 301(14)(xxvii)~~

~~Annotated Code of Maryland~~

~~(2005 Replacement Volume and 2009 Supplement)~~

~~BY adding to~~

~~Article — Commercial Law~~

~~Section 13-301(14)(xxviii); and 14-3801 through 14-3811 to be under the new subtitle “Subtitle 38. Debt Settlement Services Act”~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2009 Supplement)~~

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

Senate Bill 906 – Senator Stone

AN ACT concerning

**Homeowner’s Insurance – ~~Offer of Coverage for Loss Caused by Discharge of~~
Water – Study**

FOR the purpose of requiring ~~certain insurers to offer in writing, at time of application and renewal, to provide~~ the Maryland Insurance Administration to conduct a certain study relating to coverage for loss that is caused by or results from a discharge of water from a certain system or source; ~~requiring certain insurers to include a certain statement with the offer; providing that if an application or renewal is made by telephone, an insurer is deemed to be in compliance with a certain provision of this Act under certain circumstances; providing that if an application or renewal is made using the Internet, an insurer is deemed to be in compliance with a certain provision of this Act under certain circumstances; providing for the application of this Act; requiring certain insurers to submit certain annual reports to the Maryland Insurance Administration 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; and generally relating to homeowner’s insurance and offers of coverage for loss caused by a discharge of water.~~

~~BY adding to~~
~~Article Insurance~~
~~Section 19-213~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2009 Supplement)~~

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

Senate Bill 987 – Senator Astle

AN ACT concerning

Natural Resources – Conservation Law Enforcement Act of 2010

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

BY adding to

Article – Natural Resources

Section 1–107 and 1–201

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 1–201, and 1–204, ~~4–206, 4–1201(f), and 4–1207~~

Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article – Natural Resources
Section 10–301.3 ~~and 10–1106.1~~
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 1003)

ADJOURNMENT

At 1:26 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day April 1, 2010, Calendar Day Thursday, April 8, 2010.

Annapolis, Maryland
Legislative Day: April 1, 2010
Calendar Day: Thursday, April 8, 2010

The House met at 10:16 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Robert A. Costa of Anne Arundel County.

QUORUM CALL

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

(See Roll Call No. 1004)

The Journal of March 31, 2010 was read and approved.

EXCUSES:

Del. McDonough – illness

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

<u>NUMBER</u>	<u>SPONSOR</u>
HB 62	Del. V. Turner
HB 66	Ch., Envir. Mat. Com.
HB 68	Ch., Envir. Mat. Com.
HB 72	Ch., Envir. Mat. Com.
HB 400	Del. Beitzel
HB 403	Ch., Econ Matters Co.
HB 408	Ch., Econ Matters Co.
HB 535	Cecil County Del.
HB 567	Prince George's Del.
HB 570	Prince George's Del.
HB 573	Prince George's Del.
HB 574	Prince George's Del.
HB 717	Howard County Del.
HB 730	Howard County Del.
HB 825	Del. Barkley
HB 1205	Montgomery Co. Del.
HB 1309	Del. Mathias

HB 1496

Del. Aumann

Read and ordered journalized.**AMENDED IN THE SENATE****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**

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

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 not concurred in.

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 adopted.

AMENDED IN THE SENATE

**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

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

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 not concurred in.

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 adopted.

THE COMMITTEE ON APPROPRIATIONS REPORT #12

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

House Bill 635 – Delegates Frush, Barnes, and Pena–Melnik

AN ACT concerning

Judges’ Retirement System – Reemployment of Retirees

HB0635/404465/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 635

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after the semicolon insert “requiring the Chief Judge of the Court of Appeals to submit a report to the Joint Committee by a certain date each year; providing for the termination of this Act;”.

AMENDMENT NO. 2

On page 2, after line 34, insert:

“(C) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE CHIEF JUDGE OF THE COURT OF APPEALS SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE TO THE JOINT COMMITTEE ON PENSIONS THAT PROVIDES:

(1) THE NUMBER OF REHIRED RETIREES UNDER SUBSECTION (A) OF THIS SECTION;

(2) THE EMPLOYER REHIRING A RETIREE UNDER SUBSECTION (A) OF THIS SECTION;

(3) THE ANNUAL SALARY OF EACH REHIRED RETIREE AT THE TIME OF RETIREMENT; AND

(4) THE CURRENT ANNUAL SALARY OF EACH REHIRED RETIREE.”.

AMENDMENT NO. 3

On page 2, in line 36, after the period insert “It shall remain effective for a period of 4 years and, at the end of June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 247 – Senators Glassman, Klausmeier, and Munson

AN ACT concerning

Hazardous Material Response Team Employees – Death Benefits and Funeral Expenses – Local Government Agencies

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 317 – Senators McFadden, Kasemeyer, Astle, Conway, Currie, DeGrange, Dyson, Exum, Forehand, Frosh, Garagiola, Harrington, Jones, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Miller, Munson, Peters, Pinsky, Pugh, Raskin, Robey, and Stone

EMERGENCY BILL

AN ACT concerning

State Retirement and Pension System – Retirees and Beneficiaries of Retirees – Annual Retirement Allowance Adjustments

SB0317/434367/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 317

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after the semicolon insert “requiring that certain annual retirement allowances be reduced by a certain amount under certain circumstances;”; in line 11, after “of” insert “certain provisions of”; and after line 13, insert:

“BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 24–401(e), 29–406, 29–407, 29–412, 29–418, and 29–427

Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On page 1, in line 15, strike “, notwithstanding any other provision of law” and substitute “the Laws of Maryland read as follows”.

On pages 1 through 4, strike in their entirety the lines beginning with line 16 on page 1 through line 4 on page 4, inclusive.

AMENDMENT NO. 3

On page 4, after line 4, insert:

“Article – State Personnel and Pensions

24–401.

(e) (1) Subject to paragraph (2) of this subsection, a retiree, or a beneficiary of a retiree, who retires on or before June 30, 1999 with a service retirement allowance, shall receive an annual retirement allowance adjustment as of July 1, 1999, as follows:

(i) for a retiree who has been retired not more than 5 years,
\$1,200;

(ii) for a retiree who has been retired more than 5 years but not
more than 10 years, \$1,500;

(iii) for a retiree who has been retired more than 10 years but
not more than 15 years, \$1,800; and

(iv) for a retiree who has been retired more than 15 years,
\$2,100.

(2) [Each] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
SUBSECTION, EACH fiscal year, the Board of Trustees shall increase the adjustment
received by the retiree or the beneficiary as of July 1, 1999, by multiplying the
adjustment by a fraction that has:

(i) as its numerator, the Consumer Price Index for the calendar year ending December 31 of the preceding fiscal year; and

(ii) as its denominator, the Consumer Price Index for the calendar year ending December 31, 1998.

(3) (I) FOR FISCAL YEAR 2011, IF THE ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THAT IS ADJUSTED AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION IS LESS THAN THE ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT PAYABLE FOR FISCAL YEAR 2010, THE ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT PAYABLE FOR FISCAL YEAR 2011 SHALL EQUAL THE ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT PAYABLE FOR FISCAL YEAR 2010.

(II) FOR FISCAL YEAR 2012, THE ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THAT IS ADJUSTED AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT PAYABLE FOR FISCAL YEAR 2010 AND THE ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THAT WOULD HAVE BEEN PAYABLE FOR FISCAL YEAR 2011 IF IT HAD BEEN ADJUSTED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

29-406.

(a) (1) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT to subsection (c) of this section, the cost-of-living adjustment made under this Part II equals the initial allowance multiplied by a fraction that has:

[(1)] (I) as its numerator, the amount obtained by subtracting the Consumer Price Index for the calendar year ending December 31 of the preceding fiscal year from the base year Consumer Price Index described in subsection (b) of this section; and

[(2)] (II) as its denominator, the base year Consumer Price Index described in subsection (b) of this section.

(2) IF THE COST-OF-LIVING ADJUSTMENT DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR FISCAL YEAR 2011 WOULD RESULT IN AN ALLOWANCE PAYABLE FOR FISCAL YEAR 2011 THAT IS LESS THAN THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2010, THE ANNUAL COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2011 SHALL EQUAL \$0.00.

(b) The base year Consumer Price Index referred to in subsection (a) of this section equals the later of:

(1) the Consumer Price Index for the calendar year ending December 31 of the fiscal year that preceded the last adjustment; or

(2) (i) for a retiree, the Consumer Price Index for the calendar year ending December 31 of the fiscal year in which the retiree was last employed as a member; or

(ii) for a former member who elected a vested allowance in accordance with § 29-303 of this title, the Consumer Price Index for the calendar year ending December 31 of the fiscal year in which the former member became 62 years old.

(c) The cost-of-living adjustment under this section may not exceed 3% of the initial allowance.

29-407.

(A) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE total allowance payable in any fiscal year shall be the sum of:

(1) the initial allowance;

(2) all prior cost-of-living adjustments;

(3) the cost-of-living adjustment provided for under § 29-406 of this subtitle; and

(4) any additional annuity.

(B) FOR FISCAL YEAR 2012, THE ALLOWANCE PAYABLE AS PROVIDED IN SUBSECTION (A) OF THIS SECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2010 AND THE ALLOWANCE THAT WOULD HAVE BEEN PAID FOR FISCAL YEAR 2011 IF THE COST-OF-LIVING ADJUSTMENT HAD BEEN CALCULATED AS PROVIDED UNDER § 29-406(A) OF THIS SUBTITLE.

29-412.

(A) [Subject] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND SUBJECT to § 29-413 of this subtitle, each fiscal year, the Board of Trustees shall adjust an initial allowance by multiplying the initial allowance by the fraction that has:

(1) as its numerator, the Consumer Price Index for the calendar year ending December 31 of the preceding fiscal year; and

(2) as its denominator:

(i) for a retiree, the beneficiary of a retiree, or the surviving spouse of a member, the Consumer Price Index for the calendar year ending December 31 of the fiscal year in which the retiree or member was last employed; or

(ii) for a former member or the beneficiary of a former member, the Consumer Price Index for the calendar year ending December 31 of the fiscal year in which the former member reaches normal retirement age.

(B) FOR FISCAL YEAR 2011, IF THE ALLOWANCE ADJUSTED AS PROVIDED IN SUBSECTION (A) OF THIS SECTION IS LESS THAN THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2010, THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2011 SHALL EQUAL THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2010.

(C) FOR FISCAL YEAR 2012, THE ALLOWANCE ADJUSTED AS PROVIDED IN SUBSECTION (A) OF THIS SECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2010 AND THE ALLOWANCE THAT WOULD HAVE BEEN PAYABLE FOR FISCAL YEAR 2011 IF IT HAD BEEN ADJUSTED UNDER SUBSECTION (A) OF THIS SECTION.

29-418.

(a) (1) [Each] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH fiscal year, the Board of Trustees shall adjust an allowance by multiplying the allowance for the preceding fiscal year, exclusive of any additional voluntary annuity, by a rate not exceeding 5%, that is obtained by dividing the Consumer Price Index for the calendar year ending December 31, in the preceding fiscal year by the Consumer Price Index for the calendar year ending December 31 in the second preceding fiscal year.

(2) IF THE ADJUSTMENT DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR FISCAL YEAR 2011 WOULD RESULT IN AN ALLOWANCE PAYABLE FOR FISCAL YEAR 2011 THAT IS LESS THAN THE ALLOWANCE FOR FISCAL YEAR 2010, THE ADJUSTMENT FOR FISCAL YEAR 2011 SHALL EQUAL \$0.00.

(b) The adjustment under subsection (a) of this section shall begin the second July 1 after the day preceding the retiree's date of retirement or the former member's effective date for receipt of a vested allowance.

(c) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE total allowance payable in each fiscal year shall be the sum of:

[(1)] (I) the annual rate of allowance paid during the preceding fiscal year;

[(2)] (II) the adjustment in allowance provided for under this section;
and

[(3)] (III) any additional annuity.

(2) FOR FISCAL YEAR 2012, THE ALLOWANCE PAYABLE AS PROVIDED IN SUBSECTION (A) OF THIS SECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2010 AND THE ALLOWANCE THAT WOULD HAVE BEEN PAID FOR FISCAL YEAR 2011 IF THE ADJUSTMENT HAD BEEN CALCULATED AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION.

29-427.

(a) (1) [Each] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH fiscal year, the Board of Trustees shall adjust an allowance by multiplying the allowance for the preceding fiscal year, exclusive of any additional voluntary annuity, by a rate not exceeding 3%, that is obtained by dividing the Consumer Price Index for the calendar year ending December 31 in the preceding fiscal year by the Consumer Price Index for the calendar year ending December 31 in the second preceding fiscal year.

(2) IF THE ADJUSTMENT DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR FISCAL YEAR 2011 WOULD RESULT IN AN ALLOWANCE PAYABLE FOR FISCAL YEAR 2011 THAT IS LESS THAN THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2010, THE ADJUSTMENT FOR FISCAL YEAR 2011 SHALL EQUAL \$0.00.

(b) The adjustment under subsection (a) of this section shall begin the second July 1 after the day preceding the retiree's date of retirement or the former member's effective date for receipt of a vested allowance.

(c) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE total allowance payable in each fiscal year shall be the sum of:

[(1)] (I) the annual rate of allowance paid during the preceding fiscal year;

[(2)] (II) the adjustment in allowance provided for under this section;
and

[(3)] (III) any additional annuity.

(2) FOR FISCAL YEAR 2012, THE ALLOWANCE PAYABLE AS PROVIDED IN SUBSECTION (A) OF THIS SECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ALLOWANCE PAYABLE FOR FISCAL YEAR 2010 AND THE ALLOWANCE THAT WOULD HAVE BEEN PAID FOR FISCAL YEAR 2011 IF THE ADJUSTMENT HAD BEEN CALCULATED AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION.

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

AMENDMENT NO. 4

On page 4, in line 5, strike “(h) (1)” and substitute “(a)”; in lines 7 and 12, strike “(i)” and “(ii)”, respectively, and substitute “(1)” and “(2)”, respectively; in line 17, strike “(2)” and substitute “(b)”; in lines 21 and 23, strike “(i)” and “(ii)”, respectively, and substitute “(1)” and “(2)”, respectively; after line 26, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall remain effective through December 31, 2010, and, at the end of December 31, 2010, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall remain effective through December 31, 2014, and, at the end of December 31, 2014, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.”;

in line 27, strike “2.” and substitute “5.”; and strike beginning with “It” in line 31 down through “effect.” in line 33.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 444 – Senator Kasemeyer

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.

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

Senate Bill 480 – Senator Robey

AN ACT concerning

State Contributory Law Enforcement Officers' Pension System – Transfer of Service Credit

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 495 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Police Retirement System – Deferred Vested Members – Survivor Benefits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 496 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

Law Enforcement Officers' Pension System – Deferred Retirement Option Program – Participation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 498 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Reemployment Earnings Limitation – Exemptions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 508 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

**Employees' Retirement and Pension Systems – Maryland School for the Deaf
Retirees – Overpayment of Benefits**

SB0508/684163/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 508

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “requiring” insert “the Board of Trustees of the State Retirement and Pension System to reduce the retirement allowance of certain retirees by a certain amount beginning on a certain date and continuing the reduction until the retirement allowance equals a certain amount; requiring”; and in line 22, strike “29–402” and substitute “21–113(c)”.

AMENDMENT NO. 2

On page 2, in line 6, strike “**§ 29–402 OF THIS ARTICLE**” and substitute “**SUBSECTION (C) OF THIS SECTION**”; strike in its entirety line 14; in line 15, strike “**(A)**” and substitute “**(C)** **(1)**”; in the same line, strike “**SECTION**” and substitute “**SUBSECTION**”; in lines 17, 19, and 21, strike “**(1)**”, “**(2)**”, and “**(3)**”, respectively, and substitute “**(I)**”, “**(II)**”, and “**(III)**”, respectively; in line 20, strike “**AND**”; and in line 23, after “**EMPLOYEE**” insert “**; AND**”

(IV) ON JULY 1, 2010, IS RECEIVING A RETIREMENT ALLOWANCE THAT IS GREATER THAN THE RETIREMENT ALLOWANCE THAT THE RETIREE IS ENTITLED TO RECEIVE”.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 26 on page 3, inclusive, and substitute:

“(2) (I) BEGINNING JULY 1, 2010, AND EVERY 6 MONTHS THEREAFTER, THE BOARD OF TRUSTEES SHALL REDUCE A RETIREE’S MONTHLY RETIREMENT ALLOWANCE BY 10% OF THE AMOUNT BY WHICH THE MONTHLY RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING AS OF JUNE 30, 2010, EXCEEDS THE MONTHLY RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE AS OF JUNE 30, 2010.

(II) THE BOARD OF TRUSTEES SHALL REDUCE A RETIREE’S MONTHLY RETIREMENT ALLOWANCE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH UNTIL THE MONTHLY RETIREMENT ALLOWANCE THAT THE RETIREE IS RECEIVING EQUALS THE MONTHLY RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE AS OF JUNE 30, 2010.

(3) (I) BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT JULY 1, THE BOARD OF TRUSTEES SHALL SUSPEND ANY ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THE RETIREE IS ENTITLED TO RECEIVE UNDER TITLE 29, SUBTITLE 4 OF THIS ARTICLE UNTIL THE RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING EQUALS THE AMOUNT THE RETIREE IS ENTITLED TO RECEIVE AS OF JUNE 30, 2010.

(II) BEGINNING ON THE JULY 1 IMMEDIATELY FOLLOWING THE LAST REDUCTION MADE TO A RETIREE’S MONTHLY RETIREMENT ALLOWANCE BY THE BOARD OF TRUSTEES UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD OF TRUSTEES SHALL:

1. REINSTATE THE APPLICATION OF ANY ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THAT THE RETIREE IS ENTITLED TO RECEIVE UNDER TITLE 29, SUBTITLE 4 OF THIS ARTICLE; AND

2. ADJUST THE RETIREE'S ALLOWANCE TO INCLUDE ANY ACCUMULATED COST-OF-LIVING ADJUSTMENTS FROM THE DATE THE COST-OF-LIVING ADJUSTMENTS WERE SUSPENDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.”;

On page 3, in line 27, strike “(C)” and substitute “(4)”; in the same line, strike “TOTAL AMOUNT OF” and substitute “MONTHLY”; strike beginning with the comma in line 28 down through the comma in line 29; in line 30, strike “TOTAL AMOUNT OF” and substitute “MONTHLY”; and strike beginning with “WAS” in line 30 down through “2010” in line 31 and substitute “IS RECEIVING AT THE TIME OF THE RETIREE’S DEATH”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 550 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Eligible Governmental Units

SB0550/534463/1

BY: Appropriations Committee

AMENDMENT TO SENATE BILL 550

(Third Reading File Bill)

On page 4, in line 23, after the first “system” insert “OR STATE SYSTEM”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 567 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension System – Noncontributory Former Vested
Members – Vested Retirement Allowance**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 732 – Cecil County Senators

AN ACT concerning

Cecil County – Public Facilities Bond Bill

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

**Senate Bill 777 – Senators DeGrange, Kasemeyer, King, Klausmeier,
McFadden, Munson, Peters, Pugh, Robey, and Zirkin**

AN ACT concerning

Local Government Funds – Redeposit into Insured Accounts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 796 – Senators Middleton and Forehand

AN ACT concerning

Criminal Procedure – Child Advocacy Centers

SB0796/344161/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 796
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “the Department of Human Resources and”; in line 4, strike “jointly”; in line 6, after “centers;” insert “requiring that the State Victims of Crime Fund be used to support the centers;”; in line 10, strike “Department of Human Resources” and substitute “Governor’s Office of Crime Control and Prevention”; in line 15, strike “input into”; and strike beginning with “altering” in line 15 down through “date;” in line 21; and in line 24, after “Section” insert “11–916, 11–919, and”.

AMENDMENT NO. 2

On page 2, after line 5, insert:

“11–916.

(a) There is a State Victims of Crime Fund.

(b) (1) The Fund shall be used to pay for [carrying out]:

(i) CARRYING OUT Article 47 of the Maryland Declaration of Rights;

(ii) CARRYING OUT the guidelines for the treatment and assistance for victims and witnesses of crimes and delinquent acts provided in §§ 11–1002 and 11–1003 of this title; [and]

(iii) CARRYING OUT any laws enacted to benefit victims and witnesses of crimes and delinquent acts; AND

(IV) SUPPORTING CHILD ADVOCACY CENTERS ESTABLISHED UNDER § 11–923(G) OF THIS SUBTITLE.

(2) The Fund may pay for the administrative costs of the Fund.

(c) The Board shall administer the Fund.

11–919.

(a) There is a grant program.

(b) The Governor's Office of Crime Control and Prevention shall:

(1) adopt regulations for the administration and award of grants under Part II of this subtitle; and

(2) submit all approved grant applications to the Board.

(c) The Board shall:

(1) approve each grant application received by the Governor's Office of Crime Control and Prevention before any money is released from the Fund; [and]

(2) ensure that the money obtained from unclaimed restitution under § 17-317(a)(3)(i) of the Commercial Law Article is used for annual grants to provide legal counsel to victims of crimes and delinquent acts to protect the victims' rights as provided by law; AND

(3) ENSURE THAT GRANTS TO CHILD ADVOCACY CENTERS ESTABLISHED UNDER § 11-923(G) OF THIS SUBTITLE SHALL:

(I) SUPPORT THE DEVELOPMENT AND OPERATION OF CHILD ADVOCACY CENTERS; AND

(II) SUPPLEMENT AND NOT SUPPLANT MONEY THAT THE CHILD ADVOCACY CENTERS RECEIVE FROM OTHER SOURCES."

AMENDMENT NO. 3

On pages 3 and 4, strike in their entirety the lines beginning with line 28 on page 3 through line 13 on page 4, inclusive.

On page 4, in lines 14, 18, and 22, in each instance, strike the bracket; in lines 14, 18, and 22, strike "(E)", "(F)", and "(G)", respectively; strike beginning with the colon in line 15 down through "(1)" in line 16; strike beginning with "; AND" in line 16 down through "CENTERS" in line 17; strike beginning with "AND" in line 18 down through "CENTERS" in line 19; in line 20, strike "AND CENTERS"; strike beginning with ", WITH" in line 22 down through "PREVENTION," in line 23; and in line 24, strike "AND CHILD ADVOCACY CENTERS".

AMENDMENT NO. 4

On page 4, after line 25, insert:

“(G) (1) THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION SHALL ESTABLISH AND SUSTAIN CHILD ADVOCACY CENTERS IN THE STATE.

(2) THE CHILD ADVOCACY CENTERS:

(I) MAY BE BASED IN PRIVATE NONPROFIT ORGANIZATIONS, LOCAL DEPARTMENTS OF SOCIAL SERVICES, LOCAL LAW ENFORCEMENT AGENCIES, OR A PARTNERSHIP AMONG ANY OF THESE ENTITIES;

(II) SHALL BE DEVELOPED AND LOCATED TO FACILITATE THEIR USE BY ALLEGED VICTIMS RESIDING IN THE SURROUNDING AREAS;

(III) SHALL INVESTIGATE ALLEGATIONS OF SEXUAL CRIMES AGAINST CHILDREN AND SEXUAL ABUSE OF MINORS;

(IV) SHALL PROVIDE OR FACILITATE REFERRALS TO APPROPRIATE COUNSELING, LEGAL, MEDICAL, AND ADVOCACY SERVICES FOR VICTIMS; AND

(V) SHALL BE INCLUDED IN ALL JOINT INVESTIGATION PROCEDURES DEVELOPED IN ACCORDANCE WITH § 5-706 OF THE FAMILY LAW ARTICLE.

(3) THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION MAY CONTRACT WITH PUBLIC OR PRIVATE NONPROFIT ORGANIZATIONS TO OPERATE CHILD ADVOCACY CENTERS.

(4) MONEY FOR CHILD ADVOCACY CENTERS SHALL BE AS PROVIDED IN THE ANNUAL STATE BUDGET AND SHALL BE USED TO SUPPLEMENT, BUT NOT SUPPLANT, MONEY THAT THE PROGRAMS RECEIVE FROM OTHER SOURCES.

(5) ON OR BEFORE JANUARY 1 EACH YEAR, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL SUBMIT AN ANNUAL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON CHILD ADVOCACY CENTERS TO THE GENERAL ASSEMBLY."

On pages 4 and 5, strike in their entirety the lines beginning with line 26 on page 4 through line 8 on page 5, inclusive.

On page 5, in line 9, strike "3." and substitute "2.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 924 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #22

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

Senate Bill 69 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Woodland Incentives Program – Prohibition on Use of Federal Funds – Repeal

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 69

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “funds;” insert “prohibiting certain persons from receiving in excess of a certain amount of certain woodland management cost share assistance; making a technical correction;”.

AMENDMENT NO. 2

On page 1, in line 16, before “An” insert “(A)”.

On page 2, after line 15, insert:

“(B) AN OWNER MAY NOT RECEIVE A TOTAL OF STATE AND FEDERAL COST SHARE ASSISTANCE IN AN AMOUNT THAT EXCEEDS 100% OF THE ACTUAL COST OF THE APPROVED PRACTICE.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

**Senate Bill 83 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Housing and Community
Development)**

AN ACT concerning

**Department of Housing and Community Development – Group Home
Financing Program – Refinancing**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Washington Suburban Sanitary Commission

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 174 – Senator Glassman

AN ACT concerning

~~Charter~~ Counties – Local Laws – Digital Copies

SB0174/480113/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 174

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Digital”; in the same line, after “Copies” insert “for Legislative Delegations”; strike beginning with “authorizing” in line 3 down through “Services” in line 8 and substitute “authorizing certain counties to provide a certain notice regarding a digital copy of the county’s compilation of local laws to each member of the county’s legislative delegation as an alternative to furnishing each member a printed copy of the compilation under certain circumstances; clarifying that copies of compilations of local laws and enactments of local laws furnished by certain counties to certain units of State government under certain circumstances shall be printed copies;”; in line 12, after “to” insert “copies of”; in line 13, strike “codes” and substitute “enactments”; in the same line, after “laws” insert “of counties”; and after line 13, insert:

“BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 32A
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 2, insert:

“Article 25 – County Commissioners

32A.

Whenever the board of county commissioners or county council of any county in this State publishes or issues in printed, mimeographed or similar duplicated form a code or compilation containing all or a portion of the public local laws of the county, the board or council shall deposit **PRINTED** copies free of charge with the following State agencies: State Archives, one copy; State Law Library, one copy; State Department of Legislative Services, five copies.”;

strike beginning with “1.” in line 17 down through “(II)” in line 21; in line 21, after “FURNISH” insert “PRINTED”; in the same line, after “COPIES” insert “OF THE COMPILATION”; in line 22, after “LIBRARY” insert “; AND”

(II) ONCE EACH YEAR:

1. NOTIFY EACH MEMBER OF THE COUNTY’S LEGISLATIVE DELEGATION THAT A DIGITAL COPY OF THE COMPILATION IS AVAILABLE ON THE INTERNET; OR

2. FURNISH A PRINTED COPY OF THE COMPILATION TO EACH MEMBER OF THE COUNTY’S LEGISLATIVE DELEGATION”;

in line 24, strike “PARAGRAPHS (2)(I)2 AND (II)” and substitute “PARAGRAPH (2)”; and in line 28, strike “PRINTED COPY” and substitute “4 PRINTED COPIES”.

On page 3, in line 11, after “that” insert “PRINTED”; and in line 17, after “supply” insert “PRINTED”.

On page 4, in line 9, before “copies” insert “PRINTED”; strike beginning with “1.” in line 23 down through “(II)” in line 27; in line 27, after “FURNISH” insert “PRINTED”; in the same line after “AND” insert “TO”; in line 28, after “LIBRARY” insert “; AND”

(II) ONCE EACH YEAR:

1. NOTIFY EACH MEMBER OF THE COUNTY’S LEGISLATIVE DELEGATION THAT A DIGITAL COPY OF THE COMPILATION IS AVAILABLE ON THE INTERNET; OR

2. FURNISH A PRINTED COPY OF THE COMPILATION TO EACH MEMBER OF THE COUNTY’S LEGISLATIVE DELEGATION”;

and in lines 29 and 30, strike “PARAGRAPHS (2)(I)2 AND (II)” and substitute “PARAGRAPH (2)”.

On page 5, in line 2, strike “A PRINTED COPY” and substitute “4 PRINTED COPIES”; in line 16, after “that” insert “PRINTED”; and in line 18, after “supply” insert “PRINTED”.

On page 6, in line 3, after “deposit” insert “PRINTED”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

**Public Utilities and Washington Suburban Sanitary Commission –
Cross-References**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 288 – Senator Edwards

AN ACT concerning

Maryland Dormant Mineral Interests Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 311 – Senators Miller, Klausmeier, Astle, Brochin, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, King, Kramer, Lenett, Madaleno, McFadden, Middleton, Peters, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Chesapeake Conservation Corps Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 541 – Senator Harrington

AN ACT concerning

Natural Resources – Park Advisory Commission – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 775 – Senators Kramer, Conway, Currie, Forehand, Harrington, Kelley, Lenett, Muse, Pinsky, Raskin, Rosapepe, and Stone

AN ACT concerning

Environment Transportation – Road Salt Management Programs – Best Practices Guidance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #23

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

House Bill 38 – Delegate Frush

AN ACT concerning

Motor Vehicles – Disposal Under Indemnity Agreement – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 654 – Delegates Impallaria, Jennings, McComas, and McDonough

AN ACT concerning

Harford County – Towing and Removing Vehicles

HB0654/430615/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 654

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike “receipts” and substitute “documentation”; in line 15, strike “and a certain surety bond”; and in line 25, after “Act,” insert “providing that this Act does not apply to the towing or removal of a vehicle from real property where a private residence is located.”.

AMENDMENT NO. 2

On page 2, in line 12, strike “THE REGISTRATION OR LICENSING OF PERSONS ENGAGED IN”; in line 16, strike “OR”; in line 18, after “AGENT” insert “; OR

(3) THE TOWING OR REMOVAL OF A VEHICLE FROM REAL PROPERTY WHERE A PRIVATE RESIDENCE IS LOCATED”;

in line 21, after “AN” insert “AUTHORIZED”; in line 23, after “PROPERTY” insert “WHO HAS BEEN AUTHORIZED TO ORDER THE TOWING OF VEHICLES FROM THE PROPERTY”; and in line 28, after “OFFICE” insert “AND AS OTHERWISE SPECIFIED BY STATE OR LOCAL LAW”.

AMENDMENT NO. 3

On page 3, in line 8, strike “**REPRESENTATIVES OF**” and substitute “**AFFILIATED IN ANY WAY WITH**”; in line 15, strike “RECEIPTS FOR” and substitute “**COPIES OF TOWING ORDERS OR ANY DOCUMENTATION AUTHORIZING**”; in line 18, strike “A” and substitute “**IN ADDITION TO ANY OTHER APPLICABLE PROVISIONS OF STATE LAW, A**”; in lines 20 and 28, in each instance, strike “OR” and substitute a comma; and in lines 21 and 28, in each instance, after “AGENT” insert “**, A SECURED PARTY, OR THE INSURER OF RECORD**”.

AMENDMENT NO. 4

On page 4, in line 20, strike “THE OWNER’S” and substitute “**AN AUTHORIZED**”; in the same line, after “AGENT” insert “**OF THE OWNER**”; in line 21, strike “A” and substitute “**AN AUTHORIZED**”; and strike beginning with “IN” in line 25 down through “SUBTITLE” in line 29 and substitute “**AS REQUIRED BY STATE AND FEDERAL LAW**”.

AMENDMENT NO. 5

On page 5, in line 9, strike “**IF**” and substitute “**IN ADDITION TO ANY OTHER APPLICABLE PROVISIONS OF STATE LAW, IF**”; strike beginning with “**CUSTOMARILY**” in line 12 down through “**VEHICLE**” in line 13 and substitute “**IDENTIFIED ON SIGNS POSTED ON THE PROPERTY**”; in line 15, strike “**AND LIENHOLDER**” and substitute “**, ANY SECURED PARTY, AND THE INSURER OF RECORD**”; in line 16, strike “**AND LIENHOLDER**” and substitute “**, SECURED PARTY, AND INSURER OF RECORD**”; and in line 24, after “**OFFICE**” insert “**OR OTHER LAW ENFORCEMENT AGENCIES**”.

AMENDMENT NO. 6

On page 6, in line 7, strike “**A**” and substitute “**IN ADDITION TO ANY OTHER PENALTY PROVIDED UNDER STATE LAW, A**”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 67 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Issuance of Temporary Registration Plates by Dealers – Transmission of Information and Record Keeping

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 85 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Electronic Transmission of Title Information by Dealers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 321 – ~~Senator Stone~~ Senators Stone, Lenett, and Forehand

AN ACT concerning

**The Delegate John Arnick Electronic Communications Traffic Safety Act of
2010**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #14**

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

House Bill 359 – Delegates James, Riley, Ali, Barkley, Boteler, Burns, DeBoy, Elmore, Hixson, Kach, Kipke, Lafferty, Love, McDonough, Minnick, Mizeur, Montgomery, Robinson, Rudolph, Shewell, Sophocleus, Sossi, Stocksdale, Stukes, F. Turner, and Wood

AN ACT concerning

Procurement – Service–Disabled Veteran Business Enterprise Participation

HB0359/876580/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 359

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Wood” and substitute “Wood, Kramer, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Jenkins, Krebs,

Kullen, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnik, Reznik, Tarrant, and V. Turner”; in line 2, strike “Service–Disabled Veteran” and substitute “Veteran–Owned Small”; in line 3, strike “certified”; in lines 4 and 18, in each instance, strike “service–disabled veteran” and substitute “veteran–owned small”; strike beginning with “requiring” in line 15 down through “program,” in line 17; and in line 22, strike “Service–Disabled Veteran” and substitute “Veteran–Owned Small”.

AMENDMENT NO. 2

On page 2, in line 7, strike “**SERVICE–DISABLED VETERAN**” and substitute “**VETERAN–OWNED SMALL**”; in line 10, strike “(A)”; and strike beginning with the first “THE” in line 10 down through “AND” in line 30 and substitute “, **“VETERAN–OWNED SMALL BUSINESS ENTERPRISE” MEANS A BUSINESS THAT IS VERIFIED BY THE CENTER FOR VETERANS ENTERPRISE OF THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AS A VETERAN–OWNED SMALL BUSINESS.**”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 10, inclusive; in line 12, strike “**JANUARY 1, 2011,**” and substitute “**JULY 1, 2012,**”; in lines 16 and 23, in each instance, strike “**CERTIFIED SERVICE–DISABLED**”; in line 19, strike “**SERVICE–DISABLED**”; and in lines 16, 19, and 24, in each instance, strike “**VETERAN**” and substitute “**VETERAN–OWNED SMALL**”.

AMENDMENT NO. 4

On page 4, in lines 7, 12, and 24, in each instance, strike “**SERVICE–DISABLED VETERAN**” and substitute “**VETERAN–OWNED SMALL**”.

AMENDMENT NO. 5

On page 6, strike in their entirety lines 12 through 16, inclusive; and in line 17, strike “3.” and substitute “2.”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 163 – Senator Conway

AN ACT concerning

**State Board of Pharmacy – ~~Wholesale Distributors – Accreditation and
Reciprocity~~ Wholesale Distributor Permitting and Prescription Drug
Integrity Act – Revisions**

SB0163/536981/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 163

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 8 and 9, strike “certain circumstances when” and substitute “the circumstances under which”; in line 15, strike “and”; in the same line, strike “defining certain other terms”; and strike beginning with “accreditation” in line 15 down through “drugs” in line 16 and substitute “Wholesale Distributor Permitting and Prescription Drug Integrity Act”.

AMENDMENT NO. 2

On page 4, in line 18, strike “IS AUTHORIZED TO” and substitute “MAY”.

AMENDMENT NO. 3

On page 5, strike in their entirety lines 4 through 8, inclusive; in line 20, strike “THAT ARE” and substitute “THAT:

(I) ARE;

and in line 21, after “STATE” insert “; AND

**(II) INCLUDE PEDIGREES, ROUTINE INSPECTIONS OF
WHOLESALE DISTRIBUTORS, OPERATION OF WHOLESALE DISTRIBUTORS IN A
COMMERCIAL NONRESIDENTIAL FACILITY, AND SECURITY MEASURES”.**

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 171 – Senators Peters, Astle, Colburn, Conway, DeGrange, Garagiola, Harrington, Kasemeyer, Klausmeier, Lenett, Munson, Pugh, ~~and Robey~~ Robey, and Dyson

AN ACT concerning

Procurement – Service–Disabled Veteran Business Enterprise Participation

SB0171/596087/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 171

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Service–Disabled Veteran” and substitute “Veteran–Owned Small”; in line 3, strike “certified”; in lines 4 and 18, in each instance, strike “service–disabled veteran” and substitute “veteran–owned small”; and in line 22, strike “Service–Disabled Veteran” and substitute “Veteran–Owned Small”.

AMENDMENT NO. 2

On page 2, in line 11, strike “**SERVICE–DISABLED VETERAN**” and substitute “**VETERAN–OWNED SMALL**”; in line 14, strike “**(A)**”; and strike beginning with the first “**THE**” in line 14 down through “**VETERANS;**” in line 32 and substitute “**,
“VETERAN–OWNED SMALL BUSINESS ENTERPRISE” MEANS A BUSINESS THAT IS
VERIFIED BY THE CENTER FOR VETERANS ENTERPRISE OF THE UNITED
STATES DEPARTMENT OF VETERANS AFFAIRS AS A VETERAN–OWNED SMALL
BUSINESS.**”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 12, inclusive; in lines 18 and 25, in each instance, strike “**CERTIFIED SERVICE–DISABLED**”; in line 21, strike “**SERVICE–DISABLED**”; and in lines 18, 21, and 26, in each instance, strike “**VETERAN**” and substitute “**VETERAN–OWNED SMALL**”.

AMENDMENT NO. 4

On page 4, in lines 10, 15, and 27, in each instance, strike “**SERVICE-DISABLED VETERAN**” and substitute “**VETERAN-OWNED SMALL**”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 241 – Senator Conway

AN ACT concerning

**State Board of Nursing – Changes to the Electrology Practice Committee and
Licensing Requirements**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 266 – Senator Conway

AN ACT concerning

**State Board of Nursing and Certified Nursing Assistant Advisory Committee
– Membership – Nominations for Vacancies**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 291 – Senator Conway

AN ACT concerning

Health Occupations Boards – Revisions

SB0291/596982/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 291
(Third Reading File Bill)

On page 4, in line 16, after “**INFORMATION;**” insert “**OR**”; and strike beginning with “**ACTS**” in line 17 down through “**(6)**” 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.

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

Senate Bill 305 – Senator Munson

AN ACT concerning

**Public Safety – Emergency Medical Services Provider Killed in Performance
of Duty – Flag Benefit for Family**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

**Senate Bill 325 – Senator Conway (Chair, Education, Health, and
Environmental Affairs Committee)**

AN ACT concerning

State Board of Dental Examiners – Sunset Extension and Revisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 415 – Senators Mooney, Raskin, Madaleno, Colburn, Currie, Della, Dyson, Forehand, Frosh, Garagiola, Haines, Harrington, Jacobs, Kelley, King, Kittleman, Lenett, Middleton, Munson, Muse, Peters, Pugh, Rosapepe, Simonaire, ~~and Zirkin~~ Zirkin, Conway, Harris, and Reilly

AN ACT concerning

State Government – Commemorative Month – Hispanic Heritage Month

SB0415/686183/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 415

(Third Reading File Bill)

On page 1, in line 16, strike “**HISPANICS**” and substitute “**HISPANIC AMERICANS**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 454 – Senator Pinsky

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 485 – Senator Munson

AN ACT concerning

State Board of Physical Therapy Examiners – Licensure and Regulation

SB0485/516584/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 485
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “under certain circumstances”.

AMENDMENT NO. 2

On page 3, in line 24, strike “using”; in line 25, after “(i)” insert “TAKING”; in line 26, strike “Radioactive” and substitute “USING RADIOACTIVE”; and in line 27, strike “Electricity” and substitute “USING ELECTRICITY”.

AMENDMENT NO. 3

On page 4, in line 5, strike “(1)”; in line 7, strike “SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,”; in the same line, after “MAIL” insert “TO THE LAST KNOWN ELECTRONIC MAIL ADDRESS OF THE LICENSEE”; in lines 10, 11, and 13, strike “(I)”, “(II)”, and “(III)”, respectively, and substitute “(1)”, “(2)”, and “(3)”, respectively; and strike in their entirety, lines 14 through 16, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 546 – Senators Peters, Muse, Conway, Currie, Exum, Harrington, Jones, King, Klausmeier, Kramer, Pinsky, Pugh, Robey, and Rosapepe

AN ACT concerning

**Procurement – Minority Business Enterprises – Review of Application for
Certification and Notice to Applicant**

SB0546/326887/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 546
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “and” in line 7 down through “period” in line 10; and in line 10, after the semicolon, insert “authorizing the agency to extend a certain notification requirement for a certain period of time if the agency provides the applicant with a certain notice and explanation.”.

AMENDMENT NO. 2

On page 2, in line 22, strike “**THE**” and substitute “**A**”; in the same line, after “**APPLICATION**” insert “**THAT INCLUDES ALL OF THE INFORMATION NECESSARY FOR THE AGENCY TO MAKE A DECISION**”; strike beginning with the comma in line 23 down through “**APPLICANT,**” in line 24 and substitute “**DESIGNATED TO CERTIFY MINORITY BUSINESS ENTERPRISES**”; strike beginning with “**TIME**” in line 24 down through “**THAN**” in line 26 and substitute “**NOTIFICATION REQUIREMENT ESTABLISHED UNDER ITEM (II) OF THIS ITEM ONCE, FOR NO MORE THAN AN ADDITIONAL**”; and in line 26, after “**DAYS**” insert “**, IF THE AGENCY PROVIDES THE APPLICANT WITH A WRITTEN NOTICE AND EXPLANATION**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 632 – Senator Conway

AN ACT concerning

**Registered Nurses, Licensed Practical Nurses, Nursing Assistants, and
Medication Technicians – Changes to Licensure Requirements**

SB0632/896981/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 632

(Third Reading File Bill)

On page 6, in line 2, strike “**2013**” and substitute “**2012**”; and strike in their entirety lines 5 through 7, inclusive, and substitute:

“(2) ON OR AFTER JANUARY 1, 2013, A LICENSE EXPIRES ON THE DATE SET BY THE BOARD AND MAY NOT BE RENEWED FOR A TERM LONGER THAN 2 YEARS.”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 715 – Senators Dyson, Astle, Brinkley, Colburn, Conway, DeGrange, Forehand, Garagiola, Gladden, Glassman, Haines, Harris, Jacobs, Jones, King, Kittleman, Klausmeier, Kramer, Lenett, Middleton, Munson, Pipkin, Raskin, Rosapepe, Stoltzfus, Stone, ~~and Zirkin~~ Zirkin, and Harrington

AN ACT concerning

State Government – Commemorative Days – Fire, Rescue, and Emergency Services Workers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #21

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

House Bill 879 – Delegates Kramer, Barkley, Barnes, Bates, Carr, Conaway, Feldman, Frank, Hecht, Heller, Ivey, Jenkins, Kaiser, Kelly, Lee, Manno, McConkey, Miller, Murphy, Reznik, Rice, Shank, and Smigiel

AN ACT concerning

Assisted Living and Nursing Home Residents Protection Act of 2010

HB0879/832316/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 879

(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, impacts, and laws and making certain recommendations relating to protecting residents and employees of nursing homes and assisted living facilities and the family members of residents from 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;”.

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

(III) REVIEW AND REPORT ON THE POTENTIAL IMPACT ON HEALTH CARE PROVIDERS OF RECOMMENDED CHANGES IN POLICIES AND PROCEDURES CONCERNING SEXUAL OFFENDERS IN NURSING HOMES AND ASSISTED LIVING FACILITIES; AND

(IV) MAKE RECOMMENDATIONS FOR PROTECTING RESIDENTS AND EMPLOYEES OF NURSING HOMES AND ASSISTED LIVING FACILITIES AND THE FAMILY MEMBERS OF RESIDENTS FROM 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 and the family members of residents from sexual offenders.”;

in line 19, strike “2.” and substitute “3.”; and in line 20, after the period insert “It shall remain effective for a period of 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.

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

House Bill 1187 – Delegates Anderson, Branch, Harrison, Krysiak, Love, McIntosh, Oaks, Robinson, Rosenberg, and Tarrant

AN ACT concerning

Baltimore City – Marriage License Fee – Increase

HB1187/342617/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1187

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Increase” insert “– The Carole Alexander Act”.

AMENDMENT NO. 2

On page 1, strike beginning with “providing” in line 3 down through “year” in line 8 and substitute “requiring the Mayor and City Council of Baltimore City to set by resolution an additional marriage license fee of up to a certain amount”.

AMENDMENT NO. 3

On page 1, in line 19, strike “may” and substitute “SHALL”; and in the same line, strike “ordinance” and substitute “RESOLUTION”.

AMENDMENT NO. 4

On page 1, in line 22, strike the brackets; and in the same line, strike “**HOUSE OF RUTH**”.

On page 2, in lines 1 and 2, in each instance, strike the bracket; and strike beginning with “**THE**” in line 2 down through “**YEAR**” in line 5.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Anderson moved to make the Bill a Special Order for Friday.

The motion was adopted.

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

Senate Bill 22 – Senator Muse

AN ACT concerning

**Criminal Law – Prohibitions on Wearing, Carrying, or Transporting
Firearms – Exceptions**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 97 – ~~Senator Mooney~~ Senators Mooney, Muse, Frosh, and Raskin

AN ACT concerning

Office of the Public Defender – Board of Trustees – ~~Composition~~ Membership

SB0097/702313/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 97

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Criminal Procedure – Board of Trustees of the Office of the Public Defender – Modification”; in line 10, strike “the requirement” and substitute “a provision of law requiring”; in line 12, after “Trustees” insert “, by a certain vote,”; strike beginning with the comma in line 13 down through “term” in line 14; in line 16, after “members” insert “and chair”; in the same line, after “Trustees,” insert “requiring each member of the Board of Trustees to have demonstrated commitment to indigent defense;”; strike beginning with “requiring” in line 19 down through “qualifications;” in line 20; and in line 20 strike “certain persons from serving on” and substitute “a prosecutor, judge, or law enforcement officer from being a member of”.

On pages 1 and 2, strike beginning with “providing” in line 25 on page 1 down through “a” in line 1 on page 2 and substitute “increasing the”; strike beginning with “altering” in line 2 down through “time;” in line 9 and substitute “repealing provisions of law relating to regional advisory boards of the Office of the Public Defender; requiring that the initial members of the Board of Trustees be appointed on or before a certain date; specifying the terms of the initial members of the Board of Trustees; providing that a member of the Board of Trustees who is serving on the effective date of this Act shall continue to serve until a successor is appointed and qualifies;”; and after line 15, insert:

“BY repealing

Article – Criminal Procedure

Section 16–303 and 16–304

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)”.

AMENDMENT NO. 2

On page 3, strike line 3 in its entirety; and strike line 7 in its entirety and substitute “MEMBERS APPOINTED BY THE GOVERNOR, 12 OF WHOM EACH REPRESENT A PUBLIC DEFENDER DISTRICT, AND THE 13TH OF WHOM IS THE CHAIR.”

(2) THE BAR ASSOCIATION OF EACH COUNTY SHALL SUBMIT TO THE GOVERNOR THE NAMES OF THREE INDIVIDUALS FOR CONSIDERATION FOR AN OPEN POSITION ON THE BOARD OF TRUSTEES REPRESENTING THE PUBLIC DEFENDER DISTRICT IN WHICH THE COUNTY IS LOCATED.

(3) THE GOVERNOR SHALL CHOOSE THE MEMBERS OF THE BOARD OF TRUSTEES, OTHER THAN THE CHAIR, FROM AMONG THE NAMES SUBMITTED BY THE BAR ASSOCIATIONS.”.

On pages 2 through 5, strike in their entirety the lines beginning with line 20 on page 3 through line 28 on page 5, and substitute:

“(c) (1) Each member of the Board of Trustees shall be a resident of the State AND HAVE DEMONSTRATED COMMITMENT TO INDIGENT DEFENSE.

(2) [Two members] EACH MEMBER of the Board of Trustees shall be AN active [attorneys] ATTORNEY admitted to practice before the Court of Appeals of Maryland.

(3) A PROSECUTOR, JUDGE, OR LAW ENFORCEMENT OFFICER MAY NOT BE A MEMBER OF THE BOARD OF TRUSTEES.

(d) (1) The term of a member of the Board of Trustees is 3 years.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD OF TRUSTEES ON JUNE 1, 2010.

(3) AT THE END OF A TERM A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHOSE TERM HAS EXPIRED MAY BE REAPPOINTED TO THE BOARD OF TRUSTEES.

[(2)] (5) A vacancy occurring on the Board of Trustees during the term of a member shall be filled by the Governor IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION for the remainder of the unexpired term.

(e) [(1) The Board of Trustees annually shall elect a chair from among its members.

(2)] The chair shall preside over and represent the interests of the Board of Trustees in carrying out this title.

(f) [Two] SEVEN members of the Board of Trustees are a quorum.

(g) (1) The Board of Trustees shall hold at least one regular annual meeting at a time and place that the chair designates.

(2) Additional meetings shall be held as necessary and may be called on notice by the chair or at the request of at least two members of the Board of Trustees.

(h) A member of the Board of Trustees:

(1) may not receive compensation for serving on the Board of Trustees;
but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

[16–303.

(a) There are four regional advisory boards of the Office.

(b) Each regional advisory board consists of five members appointed by the Governor.

(c) Of the four regional advisory boards:

(1) the first shall advise public defender districts one, eight, and nine, which encompass Baltimore City, Baltimore County, and Harford County;

(2) the second shall advise public defender districts two and three, which encompass Caroline County, Cecil County, Dorchester County, Kent County, Queen Anne’s County, Somerset County, Talbot County, Wicomico County, and Worcester County;

(3) the third shall advise public defender districts four, five, and seven, which encompass Anne Arundel County, Calvert County, Charles County, Prince George’s County, and St. Mary’s County; and

(4) the fourth shall advise public defender districts six, ten, eleven, and twelve, which encompass Allegany County, Carroll County, Frederick County, Garrett County, Howard County, Montgomery County, and Washington County.

(d) Each member of a regional advisory board shall be:

(1) a resident of a district represented by that regional advisory board;
and

(2) (i) a judge of a circuit court;

(ii) a judge of the District Court; or

(iii) an active attorney admitted to practice before the Court of Appeals of Maryland.

(e) (1) The term of a member of a regional advisory board is 3 years.

(2) A vacancy occurring on a regional advisory board during the term of a member shall be filled by the Governor for the remainder of the unexpired term.

(f) (1) The Governor shall annually designate a chair of each regional advisory board from among the members of that regional advisory board.

(2) The chair shall preside over and represent the interests of that regional advisory board in carrying out this title.

(g) Three members of a regional advisory board are a quorum.

(h) (1) Each regional advisory board shall hold at least one regular annual meeting at a time and place that the chair designates.

(2) Additional meetings may be called:

(i) on notice by the chair;

(ii) on notice by the Public Defender;

(iii) on notice by the district public defender from a district represented by that regional advisory board; or

(iv) at the request of at least three members of the regional advisory board.

(i) A member of a regional advisory board:

(1) may not receive compensation for serving on the regional advisory board; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.]

[16–304.

Each regional advisory board shall:

(1) study and observe the operation of district public defender offices; and

(2) advise the Public Defender and district public defenders on panels of attorneys, fees, and other matters about the operation of district public defender offices and the public defender system.].”

On page 6, strike lines 3 through 8 in their entirety and substitute:

“(1) The members representing public defender districts one through four in 2012;

(2) The members representing public defender districts five through eight in 2013;

(3) The members representing public defender districts nine through twelve in 2014; and

(4) The chair in 2014.”;

and strike lines 12 through 16 in their entirety and substitute:

“SECTION 5. 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.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 279 – The President (By Request – Administration) and Senators Frosh, Lenett, Currie, Della, Gladden, Harrington, Kelley, Klausmeier, Madaleno, Middleton, Pinsky, Raskin, Robey, and Rosapepe

AN ACT concerning

Maryland False Health Claims Act of 2010

Favorable report adopted.

FLOOR AMENDMENT

SB0279/953121/1

BY: Delegate Tarrant

AMENDMENT TO SENATE BILL 279

(Third Reading File Bill)

On page 23, strike in their entirety lines 18 through 20, inclusive, and substitute “ONLY FOR ACTS THAT OCCURRED AFTER OCTOBER 1, 2010.”.

The preceding amendment was read only.

Delegate Schuler moved to make the Bill and Amendments a Special Order for next session.

The motion was adopted.

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

Senate Bill 390 – Senator McFadden

AN ACT concerning

Baltimore City – Marriage License Fee – Increase – The Carole Alexander Act

Favorable report adopted.

Delegate Anderson moved to make the Bill a Special Order for next session.

The motion was adopted.

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

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**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #17

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

**Senate Bill 80 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Higher Education
Commission)**

AN ACT concerning

**Maryland Higher Education Commission – Office of Student Financial
Assistance**

SB0080/505166/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 80
(Third Reading File Bill)

On page 4, in line 16, after “ASSISTANCE” insert “ADMINISTERED BY THE OFFICE”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 467 – Senators Conway, Madaleno, Colburn, Dyson, Exum, Forehand, Garagiola, Glassman, Harrington, King, Klausmeier, Kramer, Lenett, McFadden, Muse, Pinsky, Raskin, Rosapepe, and Zirkin

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

SB0467/365164/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 467
(Third Reading File Bill)

On page 5, in line 3, strike “June 30, 2011” and substitute “December 31, 2010”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 758 – Senators King, Dyson, Forehand, Harrington, Kramer, Lenett, Madaleno, Peters, Pinsky, and Stone

AN ACT concerning

Education – Early Learning Challenge Fund – Application for Grants

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 778 – Senators Raskin, Lenett, ~~and Pinsky~~ Pinsky, and Harrington

AN ACT concerning

Public Schools – Student Information – Availability to Military Recruiters

Favorable report adopted.

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

The motion was adopted.

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

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

AN ACT concerning

Education – High School Diploma by Examination

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #18

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

House Bill 475 – The Speaker (By Request – Administration) and Delegates Bartlett, Bobo, Bronrott, Cane, Carr, V. Clagett, Davis, Donoghue, Doory, Eckardt, Elmore, Frush, Gaines, Haddaway, Hammen, Healey, Jones, Kullen, Lafferty, McIntosh, Morhaim, Nathan–Pulliam, Proctor, Ramirez, Rice, and Stein

AN ACT concerning

Smart, Green, and Growing – The Sustainable Communities Act of 2010

HB0475/735262/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 475

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stein” and substitute “Stein, Barve, Cardin, Frick, George, Gilchrist, Hixson, Howard, Ivey, Kaiser, Murphy, Myers, Olszewski, Ross, Stukes, F. Turner, and Walker”; strike beginning with “and” in line 7 down through “plans” in line 8; and in line 25, strike “reestablishing” and substitute “extending”.

On pages 1 and 2, strike beginning with “providing” in line 27 on page 1 down through “properties;” in line 1 on page 2 and substitute “making certain rehabilitation projects eligible for a certain tax credit under certain circumstances;”.

On page 2, strike beginning with “providing” in line 2 down through “limitations;” in line 6; in lines 6 and 7, strike “amount of the credit” and substitute “percentage of the initial credit certificates issued for any fiscal year”; in line 7, strike “claimed” and substitute “issued”; strike beginning with “authorizing” in line 7 down through “Comptroller;” in line 14 and substitute “providing for the expiration of certain initial credit certificates under certain circumstances; establishing certain requirements for certain rehabilitation projects to be eligible for the tax credit; altering the percentage of qualified rehabilitation expenditures for which the credit is allowed for certain projects; altering the name of a certain reserve fund; authorizing the Governor to include an appropriation to a certain reserve fund for certain fiscal years; extending through a certain fiscal year certain authority for the Director to issue certain initial credit certificates;”; in line 15, strike the first “providing for” and substitute “altering”; strike beginning with “requiring” in line 17 down through “date;” in line 19; strike beginning with “application” in line 19 down through “Act” in line 20 and substitute “consideration of certain community legacy areas and certain designated neighborhoods as sustainable communities under certain circumstances; requiring a sponsor of a community legacy area or a designated neighborhood to submit a certain application under certain circumstances;”; strike beginning with

“providing” in line 20 down through “regulations;” in line 22; and in line 22, after “terms;” insert “altering certain definitions;”.

On page 3, strike in their entirety lines 1 through 6, inclusive; strike in their entirety lines 28 through 37, inclusive; and in line 38, strike “and transferring to the Session Laws”.

AMENDMENT NO. 2

On page 4, in line 7, after “Agency” insert “to better coordinate federal transportation, environmental protection, and housing investments”; in line 12, strike “submission and in the current funding bills before Congress”; in line 13, after “Development” insert “and the Department of Transportation”; strike beginning with “resources” in line 21 down through “and” in line 24 and substitute “natural and financial resources dwindle, there is a need for tax incentives that will create jobs and spur entrepreneurship, to unlock sources of credit and capital which have been in short supply as a result of the financial crisis and that will do so in a way that promotes and furthers the State’s goal of revitalizing communities; and”

WHEREAS, The State of Maryland needs to further refine its focus on and develop a coordinated approach to creating, enhancing, supporting, and revitalizing sustainable communities in order to position itself to take advantage of federal opportunities; and”;

and in line 27, after “goals” insert “and that now require more integrated thinking about how transportation, land use, and housing programs intersect with environmental, economic, and equity goals at the State level”.

AMENDMENT NO. 3

On page 6, in line 23, strike “**DESIGNATED**”; in the same line, after “**NEIGHBORHOOD**” insert “**BUSINESS DEVELOPMENT**”; in line 28, strike “**5**” and substitute “**5A**”; and in the same line, strike “**9**” and substitute “**3**”.

On page 12, in line 4, after “(c)” insert “**(1)**”; strike beginning with “**OR**” in line 8 down through “**PLAN**” in line 9; after line 9, insert:

“(2) IF THE SMART GROWTH SUBCABINET HAS NOT ACTED WITHIN 90 DAYS OF A RECOMMENDATION FROM THE SECRETARY, THE SECRETARY MAY

DESIGNATE AN AREA AS A SUSTAINABLE COMMUNITY WITHOUT THE APPROVAL OF THE SMART GROWTH SUBCABINET.”;

in line 15, after “SUBCABINET” insert “, ON THE RECOMMENDATION OF THE SECRETARY,”; and in line 36, after the semicolon insert “OR”.

On page 13, strike beginning with “; OR” in line 3 down through “PROGRAMS” in line 6; in line 7, strike the comma and substitute “:

(I)”;

in line 8, after “APPLICATION” insert “WITH THE DEPARTMENT; AND

(II) THE SECRETARY SHALL MAKE DESIGNATION RECOMMENDATIONS”;

and in line 11, after “(2)” insert “THE DEPARTMENT SHALL CONVENE AN INTERAGENCY REVIEW TEAM FROM THE AGENCIES OF THE SMART GROWTH SUBCABINET TO:

(I) REVIEW APPLICATIONS AND PLANS;

(II) PROVIDE ASSISTANCE AND GUIDANCE TO APPLICANTS;

AND

(III) MAKE RECOMMENDATIONS TO THE SECRETARY.

(3)”.

On page 23, in line 7, strike “6–306.” and substitute “6–305.”.

AMENDMENT NO. 4

On pages 24 through 43, strike in their entirety the lines beginning with line 4 on page 24 through line 12 on page 43, inclusive.

On page 47, strike in their entirety lines 8 through 29, inclusive, and substitute:

“Article – State Finance and Procurement”;

in line 30, strike the brackets; and in the same line, strike “1.”.

On page 52, in line 24, strike the brackets; and in the same line, strike “**THE STATE FINANCE AND PROCUREMENT ARTICLE**”.

On page 53, in line 20, strike the brackets; and in line 21, strike “**THE STATE FINANCE AND PROCUREMENT ARTICLE**”.

AMENDMENT NO. 5

On page 48, in lines 7, 21, and 25, in each instance, strike “heritage” and substitute “**HISTORIC**”.

On page 49, in line 9, strike “heritage” and substitute “**HISTORIC**”.

On page 50, in line 1, strike “heritage” and substitute “**HISTORIC**”; in line 4, strike “heritage structure” and substitute “**SUSTAINABLE COMMUNITIES**”; in line 5, strike “rehabilitation”; in line 11, strike “heritage”; and in line 12, strike “structure rehabilitation” and substitute “**SUSTAINABLE COMMUNITIES**”.

On page 51, in line 8, strike “heritage” and substitute “**HISTORIC**”.

On page 52, in line 19, strike “Heritage Structure” and substitute “**SUSTAINABLE COMMUNITIES**”; in line 20, strike “Rehabilitation”; and in line 22, strike “Heritage Structure Rehabilitation” and substitute “**SUSTAINABLE COMMUNITIES**”.

On page 56, in line 26, strike “heritage” and substitute “**HISTORIC**”.

On page 57, in line 16, strike “heritage” and substitute “**HISTORIC**”.

AMENDMENT NO. 6

On page 44, strike beginning with “**AFTER**” in line 1 down through “**(V)**” in line 7, inclusive; in lines 20 and 23, strike “**(VI)**” and “**(VII)**”, respectively, and substitute “**(V)**” and “**(VI)**”, respectively; and in line 25, strike “**(1)(V)**” and substitute “**(1)(IV)**”.

AMENDMENT NO. 7

On page 48, in line 24, after “of” insert “:

(I)”;

and in line 27, after “Interior” insert “;OR

(II) A QUALIFIED REHABILITATED STRUCTURE”.

On page 49, in line 9, after “structure” insert “OR A QUALIFIED REHABILITATED STRUCTURE”.

AMENDMENT NO. 8

On page 48, after line 30, insert:

“(8) “FINANCIAL ASSISTANCE” MEANS ACTION BY THE STATE OR A STATE UNIT TO AWARD GRANTS, LOANS, LOAN GUARANTEES, OR INSURANCE TO A PUBLIC OR PRIVATE ENTITY TO FINANCE, WHOLLY OR PARTLY, A PROJECT THAT INVOLVES OR MAY RESULT IN BUILDING CONSTRUCTION, BUILDING ALTERATION, OR LAND DISTURBANCE.

(9) “HIGH PERFORMANCE BUILDING” MEANS A BUILDING THAT:

(I) MEETS OR EXCEEDS THE CURRENT VERSION OF THE U.S. GREEN BUILDING COUNCIL’S LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) GREEN BUILDING RATING SYSTEM GOLD RATING; OR

(II) ACHIEVES AT LEAST A COMPARABLE NUMERIC RATING ACCORDING TO A NATIONALLY RECOGNIZED, ACCEPTED, AND APPROPRIATE NUMERIC SUSTAINABLE DEVELOPMENT RATING SYSTEM, GUIDELINE, OR STANDARD APPROVED BY THE SECRETARIES OF BUDGET AND MANAGEMENT AND GENERAL SERVICES UNDER § 3-602.1 OF THIS ARTICLE.

(10) (I) “HISTORIC PROPERTY” MEANS A DISTRICT, SITE, BUILDING, STRUCTURE, MONUMENT, OR OBJECT SIGNIFICANT TO:

1. THE PREHISTORY OR HISTORY OF THE STATE; OR

2. THE UPLAND OR UNDERWATER ARCHEOLOGY, ARCHITECTURE, ENGINEERING, OR CULTURE OF THE STATE.

(II) “HISTORIC PROPERTY” INCLUDES RELATED ARTIFACTS, RECORDS, AND REMAINS.”.

On page 48, in line 31, strike “(8)” and substitute “**(11)**”.

AMENDMENT NO. 9

On page 48, after line 33, insert:

“(12) “MAIN STREET MARYLAND COMMUNITY” MEANS:

(I) A COMMERCIAL AREA IN A LOCAL JURISDICTION DESIGNATED BY THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT AS A MAIN STREET MARYLAND COMMUNITY UNDER THE MAIN STREET MARYLAND PROGRAM ON OR BEFORE JANUARY 1, 2010; OR

(II) A COMMERCIAL AREA IN BALTIMORE CITY DESIGNATED AS A MAIN STREET BY THE MAYOR OF BALTIMORE CITY ON OR BEFORE JANUARY 1, 2010.

(13) “MAIN STREET MARYLAND PROGRAM” MEANS THE MARYLAND MAIN STREET DESIGNATION PROGRAM FOR LOCAL JURISDICTIONS ESTABLISHED IN THE CODE OF MARYLAND REGULATIONS (COMAR).”;

and in line 34, strike “(9)” and substitute “**(14)**”.

AMENDMENT NO. 10

On page 49, after line 4, insert:

“(15) “POLITICAL SUBDIVISION” MEANS A COUNTY OR MUNICIPAL CORPORATION OF THE STATE.”;

in line 5, strike “(10)” and substitute “**(16)**”; after line 22, insert:

“(17) (I) “QUALIFIED REHABILITATED STRUCTURE” MEANS A BUILDING, OTHER THAN A SINGLE-FAMILY, OWNER-OCCUPIED RESIDENCE, THAT:

1. A. IS LOCATED IN A MAIN STREET MARYLAND COMMUNITY; OR

B. BEGINNING IN FISCAL 2012, IS LOCATED IN A MAIN STREET MARYLAND COMMUNITY OR A SUSTAINABLE COMMUNITY;

2. WILL BE SUBSTANTIALLY REHABILITATED; AND

3. MEETS THE REQUIREMENTS SET FORTH IN SUBSECTION (B)(7) OF THIS SECTION.

(II) “QUALIFIED REHABILITATED STRUCTURE” DOES NOT INCLUDE A CERTIFIED HISTORIC STRUCTURE.

(18) (I) “SINGLE-FAMILY, OWNER-OCCUPIED RESIDENCE” MEANS A STRUCTURE OR A PORTION OF A STRUCTURE OCCUPIED BY THE OWNER AND THE OWNER’S IMMEDIATE FAMILY AS THEIR PRIMARY OR SECONDARY RESIDENCE.

(II) “SINGLE-FAMILY, OWNER-OCCUPIED RESIDENCE” INCLUDES A RESIDENTIAL UNIT IN A COOPERATIVE PROJECT OWNED BY OR LEASED TO A COOPERATIVE HOUSING CORPORATION, AS DEFINED IN § 5-6B-01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE, AND LEASED FOR EXCLUSIVE OCCUPANCY TO, AND OCCUPIED BY, A MEMBER OF THE CORPORATION AND THE MEMBER’S IMMEDIATE FAMILY UNDER A PROPRIETARY LEASE.

(19) “SMART GROWTH SUBCABINET” MEANS THE SMART GROWTH SUBCABINET ESTABLISHED UNDER TITLE 9, SUBTITLE 14 OF THE STATE GOVERNMENT ARTICLE.

(20) “STATE UNIT” HAS THE MEANING STATED IN § 11-101 OF THE STATE GOVERNMENT ARTICLE.”.

AMENDMENT NO. 11

On page 49, in line 23, strike “(11)” and substitute “**(21)**”; in line 26, after “for” insert “**SINGLE-FAMILY,**”; in the same line, strike “or”; after line 26, insert:

“(II) FOR A QUALIFIED REHABILITATED STRUCTURE LOCATED IN A MAIN STREET MARYLAND COMMUNITY, THE GREATER OF:

1. 50% OF THE ADJUSTED BASIS OF THE STRUCTURE; OR

2. \$25,000; OR”;

in line 27, strike “(ii)” and substitute “**(III)**”; and in line 29, strike “\$5,000” and substitute “**\$25,000**”.

AMENDMENT NO. 12

On page 49, after line 29, insert:

“(22) “SUSTAINABLE COMMUNITY” HAS THE MEANING STATED IN § 6-201 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.”.

AMENDMENT NO. 13

On page 49, in line 30, after “Director” insert “**, IN CONSULTATION WITH THE SMART GROWTH SUBCABINET,**”.

AMENDMENT NO. 14

On page 50, in line 8, strike “to” and substitute “**:**

1. FOR CERTIFIED HISTORIC STRUCTURES, TO”;

and in line 9, after “Interior;” insert:

“2. FOR REHABILITATIONS OF THE EXTERIORS OF QUALIFIED REHABILITATED STRUCTURES, TO BE COMPATIBLE WITH THE

REHABILITATION STANDARDS OF THE UNITED STATES SECRETARY OF THE INTERIOR IF THE STRUCTURE IS LOCATED IN, OR ADVERSELY AFFECTS:

A. A DESIGNATED HISTORIC DISTRICT; OR

B. A DISTRICT DETERMINED BY THE DIRECTOR TO BE ELIGIBLE FOR LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES;”.

AMENDMENT NO. 15

On page 50, in line 12, after “that” insert “FAVORS THE AWARD OF TAX CREDITS FOR REHABILITATION PROJECTS THAT”; strike beginning with “favors” in line 13 down through “projects” in line 14 and substitute “ARE”; strike beginning with “favors” in line 17 down through “that” in line 18; in line 19, strike the second “and”; strike in their entirety lines 20 through 26, inclusive; and after line 26, insert:

“3. ARE LOCATED IN AREAS TARGETED BY THE STATE FOR ADDITIONAL REVITALIZATION AND ECONOMIC DEVELOPMENT OPPORTUNITIES DUE TO THE FOCUSING OF STATE RESOURCES AND INCENTIVES;

4. BEGINNING IN FISCAL 2012, ARE LOCATED IN SUSTAINABLE COMMUNITIES;

5. ARE LOCATED IN AREAS WHERE THE POLITICAL SUBDIVISION HAS IMPLEMENTED REGULATORY STREAMLINING OR OTHER DEVELOPMENT INCENTIVES THAT FOSTER REDEVELOPMENT AND REVITALIZATION IN PRIORITY FUNDING AREAS, AS DEFINED IN TITLE 5, SUBTITLE 7B OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AND THE APPROPRIATE LOCAL GOVERNING BODY OR THE PLANNING BOARD OR COMMISSION, IF DESIGNATED BY THE LOCAL GOVERNING BODY, HAS CERTIFIED TO THE SMART GROWTH SUBCABINET THOSE REGULATORY STREAMLINING OR OTHER DEVELOPMENT INCENTIVES;

6. INCLUDE AFFORDABLE AND WORKFORCE HOUSING OPTIONS; AND

7. ARE QUALIFIED REHABILITATED STRUCTURES MORE THAN 50 YEARS OLD;

(V) FOR COMMERCIAL REHABILITATIONS, DETERMINE WHETHER THE CERTIFIED REHABILITATION IS A HIGH PERFORMANCE BUILDING;

(VI) FOR COMMERCIAL REHABILITATIONS, ESTABLISH A REQUIRED EXTERNAL MARKER OR, AT A MINIMUM, AN INTERNAL MARKER FOR THE REHABILITATION PROJECTS THAT IDENTIFIES THAT THE REHABILITATION WAS FUNDED BY MARYLAND SUSTAINABLE COMMUNITIES TAX CREDITS; AND

(VII) AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, CHARGE A REASONABLE FEE TO CERTIFY HISTORIC STRUCTURES AND QUALIFIED REHABILITATED STRUCTURES UNDER THIS SUBTITLE.”.

AMENDMENT NO. 16

On page 51, in line 4, after “(5)” insert “(I)”; and after line 6, insert:

“(II) NOT MORE THAN 10% OF THE TOTAL CREDIT AMOUNTS UNDER INITIAL CREDIT CERTIFICATES ISSUED FOR ANY FISCAL YEAR MAY BE ISSUED FOR PROJECTS THAT ARE QUALIFIED REHABILITATED STRUCTURES.”.

AMENDMENT NO. 17

On page 51, after line 16, insert:

“(IV) IF THE FEE CHARGED FOR A COMMERCIAL REHABILITATION IS NOT RECEIVED BY THE TRUST WITHIN 120 DAYS AFTER THE TRUST SENDS NOTICE THAT THE FEE IS DUE, THE INITIAL CREDIT CERTIFICATE FOR THE REHABILITATION SHALL EXPIRE.”;

and in lines 17 and 20, strike “(iv)” and “(v)”, respectively, and substitute “(V)” and “(VI)”, respectively.

AMENDMENT NO. 18

On page 51, in line 24, after “(1)” insert “(I)”; and after line 27, insert:

“(II) AN INDIVIDUAL OR BUSINESS ENTITY MAY CLAIM A TAX CREDIT IN AN AMOUNT EQUAL TO 25% OF THE INDIVIDUAL’S OR BUSINESS ENTITY’S QUALIFIED REHABILITATION EXPENDITURES IF THE CERTIFIED REHABILITATION IS A CERTIFIED HISTORIC STRUCTURE AND A HIGH PERFORMANCE BUILDING.

“(III) AN INDIVIDUAL OR BUSINESS ENTITY MAY CLAIM A TAX CREDIT IN AN AMOUNT EQUAL TO 10% OF THE INDIVIDUAL’S OR BUSINESS ENTITY’S QUALIFIED REHABILITATION EXPENDITURES IF THE CERTIFIED REHABILITATION IS A QUALIFIED REHABILITATED STRUCTURE.”.

On page 52, in line 34, strike “(b)(6)(v)” and substitute “(B)(6)(VI)”.

On page 53, in lines 5 and 8, in each instance, strike “(b)(5)” and substitute “(B)(5)(I)”.

AMENDMENT NO. 19

On page 51, after line 23, insert:

“(7) FOR A BUILDING TO BE A QUALIFIED REHABILITATED STRUCTURE, AFTER THE REHABILITATION PROCESS:

(I) 50% OR MORE OF THE EXISTING EXTERNAL WALLS OF THE BUILDING MUST BE RETAINED IN PLACE AS EXTERNAL WALLS;

(II) 75% OR MORE OF THE EXISTING EXTERNAL WALLS OF THE BUILDING MUST BE RETAINED IN PLACE AS INTERNAL OR EXTERNAL WALLS; AND

(III) 75% OR MORE OF THE INTERNAL STRUCTURAL FRAMEWORK OF THE BUILDING MUST BE RETAINED IN PLACE.”.

AMENDMENT NO. 20

On page 52, in line 11, after “if” insert “:

1. WITHIN 18 MONTHS AFTER THE INITIAL CREDIT CERTIFICATE WAS ISSUED, THE APPLICANT HAS NOT NOTIFIED THE TRUST, IN WRITING, THAT THE COMMERCIAL REHABILITATION HAS BEGUN; OR

2.”;

and in line 13, after the second “the” insert “30-MONTH”.

AMENDMENT NO. 21

On page 54, in line 9, after “(1)” insert “(I)”; in the same line, strike beginning with the comma through “that:” and substitute “THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.”

(II) 1. “DISPOSE OF” MEANS TO TRANSFER LEGAL TITLE OR, IN THE CASE OF A LEASEHOLD, THE LEASEHOLD INTEREST.

2. “DISPOSE OF” INCLUDES TO SELL IN A SALE-AND-LEASEBACK TRANSACTION, TO TRANSFER ON THE FORECLOSURE OF A SECURITY INTEREST, OR TO TRANSFER BY GIFT.

3. “DISPOSE OF” DOES NOT INCLUDE TO TRANSFER TITLE OR THE LEASEHOLD INTEREST TO A CREDITOR ON CREATION OF A SECURITY INTEREST.

(III) “DISQUALIFYING WORK” MEANS WORK THAT:”;

in lines 10 and 12, strike “(i)” and “(ii)”, respectively, and substitute “1.” and “2.”, respectively; strike beginning with “heritage” in line 10 down through “section” in line 11 and substitute “REHABILITATION”; in line 17, strike the comma and substitute “:

(I)”;

strike beginning with “heritage” in line 18 down through “completed” in line 19 and substitute “REHABILITATION; OR

(II) FOR A COMMERCIAL REHABILITATION, THE CERTIFIED REHABILITATION IS COMPLETE AND HAS BEEN DISPOSED OF”;

and in lines 20, 23, 26, 29, and 32, in each instance, after “performed” insert “OR THE CERTIFIED REHABILITATION IS DISPOSED OF”.

On page 55, in line 2, after “performed” insert “OR THE CERTIFIED REHABILITATION IS DISPOSED OF”.

AMENDMENT NO. 22

On page 56, in line 13, strike “and”; and in line 15, after “year” insert “; AND”

(III) WHETHER THE TAX CREDITS AWARDED FOR CERTIFIED REHABILITATIONS COMPLETED IN THE PRECEDING FISCAL YEAR WERE LOCATED IN:

1. A MAIN STREET MARYLAND COMMUNITY;
2. BEGINNING IN FISCAL 2012, A SUSTAINABLE COMMUNITY;
3. A LOCAL HISTORIC DISTRICT; OR
4. A NATIONAL REGISTER DISTRICT”;

and in line 26, after “structure” insert “OR A QUALIFIED REHABILITATED STRUCTURE”.

On page 57, in line 16, after “structure” insert “OR A QUALIFIED REHABILITATED STRUCTURE”.

AMENDMENT NO. 23

On page 58, strike in their entirety lines 11 through 13, inclusive.

On page 59, strike in their entirety lines 4 through 8, inclusive.

AMENDMENT NO. 24

On page 53, in line 18, strike “2009 and 2010” and substitute “2011, 2012, 2013, AND 2014”; and in line 25, strike “2010” and substitute “2014”.

On page 57, in lines 31 and 32, in each instance, strike “2010” and substitute “2014”.

On page 58, in line 5, strike “2010” and substitute “2014”.

AMENDMENT NO. 25

On pages 58 and 59, strike in their entirety the lines beginning with line 14 on page 58 through line 3 on page 59, inclusive.

AMENDMENT NO. 26

On page 59, in lines 10 and 15, in each instance, strike “and community legacy plan”; in line 11, strike “the effective date of this Act” and substitute “January 1, 2008”; strike beginning with “and” in line 11 down through “months” in line 12 and substitute “for 24 months after the effective date of this Act, and any community legacy area approved by the Community Legacy Board on or after January 1, 2008, shall be considered a sustainable community for 36 months”; strike beginning with “18” in line 13 down through “date” in line 14 and substitute “the time periods specified in Section 2”; in line 15, strike “to the Secretary”; in the same line, after “any” insert “previously approved”; in line 16, strike “and sustainable community plan”; in lines 16 and 17, strike “§ 6–205” and substitute “§§ 6–204 and 6–205”; in line 18, strike “§§ 6–205 and 6–207” and substitute “§ 6–206”; in lines 23 and 24, in each instance, strike “18” and substitute “24”; in line 26, before “6–205” insert “6–204 and”; in lines 26 and 27, strike “and 6–206”; in line 28, strike “6–306(b)” and substitute “6–305(b)”; and after line 29, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That a sponsor of a proposed sustainable community may use, and is encouraged to use, a current or recently updated community legacy area plan or another revitalization plan as a basis for an application to redesignate any community legacy area as a sustainable community.”.

AMENDMENT NO. 27

On page 59, in lines 9, 13, 20, 24, and 30, strike “6.”, “7.”, “8.”, “9.”, and “10.”, respectively, and substitute “2.”, “3.”, “4.”, “5.”, and “7.”, respectively.

AMENDMENT NO. 28

On page 59, in line 31, strike “October” and substitute “June”.

The preceding 28 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS
REPORT #12**

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations reported favorably:

Senate Bill 400 – Senators Pugh, Raskin, Conway, Currie, Forehand, Harrington, Jones, Kelley, Madaleno, McFadden, Miller, Muse, and Peters

AN ACT concerning

No Representation Without Population Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS
REPORT #13**

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

Senate Bill 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

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

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

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)

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

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

Senate Bill 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**~~

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

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

Senate Bill 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

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

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

Senate Bill 940 – Senators DeGrange, Jacobs, Muse, and Stone

AN ACT concerning

Vehicle Laws – Parking for Individuals with Disabilities – Zoning

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

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

Senate Bill 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**

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

THE COMMITTEE ON ECONOMIC MATTERS REPORT #26

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

House Bill 1523 – Delegate Minnick

AN ACT concerning

Elevator Safety – Elevator Units in Churches – Exemption from Third-Party Inspections

HB1523/993194/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1523

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Minnick” and substitute “Delegates Minnick and McHale”; in line 2, strike “Churches” and substitute “Places of Worship”; and strike beginning with “churches” in line 5 down through “worship” in line 6 and substitute “any building used primarily for public religious worship that has a single level platform lift or stairway chairlift”.

AMENDMENT NO. 2

On page 2, strike beginning with “CHURCHES” in line 10 down through “WORSHIP” in line 11 and substitute “A BUILDING USED PRIMARILY FOR PUBLIC RELIGIOUS WORSHIP THAT HAS A SINGLE LEVEL PLATFORM LIFT OR STAIRWAY CHAIRLIFT”; and in lines 29 and 30, strike “PARAGRAPH (5) OF THIS SUBSECTION” and substitute “SUBSECTION (A) OF THIS SECTION”.

On page 3, strike in their entirety lines 11 through 14, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1527 – Delegate Rudolph

AN ACT concerning

Heating Oil – Sulfur Content

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 34 – Senator Middleton (Joint Committee on Unemployment Insurance Oversight) and Senators Kelley and Exum

AN ACT concerning

Joint Committee on Unemployment Insurance Oversight – Repeal of Termination Date

SB0034/153196/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 34
(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.

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

Senate Bill 194 – Senator Colburn

AN ACT concerning

**~~Dorchester and Wicomico Counties~~ County – Alcoholic Beverages –
Pub-Brewery and Micro-Brewery Licenses**

SB0194/933099/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 194

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, strike beginning with “making” through “correction”; and strike in their entirety lines 14 through 18, inclusive.

AMENDMENT NO. 2

On page 2, strike beginning with “(5)” in line 5 down through “article.” in line 15; in line 20, strike “**THAT**”; and strike beginning with “**ISSUED**” in line 21 down through “**COUNTY**” in line 22.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 690 – Senators Raskin and Frosh

AN ACT concerning

Corporations – ~~B (For-Benefit)~~ Benefit Corporation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 784 – Senator Raskin

AN ACT concerning

Maryland Statutory Trust Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 904 – Senator Dyson

AN ACT concerning

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

SB0904/203698/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 904

(Third Reading File Bill)

On page 2, in line 12, strike “ITEM” and substitute “PARAGRAPH”; in line 18, strike “ITEM (I)” and substitute “PARAGRAPH (1)(I)”; and in the same line, strike “PARAGRAPH” and substitute “SUBSECTION”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 139 – Senators Madaleno ~~and Miller~~, Miller, and Jones

AN ACT concerning

**~~Property Tax – Exemption for Disabled Veterans and Surviving Spouses –~~
~~Definition~~ Public Health Service and NOAA Officers and Surviving Spouses**

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

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 1005)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #69

**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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1006)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #23

Senate Bill 41 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Clubs – Membership

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1007)

The Bill was then returned to the Senate.

Senate Bill 43 – Senator Haines

AN ACT concerning

Public Safety – Board of Boiler Rules – Membership

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1008)

The Bill was then returned to the Senate.

Senate Bill 47 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Restaurant Seating Requirement

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1009)

The Bill was then returned to the Senate.

Senate Bill 122 – Senators Brochin and Stone

AN ACT concerning

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1010)

The Bill was then returned to the Senate.

Senate Bill 151 – Senators Pinsky and Harrington

AN ACT concerning

Prince George’s County – Alcoholic Beverages – Class B–AE (Arts and Entertainment) License

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1011)

The Bill was then returned to the Senate.

Senate Bill 153 – Senators Glassman, Harris, and Jacobs

AN ACT concerning

Harford County – Liquor Control Board Membership – Nomination Process

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1012)

The Bill was then returned to the Senate.

**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

FLOOR AMENDMENT

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 adopted.

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1013)

The Bill was then returned to the Senate.

Senate Bill 376 – ~~Senator Della~~ Senators Della and Jones

AN ACT concerning

**Baltimore City – Consumption of Alcoholic Beverages – Unlicensed
Restaurants**

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1014)

The Bill was then returned to the Senate.

Senate Bill 547 – Senators Pugh, Jones, and McFadden

AN ACT concerning

Insurance – Domestic Reinsurers

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1015)

The Bill was then returned to the Senate.

**Senate Bill 643 – Senators Pugh, Currie, Forehand, Harrington, Jones, King,
Kramer, Lenett, Madaleno, ~~and Raskin~~ Raskin, and Exum**

AN ACT concerning

~~Telephone Companies and Resellers Bills~~ – Third-Party Vendor Billing

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1016)

The Bill was then returned to the Senate.

Senate Bill 647 – Senator Pugh

AN ACT concerning

**Homeowner's, Farmowner's, and Dwelling Insurance Policies – Claims for
Additional Payments**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1017)

The Bill was then returned to the Senate.

Senate Bill 688 – Senator Raskin

AN ACT concerning

Maryland General Corporation Law – Miscellaneous Provisions

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1018)

The Bill was then returned to the Senate.

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**

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

Affirmative – 139 Negative – 1 (See Roll Call No. 1019)

The Bill was then returned to the Senate.

**Senate Bill 898 – ~~Senator Glassman~~ Senators Glassman, Middleton, and
Klausmeier**

AN ACT concerning

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1020)

The Bill was then returned to the Senate.

Senate Bill 943 – ~~Senators Pugh and Garagiola~~ Senators Pugh, Garagiola, and Exum

AN ACT concerning

Credit Regulation – Mortgage Brokers – Charges

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1021)

The Bill was then returned to the Senate.

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 – 135 Negative – 5 (See Roll Call No. 1022)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #24

**Senate Bill 90 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Agriculture)**

AN ACT concerning

Secretary of Agriculture – Farm Quarantine

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1023)

The Bill was then returned to the Senate.

Senate Bill 152 – Senators Glassman, Harris, and Jacobs

AN ACT concerning

Harford County – Sheriff's Office – Power to Enforce Noise Control Laws

Delegate Jennings moved to make the Bill a Special Order for next session.

The motion was adopted.

Senate Bill 509 – Senator Stoltzfus

AN ACT concerning

~~Somerset, Wicomico, and Worcester Counties~~ **Vehicle Laws – Exceptional
Hauling Permits – Validity in Select Eastern Shore Counties**

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

Affirmative – 139 Negative – 1 (See Roll Call No. 1024)

The Bill was then returned to the Senate.

**Senate Bill 602 – Senators Raskin, Brochin, ~~and Pinsky~~ Pinsky, Forehand,
Gladden, Jacobs, Simonaire, and Stone**

AN ACT concerning

~~Vehicle Laws~~ **High Occupancy Vehicle (HOV) Lanes – Use by Plug-In
Vehicles**

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1025)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #25

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**

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1026)

The Bill was then returned to the Senate.

**Senate Bill 61 – Chair, Judicial Proceedings Committee (By Request –
Departmental – Public Safety and Correctional Services)**

AN ACT concerning

**Family Law – Criminal History Records Checks – Employees and Employers
in Facilities and Other Individuals That Care for or Supervise Children**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1027)

The Bill was then returned to the Senate.

Senate Bill 119 – Senators Zirkin and Stone

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Civil Jury Trials – Amount in Controversy

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

Affirmative – 108 Negative – 30 (See Roll Call No. 1028)

The Bill was then returned to the Senate.

Senate Bill 340 – ~~Senator Frosh~~ Senators Frosh and Forehand

AN ACT concerning

Estates and Trusts – Maryland International Wills Act

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1029)

The Bill was then returned to the Senate.

Senate Bill 411 – Senators Middleton, Astle, Brinkley, Colburn, DeGrange, Della, Edwards, Garagiola, Glassman, Jacobs, Kasemeyer, Kittleman, Klausmeier, Mooney, Munson, Peters, Raskin, ~~and Stone~~ Stone, Brochin, Forehand, Haines, and Simonaire

AN ACT concerning

Defense of Dwelling or Place of Business – Civil Immunity

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1030)

The Bill was then returned to the Senate.

Senate Bill 531 – Senators Forehand, Haines, Jacobs, Klausmeier, and Muse

AN ACT concerning

Civil Actions – Limitation of Actions – Land Surveyors

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

Affirmative – 138 Negative – 2 (See Roll Call No. 1031)

The Bill was then returned to the Senate.

Senate Bill 560 – Senators Forehand, King, ~~and Madalene~~ Madaleno, Frosh, Gladden, Brochin, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Vehicle Laws – Traffic Citations – Option to Request Trial

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1032)

The Bill was then returned to the Senate.

Senate Bill 820 – Senators Forehand, Colburn, Klausmeier, Lenett, ~~and Stone~~ Stone, Jacobs, and Simonaire

AN ACT concerning

Police Training Commission – Additional Minimum Training Requirements

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1033)

The Bill was then returned to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1034)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #26

Senate Bill 28 – Senators Lenett and Raskin

AN ACT concerning

~~**Election Law – Voter Qualifications – Honorable Lorraine M. Sheehan Act to**~~
Protect Voting Rights for Individuals Under Guardianship for Mental
Disability

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

Affirmative – 120 Negative – 17 (See Roll Call No. 1035)

The Bill was then returned to the Senate.

Senate Bill 64 – Chair, Budget and Taxation Committee (By Request – Departmental – Business and Economic Development) and Senators Garagiola and Jones

AN ACT concerning

Maryland Research and Development Tax Credit – Sunset Extension

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1036)

The Bill was then returned to the Senate.

Senate Bill 223 – Senator Colburn

AN ACT concerning

Dorchester County – County Transfer Tax – Repeal of Sunset Provision

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

Affirmative – 130 Negative – 9 (See Roll Call No. 1037)

The Bill was then returned to the Senate.

Senate Bill 281 – The President (By Request – Administration) and Senators DeGrange, Robey, Kramer, King, Currie, Munson, Brochin, Forehand, Frosh, Garagiola, Klausmeier, and Lenett

AN ACT concerning

Motor Vehicle Excise Tax – Tax Credit for Electric Vehicles

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1038)

The Bill was then returned to the Senate.

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

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

Affirmative – 138 Negative – 2 (See Roll Call No. 1039)

The Bill was then returned to the Senate.

Senate Bill 387 – Senator Edwards

AN ACT concerning

Garrett County – Noncertificated Public School Employees – Service Fees

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

Affirmative – 116 Negative – 24 (See Roll Call No. 1040)

The Bill was then returned to the Senate.

Senate Bill 536 – Senators Muse, Brochin, Conway, Exum, Harrington, Jones, King, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Miller, Peters, Pinsky, Pugh, Raskin, Rosapepe, Simonaire, and Stone

AN ACT concerning

State Board of Education – Student Member – Full Voting Rights Act

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

Affirmative – 123 Negative – 16 (See Roll Call No. 1041)

The Bill was then returned to the Senate.

Senate Bill 683 – Senators Peters, Harrington, Currie, Exum, Miller, Muse, Pinsky, and Rosapepe

AN ACT concerning

Property Taxes – ~~Homestead Property Tax Credit~~ Bicounty Commissions

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1042)

The Bill was then returned to the Senate.

Senate Bill 748 – ~~Senator Colburn~~ Senators Colburn and Stoltzfus

AN ACT concerning

Somerset County, Wicomico County, and Worcester County – ~~Board~~ Boards of Elections – Membership

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1043)

The Bill was then returned to the Senate.

Senate Bill 884 – Senators Klausmeier and Stone

AN ACT concerning

Baltimore County – Bargaining Unit for Public School Employees

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

Affirmative – 122 Negative – 18 (See Roll Call No. 1044)

The Bill was then returned to the Senate.

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

AN ACT concerning

Education Reform Act of 2010

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1045)

The Bill was then returned to the Senate.

Senate Bill 925 – Carroll County Senators

AN ACT concerning

Carroll County – Green Building Tax Credit

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1046)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #27

Senate Bill 31 – Senator Lenett

EMERGENCY BILL

AN ACT concerning

Maryland Communities for a Lifetime Commission

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1047)

The Bill was then returned to the Senate.

Senate Bill 52 – Chair, Finance Committee (By Request – Departmental – Disabilities)

AN ACT concerning

**Department of Disabilities – Maryland Commission on Disabilities – Duties
and Responsibilities**

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1048)

The Bill was then returned to the Senate.

**Senate Bill 56 – Chair, Finance Committee (By Request – Departmental –
Insurance Administration, Maryland)**

AN ACT concerning

**Health Insurance – Medicare Supplement Policies – Repeal of Requirement
to Offer Plan I**

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1049)

The Bill was then returned to the Senate.

**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**

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1050)

The Bill was then returned to the Senate.

**Senate Bill 77 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Public Safety and
Correctional Services) and Senator Harrington**

AN ACT concerning

Health General – Disease Prevention and Testing – Inmates of Correctional Institutions

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1051)

The Bill was then returned to the Senate.

Senate Bill 198 – Senators Glassman, Garagiola, Gladden, Harris, Jacobs, Kasemeyer, Klausmeier, Kramer, Middleton, Mooney, Raskin, Rosapepe, Stoltzfus, and Stone

AN ACT concerning

Farmer's Markets – ~~Raw~~ Agricultural Product Sales – Producer Mobile Farmer's Market License

Delegate Riley moved to make the Bill a Special Order for Monday.

The motion was adopted.

Senate Bill 199 – Senators Glassman, Garagiola, Kasemeyer, Klausmeier, Kramer, Mooney, Raskin, Rosapepe, Stoltzfus, and Stone

AN ACT concerning

Seasonal Farmer's Market Producer Sampling License

Delegate Riley moved to make the Bill a Special Order for Monday.

The motion was adopted.

Senate Bill 408 – Senators Peters, Astle, Colburn, Garagiola, Klausmeier, Pugh, Raskin, Robey, Rosapepe, Simonaire, Stone, ~~and Zirkin~~ Zirkin, Middleton, Della, Exum, Glassman, Kelley, Kittleman, and Pipkin

AN ACT concerning

Public Health – Disposition of Remains – Armed Forces Members

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1052)

The Bill was then returned to the Senate.

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 – 140 Negative – 0 (See Roll Call No. 1053)

The Bill was then returned to the Senate.**Senate Bill 774 – Senators Kramer, Conway, Currie, Della, Forehand, Jacobs, Jones, Kelley, King, Klausmeier, Lenett, Madaleno, Middleton, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, Stoltzfus, ~~and Stone~~ Stone, Astle, Exum, Garagiola, and Glassman**

AN ACT concerning

**~~Life and Health Insurance – Senior Investment Protection~~
Insurance Producers – Use of Senior or Retiree Credential or Designation**Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1054)

The Bill was then returned to the Senate.**Senate Bill 920 – Senators Kasemeyer ~~and Madaleno~~, Madaleno, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, and Pugh**

AN ACT concerning

Developmental Disabilities Administration – Low Intensity Support ServicesRead the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 1055)

The Bill was then returned to the Senate.**Senate Bill 923 – Carroll County Senators**

AN ACT concerning

Carroll County – Homemade Food Sales – County Parks and Facilities

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1056)

The Bill was then returned to the Senate.

MESSAGE FROM THE SENATE**FIRST READING OF SENATE BILLS****Senate Bill 604 – Senators Currie, Dyson, Kasemeyer, and Munson**

AN ACT concerning

College and Career Readiness Act of 2010

FOR the purpose of requiring certain State agencies, in consultation with institutions of higher education, to adopt a definition of college and career readiness; requiring the adoption of a common assessment and benchmarks to show progress toward college readiness; requiring strategies and curricula to be developed and implemented to ensure students are college ready and are successful in college; requiring the State Department of Education to develop outreach programs for the dissemination of certain information; requiring certain State agencies to review periodically a certain definition and strategies; requiring certain federal grant funds to be used to implement this Act; requiring ~~a certain report~~ certain reports on or before certain dates; 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; and generally relating to college and career readiness of students in Maryland.

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

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

FOR the purpose of ~~altering the definition of “cigarette” in connection with tobacco taxes, the regulation of cigarette business, the sale of cigarettes below cost, and certain cigarette fire safety standards to include certain tobacco products that are wrapped in certain substances and weigh less than a certain amount and~~

~~are likely to be offered to, or purchased by, consumers as cigarettes;~~ prohibiting the distribution of certain tobacco products, cigarette rolling papers, and tobacco-related coupons to minors; requiring photo identification checks in connection with the distribution of certain tobacco-related products to minors; requiring photo identification checks in connection with the distribution of certain tobacco-related products to minors; prohibiting minors from purchasing, possessing, or using cigarette rolling papers or certain tobacco-related products; repealing certain prohibitions, procedures, and dispositions relating to the possession or use of tobacco products by minors rendered inconsistent with this Act; establishing certain civil penalties; repealing a county-specific provision concerning civil enforcement of youth tobacco violations applicable to Carroll County, Cecil County, Garrett County, and St. Mary's County; providing that this Act does not preempt any county or municipal law that regulates tobacco products; defining certain terms; providing for the application of this Act; stating the intent of the General Assembly as to certain provisions of this Act; and generally relating to tobacco-related products and distribution to minors.

BY repealing

Article 24 – Political Subdivisions – Miscellaneous Provisions

Section 15–102.1

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

BY repealing

Article – Criminal Law

Section 10–108

Annotated Code of Maryland

(2002 Volume and 2009 Supplement)

~~BY repealing and reenacting, with amendments,~~~~Article – Business Regulation~~~~Section 16–101(b) and 16–601~~~~Annotated Code of Maryland~~~~(2004 Replacement Volume and 2009 Supplement)~~~~BY repealing and reenacting, with amendments,~~~~Article – Commercial Law~~~~Section 11–501(e)~~~~Annotated Code of Maryland~~~~(2005 Replacement Volume and 2009 Supplement)~~

BY adding to

Article – Health – General

Section 24–1701 through 24–1707 to be under the new subtitle “Subtitle 17.
Distribution of Tobacco-Related Products to Minors”

Annotated Code of Maryland

(2009 Replacement Volume)

~~BY repealing and reenacting, with amendments,
Article – Tax – General
Section 12–101(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)~~

~~BY repealing and reenacting, without amendments,
Article – Tax – General
Section 12–101(e)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)~~

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

Senate Bill 865 – Senators Lenett and Zirkin

AN ACT concerning

Education – Student–Athletes – Concussions

FOR the purpose of requiring the State Department of Education, in collaboration with certain organizations and individuals, to develop and implement a certain program; requiring a certain program to include a certain verification process; requiring county boards of education to provide a certain information sheet to certain individuals; requiring certain individuals to sign certain statements; requiring the Department to create a certain information sheet and acknowledgment statement; requiring the removal from play of certain student–athletes; prohibiting the return to play of certain student–athletes until certain student–athletes receive certain evaluation and clearance; ~~granting certain immunity to certain health care providers, county boards, and youth sports programs under certain circumstances; establishing certain requirements for certain insurance policies;~~ requiring youth sports programs to provide certain information to county boards under certain circumstances; ~~providing that certain grants of immunity do not impair the ability of certain persons to recover certain damages~~ defining certain terms; and generally relating to the development and implementation of a program to provide awareness and training on the nature and risk of concussions.

BY adding to
Article – Education
Section 7–430
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

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

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, 12-1202, 12-1205 through 12-1210, 12-1213 through 12-1216, 12-1219 through 12-1221, 12-1224, and 12-1225 through 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 and Executive Nominations.

Senate Bill 979 – Senator Jones

AN ACT concerning

Public-Private Partnerships – Oversight

FOR the purpose of requiring certain State agencies to submit a report concerning a proposed public-private partnership to the State Treasurer and certain committees of the General Assembly at a certain time prior to issuing a public notice of solicitation for the public-private partnership; requiring certain State agencies to submit an annual report concerning public-private partnerships that are under consideration to certain committees of the General Assembly; requiring certain State agencies to submit an annual report concerning existing public-private partnerships to certain committees of the General Assembly; requiring certain units of State government to submit an annual report concerning public-private partnerships for which the unit is providing conduit financing to certain committees of the General Assembly; requiring the State Treasurer to analyze the impact of a proposed public-private partnership ~~operating lease~~ agreement on the State’s capital debt affordability limits;

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

BY adding to

Article – State Finance and Procurement

Section 10A-101 and 10A-102 to be under the new title “Title 10A.
Public-Private Partnerships”

Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 4-205(c)

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

BY adding to

Article – Transportation

Section 4-406
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 1033 – Senator Harrington

AN ACT concerning

Veterans Affairs – Military Health Care Provider Transition Plan

FOR the purpose of requiring the Department of Veterans Affairs to develop a Military Health Care Provider Transition Plan; providing for the purpose of the Plan; requiring the Department to work in conjunction with certain entities; requiring the Plan to include certain goals; requiring the Department to address the concerns and recommendations identified in a certain report; requiring the Department to complete the Plan by a certain date; requiring the Department to submit to the Governor and General Assembly a certain ~~report~~ reports; and generally relating to the Military Health Care Provider Transition Plan.

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

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

FOR the purpose of requiring the governing body of a county or the governing body of a municipal corporation to provide for a semiannual payment of schedule for State, county, municipal corporation, and special taxing district property taxes for on certain real property; ~~repealing certain obsolete provisions; defining a certain term;~~ providing for the application of this Act; and generally relating to ~~the payment of property taxes for residential property~~ a semiannual property tax payment schedule for certain real property.

~~BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 10-204.3(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 10–204.3~~(b)~~
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

~~BY repealing~~
~~Article – Tax – Property~~
~~Section 10–204.3(e)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2009 Supplement)~~

~~BY renumbering~~
~~Article – Tax – Property~~
~~Section 10–204.3(d) through (j), respectively~~
~~to be Section 10–204.3(e) through (i), respectively~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2009 Supplement)~~

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

Senate Bill 1086 – Senator Munson

AN ACT concerning

Public Safety – ~~Emergency Medical Services Board~~ Statewide Emergency Medical Services Advisory Council – Membership

FOR the purpose of altering the membership of the ~~State Emergency Medical Services Board~~ statewide Emergency Medical Services Advisory Council by increasing the number of members who are from the ~~public at large~~ general public and by adding one member who is a helicopter pilot ~~employed by the Department of State Police within the Aviation Division~~; making corrections to the names of certain organizations; and generally relating to the ~~State Emergency Medical Services Board~~ statewide Emergency Medical Services Advisory Council.

BY repealing and reenacting, without amendments,
Article – Education
Section 13–511(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section ~~13–505~~ 13–511(b)
Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

Senate Bill 1088 – Senator Stone

AN ACT concerning

**Property Tax Credit – Disabled State Troopers and Natural Resources Police
Residing in Baltimore County**

FOR the purpose of including in the definition of law enforcement officer, under a certain property tax credit program for certain disabled law enforcement officers, State Troopers and members of the police forces of the Department of Natural Resources who reside in Baltimore County; providing for the application of this Act; and generally relating to a certain property tax credit program for certain disabled law enforcement officers.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–210
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

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 ordered journalized.

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 ordered journalized.

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 adopted.

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 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 adopted.

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 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 adopted.

CONCURRENCE CALENDAR #1

AMENDED IN THE SENATE

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

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

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 concurred in.

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1057)

AMENDED IN THE SENATE

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

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

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 concurred in.

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

Affirmative – 137 Negative – 2 (See Roll Call No. 1058)

AMENDED IN THE SENATE

House Bill 45 – Delegate Cane

AN ACT concerning

Dorchester County – Bay Restoration Fee – Lien Against Property

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

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 concurred in.

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

Affirmative – 139 Negative – 1 (See Roll Call No. 1059)

AMENDED IN THE SENATE

**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**

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

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 concurred in.

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1060)

AMENDED IN THE SENATE

House Bill 674 – Delegate Malone

AN ACT concerning

High Occupancy Vehicle (HOV) Lanes – Use by Plug-In Vehicles

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

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 concurred in.

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

Affirmative – 138 Negative – 1 (See Roll Call No. 1061)

AMENDED IN THE SENATE

House Bill 818 – Delegates Dumais, Simmons, and Sophocleus

AN ACT concerning

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

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

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 concurred in.

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1062)

QUORUM CALL

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

(See Roll Call No. 1063)

RECESS

At 11:52 A.M. on motion of Delegate Barve the House recessed until 12:01 P.M. on Legislative Day April 1, 2010, Calendar Day Thursday, April 8, 2010.

AFTER RECESS
Annapolis, Maryland
Legislative Day: April 1, 2010
Calendar Day: Thursday, April 8, 2010

At 12:11 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Todd I. Schuler of Baltimore County.

QUORUM CALL

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

(See Roll Call No. 1064)

EXCUSES:

Del. McDonough – illness

SPECIAL ORDERS

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

**Senate Bill 279 – The President (By Request – Administration) and Senators
Frosh, Lenett, Currie, Della, Gladden, Harrington, Kelley, Klausmeier,
Madaleno, Middleton, Pinsky, Raskin, Robey, and Rosapepe**

AN ACT concerning

Maryland False Health Claims Act of 2010

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT ADOPTED.
FLOOR AMENDMENT BY DEL. TARRANT NOT ADOPTED.

FLOOR AMENDMENT

SB0279/953121/1

BY: Delegate Tarrant

AMENDMENT TO SENATE BILL 279
(Third Reading File Bill)

On page 23, strike in their entirety lines 18 through 20, inclusive, and substitute “ONLY FOR ACTS THAT OCCURRED AFTER OCTOBER 1, 2010.”.

The preceding amendment was read only.

Delegate Cane moved the previous question.

The motion was adopted.

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

Affirmative – 61 Negative – 73 (See Roll Call No. 1065)

FLOOR AMENDMENT

SB0279/323628/1

BY: Delegate Shank

AMENDMENTS TO SENATE BILL 279

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “False Health Claims Act of 2010” and substitute “Recovery Audits of State Health Plans and State Health Programs”.

On pages 1 and 2, strike beginning with “prohibiting” in line 3 on page 1 through “regulations” in line 15 on page 2 and substitute “requiring the Secretary of Budget and Management to contract with certain consultants to conduct recovery audits of payments made by State agencies to individuals, vendors, and other entities; providing for certain authorizations under a certain contract; requiring the Secretary or a State agency to provide a certain person with certain information; requiring a certain person to be subject to certain prohibitions; providing that a certain person is subject to prosecution; requiring the Secretary to adopt certain regulations; requiring a State agency to expend or return to the federal government certain federal funds; requiring the Secretary to provide copies of certain reports received from a certain consultant to certain entities by a certain time; requiring the Secretary to submit a certain report to the General Assembly by a certain date each year; requiring a certain report to be posted on the Department of Budget and Management’s website”.

On page 2, in lines 15 and 16, strike “false claims against” and substitute “recovery audits of”; in line 19, strike “2-611” and substitute “2-605”; and in lines 19 and 20, strike “False Claims Against” and substitute “Recovery Audits of”.

AMENDMENT NO. 2

On page 2, in line 26, strike “**FALSE CLAIMS AGAINST**” and substitute “**RECOVERY AUDITS OF**”.

On pages 2 through 26, strike in their entirety the lines beginning with line 31 on page 2 through line 8 on page 26, inclusive, and substitute:

“(B) “CONSULTANT” MEANS A PRIVATE CONTRACTOR WITH EXPERTISE IN RECOVERY AUDITS OF STATE HEALTH PLANS AND STATE HEALTH PROGRAMS.

(C) (1) “OVERPAYMENT” MEANS AN INADVERTENT ERROR RESULTING IN AN INDIVIDUAL, VENDOR, OR ANY OTHER ENTITY RECEIVING A PAYMENT OVER AND ABOVE THE AMOUNT TO WHICH THE INDIVIDUAL, VENDOR, OR ANY OTHER ENTITY IS ENTITLED.

(2) “OVERPAYMENT” INCLUDES A PAYMENT MADE TO AN INDIVIDUAL, VENDOR, OR ANY OTHER ENTITY THAT:

(I) FAILS TO MEET ELIGIBILITY REQUIREMENTS;

(II) RECEIVES DUPLICATE PAYMENTS;

(III) BENEFITS MONETARILY FROM INVOICE AND PRICING ERRORS;

(IV) FAILS TO APPLY DISCOUNTS, REBATES, OR OTHER ALLOWANCES; AND

(V) FAILS TO COMPLY WITH PURCHASING AGREEMENTS.

(D) “RECOVERY AUDIT” MEANS A FINANCIAL MANAGEMENT SERVICE USED TO IDENTIFY OVERPAYMENTS MADE BY A STATE AGENCY WITH RESPECT TO INDIVIDUALS, VENDORS, AND OTHER ENTITIES IN CONNECTION WITH A

PAYMENT ACTIVITY UNDER A STATE HEALTH PLAN OR STATE HEALTH PROGRAM.

(E) “SECRETARY” MEANS THE SECRETARY OF BUDGET AND MANAGEMENT.

(F) (1) “STATE AGENCY” MEANS A DEPARTMENT, OFFICE, BOARD, COMMISSION, BUREAU, DIVISION, OR INSTITUTION OF HIGHER EDUCATION IN THE STATE.

(2) “STATE AGENCY” INCLUDES A UNIT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT AND THE GENERAL ASSEMBLY.

(G) (1) “STATE HEALTH PLAN” MEANS:

(I) THE STATE MEDICAL ASSISTANCE PLAN ESTABLISHED IN ACCORDANCE WITH THE FEDERAL SOCIAL SECURITY ACT OF 1939;

(II) A MEDICAL ASSISTANCE PLAN ESTABLISHED BY THE STATE; OR

(III) A PRIVATE HEALTH INSURANCE CARRIER, HEALTH MAINTENANCE ORGANIZATION, MANAGED CARE ORGANIZATION AS DEFINED IN § 15-101 OF THIS ARTICLE, HEALTH CARE COOPERATIVE OR ALLIANCE, OR ANOTHER PERSON THAT PROVIDES OR CONTRACTS TO PROVIDE HEALTH CARE SERVICES THAT ARE WHOLLY OR PARTIALLY REIMBURSED BY, OR ARE A REQUIRED BENEFIT OF, A HEALTH PLAN ESTABLISHED IN ACCORDANCE WITH THE FEDERAL SOCIAL SECURITY ACT OF 1939 OR BY THE STATE.

(2) “STATE HEALTH PLAN” INCLUDES A PERSON WHO PROVIDES OR CONTRACTS OR SUBCONTRACTS TO PROVIDE HEALTH CARE SERVICES FOR AN ENTITY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(H) “STATE HEALTH PROGRAM” MEANS THE MEDICAL ASSISTANCE PROGRAM, THE CIGARETTE RESTITUTION FUND PROGRAM, THE MENTAL HYGIENE ADMINISTRATION, THE DEVELOPMENTAL DISABILITIES

ADMINISTRATION, THE ALCOHOL AND DRUG ABUSE ADMINISTRATION, THE FAMILY HEALTH ADMINISTRATION, THE COMMUNITY INFECTIOUS DISEASE AND ENVIRONMENTAL HEALTH ADMINISTRATION, OR ANY OTHER UNIT OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE THAT PAYS A PROVIDER FOR A SERVICE RENDERED OR CLAIMED TO HAVE BEEN RENDERED TO A RECIPIENT.

2-602.

(A) THE SECRETARY SHALL CONTRACT WITH A CONSULTANT TO CONDUCT RECOVERY AUDITS OF PAYMENTS MADE UNDER A STATE HEALTH PLAN OR STATE HEALTH PROGRAM BY A STATE AGENCY TO INDIVIDUALS, VENDORS, AND OTHER ENTITIES.

(B) A CONTRACT UNDER THIS SECTION:

(1) MAY PROVIDE FOR REASONABLE COMPENSATION FOR SERVICES PROVIDED UNDER THE CONTRACT, INCLUDING COMPENSATION DETERMINED BY THE APPLICATION OF A SPECIFIED PERCENTAGE OF THE TOTAL AMOUNT RECOVERED UNDER THE RECOVERY AUDIT ACTIVITIES OF THE CONSULTANT;

(2) MAY PERMIT OR REQUIRE THE CONSULTANT TO PURSUE A JUDICIAL ACTION IN A COURT TO RECOVER AN OVERPAYMENT; AND

(3) MAY NOT ALLOW A RECOVERY AUDIT OF A PAYMENT DURING THE 90-DAY PERIOD AFTER THE DATE THE PAYMENT WAS MADE TO ALLOW TIME FOR THE PERFORMANCE OF EXISTING STATE PAYMENT AUDITING PROCEDURES.

(C) (1) THE SECRETARY OR THE STATE AGENCY WHOSE PAYMENTS ARE BEING AUDITED SHALL PROVIDE A PERSON ACTING UNDER A CONTRACT UNDER SUBSECTION (A) OF THIS SECTION WITH CONFIDENTIAL INFORMATION IN THE CUSTODY OF THE SECRETARY OR STATE AGENCY THAT IS NECESSARY FOR THE PERFORMANCE OF THE RECOVERY AUDIT OF AN OVERPAYMENT, TO THE EXTENT THE SECRETARY AND THE STATE AGENCY ARE NOT PROHIBITED

FROM SHARING THE INFORMATION UNDER AN AGREEMENT WITH ANOTHER STATE OR THE FEDERAL GOVERNMENT.

(2) A PERSON ACTING UNDER A CONTRACT UNDER SUBSECTION (A) OF THIS SECTION, AND EACH EMPLOYEE OR AGENT OF THE PERSON, IS SUBJECT TO ALL PROHIBITIONS AGAINST THE DISCLOSURE OF CONFIDENTIAL INFORMATION OBTAINED FROM THE STATE THAT APPLY TO THE SECRETARY OR APPLICABLE STATE AGENCY OR AN EMPLOYEE OF THE SECRETARY OR APPLICABLE STATE AGENCY.

(3) A PERSON ACTING UNDER A CONTRACT UNDER SUBSECTION (A) OF THIS SECTION OR AN EMPLOYEE OR AGENT OF THE PERSON WHO DISCLOSES CONFIDENTIAL INFORMATION IN VIOLATION OF A PROHIBITION UNDER THIS SUBSECTION IS SUBJECT TO PROSECUTION FOR A MISDEMEANOR.

2-603.

(A) THE SECRETARY SHALL ADOPT REGULATIONS FOR THE REASONABLE COMPENSATION FOR SERVICES PROVIDED UNDER RECOVERY AUDIT CONTRACTS BASED ON A SPECIFIED PERCENTAGE OF THE TOTAL AMOUNT RECOVERED UNDER THE AUDIT ACTIVITIES OF THE CONSULTANT.

(B) (1) A STATE AGENCY SHALL EXPEND OR RETURN TO THE FEDERAL GOVERNMENT ANY FEDERAL MONEY THAT IS RECOVERED THROUGH A RECOVERY AUDIT CONDUCTED UNDER THIS SUBTITLE.

(2) THE STATE AGENCY SHALL EXPEND OR RETURN THE FEDERAL MONEY IN ACCORDANCE WITH THE RULES OF THE FEDERAL PROGRAM THROUGH WHICH THE AGENCY RECEIVED THE FEDERAL MONEY.

2-604.

(A) THE SECRETARY SHALL PROVIDE COPIES, INCLUDING ELECTRONIC COPIES, OF REPORTS RECEIVED FROM A CONSULTANT CONTRACTING UNDER THIS SUBTITLE TO THE GOVERNOR, THE COMPTROLLER, AND, IN ACCORDANCE

WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(B) THE SECRETARY SHALL PROVIDE THE COPIES REQUIRED UNDER SUBSECTION (A) OF THIS SECTION NO LATER THAN 7 BUSINESS DAYS AFTER THE DATE THE SECRETARY RECEIVES THE REPORT OF THE CONSULTANT.

(C) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE SECRETARY SHALL ISSUE A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY SUMMARIZING THE CONTENTS OF THE REPORTS RECEIVED UNDER THIS SUBTITLE DURING THE PREVIOUS FISCAL YEAR.

(D) THE REPORT REQUIRED UNDER SUBSECTION (C) OF THIS SECTION SHALL BE POSTED ON THE WEBSITE OF THE DEPARTMENT OF BUDGET AND MANAGEMENT.

2-605.

(A) THE SECRETARY SHALL ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS SUBTITLE.

(B) BY OCTOBER 1, 2010, THE SECRETARY SHALL BEGIN CONTRACTING WITH CONSULTANTS UNDER THIS SUBTITLE.”.

On page 26, in line 10, strike “October” and substitute “July”.

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

Affirmative – 35 Negative – 98 (See Roll Call No. 1066)

Read the second time and ordered prepared for Third Reading.

Senate Bill 390 – Senator McFadden

AN ACT concerning

Baltimore City – Marriage License Fee – Increase – The Carole Alexander Act

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

Delegate Anderson moved to make the Bill a Special Order for Friday.

The motion was adopted.

Senate Bill 152 – Senators Glassman, Harris, and Jacobs

AN ACT concerning

Harford County – Sheriff's Office – Power to Enforce Noise Control Laws

STATUS OF BILL: BILL ON 3RD READING.

FLOOR AMENDMENT

SB0152/993128/1

BY: Delegate Jennings

AMENDMENTS TO SENATE BILL 152
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “County;” insert “providing certain exceptions relating to target shooting and hunting;”.

AMENDMENT NO. 2

On page 2, in line 1, after “**EXCEPT**” insert “**ENFORCEMENT**”; in the same line, strike “**TRAPSHOOTING,**” and substitute “**;**”

(I) TRAPSHOOTING,”;

and in line 4, after “**COUNTY**” insert “**;**”

**(II) LAWFUL TRAPSHOOTING, SKEETSHOOTING, OR OTHER
TARGET SHOOTING BETWEEN THE HOURS OF 9 A.M. AND 8 P.M.; OR**

(III) LAWFUL HUNTING”.

The preceding 2 amendments were read and adopted.

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

Affirmative – 137 Negative – 1 (See Roll Call No. 1067)

The Bill was then returned to the Senate.

**THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS
REPORT #14**

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

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

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

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

Senate Bill 987 – Senator Astle

AN ACT concerning

Natural Resources – Conservation Law Enforcement Act of 2010

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

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

Senate Bill 1033 – Senator Harrington

AN ACT concerning

Veterans Affairs – Military Health Care Provider Transition Plan

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

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

Senate Bill 1086 – Senator Munson

AN ACT concerning

Public Safety – ~~Emergency Medical Services Board~~ Statewide Emergency Medical Services Advisory Council – Membership

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

INTRODUCTION OF BILLS

Delegate Mizeur moved the Bill be introduced.

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

The roll call vote resulted as follows:

Affirmative – 129 Negative – 1 (See Roll Call No. 1068)

In compliance with the rules, the Bill was introduced.

House Bill 1570 – Delegate Mizeur

AN ACT concerning

The Open Government Modernization Fund Act

FOR the purpose of establishing the Maryland Government Modernization Fund; specifying the purpose of the fund; requiring the President of the Senate and the Speaker of the House of Delegates to administer the fund; specifying that the fund is a special, nonlapsing fund; specifying that the balance remaining in the fund at the end of a fiscal year reverts to the General Fund of the State; requiring the State Treasurer to hold separately, and the Comptroller to account for, the fund; specifying the contents of the fund; specifying that the fund may be used only for a certain purpose; requiring the State Treasurer to invest the money in the fund in a certain manner; requiring that investment earnings of the fund be credited to the General Fund of the State; requiring expenditures from the fund to be made in a certain manner; requiring that the balance remaining in the Lobbyist Registration Fund at the end of a fiscal year be distributed to a certain fund established under a certain provision of law;

altering the lobbyist registration fee; and generally relating to the Maryland Government Modernization Fund.

BY adding to

Article – State Government

Section 2–109

Annotated Code of Maryland

(2009 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Government

Section 15–210 and 15–703(e)

Annotated Code of Maryland

(2009 Replacement Volume)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 1069)

ADJOURNMENT

At 1:40 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day April 2, 2010, Calendar Day Friday, April 9, 2010.

Annapolis, Maryland
Legislative Day: April 2, 2010
Calendar Day: Friday, April 9, 2010

The House met at 10:06 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Samuel I. Rosenberg of Baltimore City.

QUORUM CALL

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

(See Roll Call No. 1070)

The Journal of April 1, 2010 was read and approved.

EXCUSES:

Del. Impallaria – left early – doctor’s appointment

Del. Myers – personal

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

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 – Reports

FOR the purpose of ~~clarifying certain provisions of law relating to the duties of operators of vessels with respect to the overboard discharge of certain sewage into the waters of the State; increasing the amount of a certain penalty for certain violations; authorizing certain officers to enforce certain provisions of law and to inspect certain vessels; requiring the Department of Natural Resources to adopt certain regulations; requiring the Department to initiate a certain process with the U.S. Environmental Protection Agency relating to a no-discharge zone in Maryland waters on or before a certain date; altering certain definitions relating to marine sanitation devices; making a certain~~

~~section of this Act subject to a certain contingency~~ 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 generally relating to the ~~discharge of treated and untreated sewage from vessels into the~~ study of establishing a no-discharge zone in waters of the State.

~~BY repealing and reenacting, with amendments,
Article — Natural Resources
Section 8-741
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)~~

~~BY adding to
Article — Natural Resources
Section 8-741(g) and (h)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)~~

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

Senate Bill 554 – Senator Gladden

AN ACT concerning

Rental Housing – Protection for Victims of Domestic Violence and Sexual Assault

FOR the purpose of authorizing a tenant who is a victim of domestic violence or a victim of sexual assault to terminate a residential lease under certain circumstances; requiring a certain tenant to provide certain written notice to terminate a lease to the landlord; requiring a tenant who provides certain written notice to vacate the leased premises within a certain period of time; establishing a tenant's responsibility for certain rent if the tenant terminates a lease under this Act; providing that a landlord is entitled to certain legal remedies under certain circumstances; requiring the written notice provided under this Act to include certain information; ~~prohibiting a landlord from bringing an action for possession under certain circumstances; prohibiting a court from entering a judgment against a certain tenant~~ providing a rebuttable presumption in a certain civil action if the tenant provides certain evidence; authorizing a court to make a certain judgment in an action for possession under certain circumstances; authorizing a tenant to provide the landlord with a request to change the locks on the leased premises under certain circumstances; requiring the request to change the locks to include certain information; requiring the landlord to change the locks ~~or authorize the tenant~~

~~to change the locks~~ within a certain period of time after receiving the request; authorizing the tenant to have a certain person change the locks without the landlord's permission under certain circumstances; requiring the tenant to pay a certain fee within a certain period of time; ~~prohibiting certain discrimination in housing on the basis of a person's status as a victim of domestic violence or a victim of sexual assault~~; defining certain terms; and generally relating to protection for victims of domestic violence and sexual assault in rental housing.

BY adding to

Article – Real Property

Section 8–5A–01 through 8–5A–06 to be under the new subtitle “Subtitle 5A.
Rental Housing – Victims of Domestic Violence and Sexual Assault”

Annotated Code of Maryland

(2003 Replacement Volume and 2009 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – State Government~~

~~Section 20–701(a)~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume)~~

~~BY adding to~~

~~Article – State Government~~

~~Section 20–701(j) and (k)~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – State Government~~

~~Section 20–705~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume)~~

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

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

AN ACT concerning

Correctional Services – State Correctional Officers’ Bill of Rights

FOR the purpose of providing for certain rights of a State correctional officer relating to employment, investigation, and discipline under certain circumstances; providing for the procedures for the investigation and interrogation of a State correctional officer; establishing procedures for an application for a show cause

order under certain circumstances; establishing a certain limitation on administrative charges against a State correctional officer; providing for procedures for a hearing board conducting an investigation against a State correctional officer; providing for expungement of a record of a formal complaint against a State correctional officer under certain circumstances; providing for certain disciplinary actions against a State correctional officer under certain circumstances; 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; providing that this Act supersedes inconsistent provisions of any other State or local law that conflict with this Act to the extent of the conflict; providing for the effect of this Act in relation to the duties of an appointing authority; prohibiting certain false statements; ~~establishing a criminal penalty for providing a false statement to certain persons;~~ defining certain terms; and generally relating to rights of a State correctional officer.

BY adding to

Article – Correctional Services

Section 10-901 through ~~10-914~~ 10-913 to be under the new subtitle “Subtitle 9.

State Correctional Officers’ Bill of Rights”

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions

Section 1-101(b) and 11-105

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

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

Senate Bill 948 – ~~Senator Raskin~~ Senators Raskin, Brochin, Forehand, Jacobs, Simonaire, and Stone

AN ACT concerning

Child Abuse and Neglect – Disclosure of Information

FOR the purpose of requiring a director of a local department of social services or the Secretary of Human Resources to disclose certain information concerning child abuse and neglect under certain circumstances; altering the circumstances under which certain information concerning child abuse and neglect is required to be disclosed; requiring the State’s Attorney to notify the local director or the Secretary within a certain period of time after the conclusion of a certain

investigation or prosecution under certain circumstances; requiring the local director or the Secretary to make a certain disclosure within a certain period of time after notification by the State's Attorney; repealing a requirement that the Secretary consult with a certain law enforcement agency before disclosing certain information concerning child abuse and neglect; requiring the local director or the Secretary to disclose certain information; prohibiting the local director and the Secretary from disclosing the names of certain individuals; and generally relating to the disclosure of information concerning child abuse and neglect.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 1–203
Annotated Code of Maryland
(2007 Volume and 2009 Supplement)

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

Senate Bill 994 – Senator Pipkin

AN ACT concerning

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

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

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

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

Senate Bill 1043 – Senators Stoltzfus ~~and Colburn~~, Colburn, and Dyson

AN ACT concerning

Hunting Wild Waterfowl – Dorchester, St. Mary's, Somerset, and Wicomico Counties

FOR the purpose of altering the location in which a person may hunt wild waterfowl by certain methods in the waters of Dorchester, St. Mary's, Somerset, and Wicomico counties; decreasing the distance from shore that the Department of Natural Resources prescribes by regulation for the hunting of wild waterfowl by certain methods in the waters of Dorchester, St. Mary's, Somerset, and Wicomico counties; and generally relating to hunting wild waterfowl in the waters of Dorchester, St. Mary's, Somerset, and Wicomico counties.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–604 through 10–606
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 1104 – Senator Astle

AN ACT concerning

Environment – Heating Oil – Sulfur Content

FOR the purpose of prohibiting, on or after a certain date, a person from selling certain heating oil in the State with a sulfur content exceeding a certain proportion to a consumer for a certain use; defining a certain term; and generally relating to the sulfur content of heating oil sold in the State.

BY adding to
Article – Environment
Section 2–701 and 2–702 to be under the new subtitle “Subtitle 7. Heating Oil”
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Senate Bill 1117 – Senator Conway

AN ACT concerning

Environment – Maryland Oil Disaster Containment, Clean-Up and Contingency Fund and Oil Contaminated Site Environmental Cleanup Fund

FOR the purpose of altering the basis for calculating a certain license fee credited to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund; expanding the uses of the Maryland Oil Disaster Containment, Clean-Up and

Contingency Fund; extending the deadline by which the owner of a certain eligible heating oil tank may apply for reimbursement of certain costs from the Oil Contaminated Site Environmental Cleanup Fund; authorizing, in a certain fiscal year, the Secretary of the Environment to transfer up to a certain amount of money from the Oil Contaminated Site Environmental Cleanup Fund to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund; requiring the Secretary to convene a certain work group for a certain purpose; requiring, by a certain date, the Department of the Environment to report to certain committees of the General Assembly; and generally relating to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund and the Oil Contaminated Site Environmental Cleanup Fund.

BY repealing and reenacting, with amendments,

Article – Environment

Section 4-411 and 4-705

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

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

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 ordered journalized.

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 adopted.

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 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 adopted.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #27

Delegate Davis, Chair, for the Committee on Economic Matters 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

SB0277/193994/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 277

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 6 down through “manner:” in line 9 and substitute “requiring the Public Service Commission to include certain information in certain reports to the General Assembly;”; and after line 16, insert:

“BY repealing and reenacting, without amendments,

Article – Public Utility Companies

Section 7–705(e)

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)”.

AMENDMENT NO. 2

On page 2, strike beginning with “EXCEPT” in line 20 down through “THE” in line 21 and substitute “The”.

On page 3, in lines 2, 4, 6, 8, and 10, strike “**0.12%**”, “**0.22%**”, “**0.36%**”, “**0.5%**”, and “**0.7%**”, respectively, and substitute “0.1%”, “0.2%”, “0.3%”, “0.4%”, and “0.5%”, respectively; in lines 12, 14, 16, and 18, in each instance, strike the brackets; and in the same lines, strike “**0.9%**”, “**1.15%**”, “**1.4%**”, and “**1.65%**”, respectively.

On pages 3 and 4, strike in their entirety the lines beginning with line 23 on page 3 through line 27 on page 4.

On page 4, in line 28, strike “(D)” and substitute “(c)”.

On page 5, in line 3, strike “(E)” and substitute “(d)”; in the same line, strike “(D)” and substitute “(c)”; in line 24, strike “**] 30**”; in line 25, strike “**] 25**”; in line 26, strike “**] 20**”; in line 27, strike “**] 15**”; in the same line, strike the fifth bracket; in line 26, strike the fifth bracket; in the same line, strike the sixth bracket; strike beginning with “**] 2024;**” in line 27 down through “**; AND**” in line 29; and in lines 24, 25, 26, and 27, in each instance, strike the third bracket.

On page 6, after line 13, insert:

“(e) (1) Notwithstanding the requirements of § 7–703(b) of this subtitle, if the actual or projected dollar-for-dollar cost incurred or to be incurred by an electricity supplier solely for the purchase of Tier 1 renewable energy credits derived from solar energy in any 1 year is greater than or equal to, or is anticipated to be greater than or equal to, 1% of the electricity supplier’s total annual electricity sales revenues in Maryland, the electricity supplier may request that the Commission:

(i) delay by 1 year each of the scheduled percentages for solar energy under § 7–703(b) of this subtitle that would apply to the electricity supplier; and

(ii) allow the renewable energy portfolio standard for solar energy for that year to continue to apply to the electricity supplier for the following year.

(2) In making its determination under paragraph (1) of this subsection, the Commission shall consider the actual or projected dollar-for-dollar compliance costs of other electricity suppliers.

(3) If an electricity supplier makes a request under paragraph (1) of this subsection based on projected costs, the electricity supplier shall provide verifiable evidence of the projections to the Commission at the time of the request.

(4) If the Commission allows a delay under paragraph (1) of this subsection:

(i) the renewable energy portfolio standard for solar energy applicable to the electricity supplier under the delay continues for each subsequent consecutive year that the actual or projected dollar-for-dollar costs incurred, or to be incurred, by the electricity supplier solely for the purchase of solar renewable energy credits is greater than or equal to, or is anticipated to be greater than or equal to, 1% of the electricity supplier’s total annual retail electricity sales revenues in Maryland; and

(ii) the renewable energy portfolio standard for solar energy applicable to the electricity supplier under the delay is increased to the next scheduled percentage increase under § 7–703(b) of this subtitle for each year in which the actual or projected dollar-for-dollar costs incurred, or to be incurred, by the electricity

supplier solely for the purchase of solar renewable energy credits is less than, or is anticipated to be less than, 1% of the electricity supplier's total annual retail electricity sales revenues in Maryland."

AMENDMENT NO. 3

On page 6, in line 14, after "2." insert "AND BE IT FURTHER ENACTED, That:

(a) The Public Service Commission shall include, in the report required under § 7-211(k) of the Public Utility Companies Article due on March 1, 2012, and March 1, 2015, the effect of this Act on the State's anticipated compliance with per capita peak demand and per capita electricity consumption targets under § 7-211 of the Public Utility Companies Article.

(b) The Commission also shall include in those reports:

(1) the effects, if any, of deploying of solar electricity generating equipment in compliance with the solar Tier 1 renewable energy portfolio standard and the use of alternative compliance fees to support Tier 1 projects in the State; and

(2) recommendations for alterations, if any, that the Commission and the Maryland Energy Administration consider desirable to the solar Tier 1 percentage requirements of the renewable energy portfolio standard in § 7-703(b) of the Public Utility Companies Article, as enacted by Section 1 of this Act.

SECTION 3.";

and in line 18, strike "3." and substitute "4.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1067 – Senators Rosapepe, Currie, Exum, Harrington, Miller, Muse, Peters, and Pinsky

AN ACT concerning

Task Force on Solar Hot Water Systems in Prince George's County

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

<u>NUMBER</u>	<u>SPONSOR</u>
HB 59	Del. Hixson
HB 96	Del. Kullen
HB 114	Del. Nathan–Pulliam
HB 197	Ch., Econ Matters Co.
HB 224	Del. Morhaim
HB 404	Ch., Econ Matters Co.
HB 407	Ch., Econ Matters Co.
HB 484	Del. Elliott
HB 496	Del. Pena–Melnik
HB 547	Wicomico County Del.
HB 814	Del. Kach
HB 1050	Ch. Hlth & Govt Ops
HB 1295	Del. Krysiak

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

<u>NUMBER</u>	<u>SPONSOR</u>
HB 73	Ch., Envir. Mat. Com.
HB 74	Ch., Judiciary Com.
HB 111	Del. Eckardt
HB 132	The Speaker
HB 242	Del. Hixson
HB 277	Howard County Del.
HB 365	Del. Anderson
HB 443	Del. Ivey
HB 485	Del. Malone
HB 625	Del. Simmons
HB 661	Del. Barnes
HB 698	Del. Kelly
HB 702	Del. Stein
HB 785	Del. Lee
HB 851	Talbot County Del.

HB 861	Montgomery Co. Del.
HB 905	Del. Valderrama
HB 915	Del. Jones
HB 943	Del. McIntosh
HB 974	Ch., Envir. Mat. Com.
HB 1023	Ch., Judiciary Com.
HB 1141	Del. Dumais
HB 1161	Del. Jones
HB 1200	Calvert County Del.
HB 1250	Del. Hucker
HB 1275	Del. McComas
HB 1303	Del. Conway
HB 1382	Del. Glenn
HB 1443	Del. Elmore
HB 1466	Del. Bohanan
HB 1501	Del. Rice

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER

SPONSOR

HB 11	Del. Sophocleus
HB 218	Del. Elmore
HB 222	Del. Vaughn
HB 230	Howard County Del.
HB 295	Del. O'Donnell
HB 319	Del. Kullen
HB 339	Caroline County Del.
HB 345	Del. Hucker
HB 350	Del. Hucker
HB 368	Ch., Appropriations
HB 411	Del. Kach
HB 497	Del. G. Clagett
HB 501	Del. Hammen
HB 511	St. Mary's County Del.
HB 689	Del. Myers
HB 693	Del. Hubbard
HB 777	The Speaker
HB 786	Del. Healey
HB 804	Del. Kach
HB 863	Del. Hubbard
HB 873	Del. Davis
HB 878	Del. Mizeur
HB 903	Del. Kramer
HB 910	Del. Malone

HB 923	Del. Levi
HB 929	The Speaker
HB 988	Del. George
HB 1056	Dorchester Co. Del.
HB 1062	Del. Healey
HB 1093	Del. Donoghue
HB 1135	Del. Ross
HB 1201	Calvert County Del.
HB 1244	Del. Sossi
HB 1267	Del. Niemann
HB 1302	Del. Kipke
HB 1326	Del. Robinson
HB 1353	Del. Stein

Read and ordered journalized.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #24

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

House Bill 579 – Prince George’s County Delegation and Montgomery County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – Customer Notices

PG/MC 104–10

HB0579/210315/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 579

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “a certain building or premises” and substitute “on certain real property, the common area of a certain multifamily building, or a certain commercial building”; in the same line, after “on” insert “or near”; in line 6, strike “premises” and substitute “unit”; and strike in their entirety lines 9 through 13, inclusive, and substitute:

“BY adding to

Article – Public Utility Companies

Section 24–107

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

(As enacted by Chapter _____ (S.B. 96) of the Acts of the General Assembly of 2010)”.

AMENDMENT NO. 2

On page 1, strike in their entirety lines 16 and 17, and substitute:

“Article – Public Utility Companies

24–107.”;

in line 18, strike “ENTER A BUILDING OR PREMISES” and substitute “ENTER ON REAL PROPERTY, THE COMMON AREA OF A MULTIFAMILY BUILDING, OR A COMMERCIAL BUILDING”; in line 21, after “ON” insert “OR NEAR”; in the same line, strike “PREMISES” and substitute “UNIT”; and strike beginning with “INFORMS” in line 21 down through “DATES” in line 24 and substitute “WOULD INFORM THE OWNER OR OCCUPANT OF ANY OFFICIAL COMMISSION BUSINESS THAT AFFECTS EITHER THE PUBLIC OR THAT PARTICULAR PROPERTY”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 307 – Senator Stoltzfus

AN ACT concerning

Worcester County – Real Property – Recording

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 347 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

Political Subdivisions – Financial Reports

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 416 – Senators Lenett ~~and Kittleman~~, Kittleman, and Forehand

AN ACT concerning

**Maryland Condominium Act and Maryland Homeowners Association Act –
Proposed Budget – Notice, Information, and Adoption**

SB0416/210914/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 416

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the first “Maryland” in line 2 through “Proposed” in line 3 and substitute “Homeowners Association – Annual”; and strike beginning with “notice” in line 4 down through “of” in line 23 and substitute “the board of directors or other governing body of a homeowners association to prepare and submit an annual proposed budget to the lot owners by a certain time period before its adoption; authorizing the annual proposed budget and notice of the meeting at which the proposed budget will be considered to be sent to lot owners by electronic transmission, by posting on the homeowners association’s home page, or by including the annual proposed budget or notice in the homeowners association’s newsletter; requiring the budget to include certain items; requiring the budget to be adopted at an open meeting of the homeowners association or other body to whom the homeowners

association has delegated responsibilities for preparing and adopting a budget; requiring that certain expenditures, under certain conditions, arising after the adoption of the budget that would result in an assessment greater than a certain percent of the budgeted amount, be adopted by a budget amendment at a special meeting of the homeowners association; requiring written notice of the special meeting to be given to the lot owners by a certain time period before the meeting; providing that the adoption of a budget does not impair certain authority of the homeowners association for certain expenditures for certain purposes; providing for the application of this Act; and generally relating to the preparation and adoption of an annual budget by".

On page 2, in line 1, strike "repealing and reenacting, with amendments," and substitute "adding to"; in line 3, strike "11-109(c) and 11B-111" and substitute "11B-112.2"; and strike in their entirety lines 6 through 10, inclusive.

AMENDMENT NO. 2

On pages 2 through 10, strike in their entirety the lines beginning with line 14 on page 2 through line 2 on page 10, inclusive.

On page 10, after line 2, insert:

"11B-112.2.

(A) THIS SECTION APPLIES ONLY TO A HOMEOWNERS ASSOCIATION THAT HAS RESPONSIBILITY UNDER ITS DECLARATION FOR MAINTAINING AND REPAIRING COMMON AREAS.

(B) (1) THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY OF A HOMEOWNERS ASSOCIATION SHALL CAUSE TO BE PREPARED AND SUBMITTED TO THE LOT OWNERS AN ANNUAL PROPOSED BUDGET AT LEAST 30 DAYS BEFORE ITS ADOPTION.

(2) THE ANNUAL PROPOSED BUDGET MAY BE SENT TO EACH LOT OWNER BY ELECTRONIC TRANSMISSION, BY POSTING ON THE HOMEOWNERS ASSOCIATION'S HOME PAGE, OR BY INCLUDING THE ANNUAL PROPOSED BUDGET IN THE HOMEOWNERS ASSOCIATION'S NEWSLETTER.

(C) THE ANNUAL BUDGET SHALL PROVIDE INFORMATION ON OR EXPENDITURES FOR AT LEAST THE FOLLOWING ITEMS:

- (1) INCOME;
- (2) ADMINISTRATION;
- (3) MAINTENANCE;
- (4) UTILITIES;
- (5) GENERAL EXPENSES;
- (6) RESERVES; AND
- (7) CAPITAL EXPENSES.

(D) (1) THE BUDGET SHALL BE ADOPTED AT AN OPEN MEETING OF THE HOMEOWNERS ASSOCIATION OR ANY OTHER BODY TO WHICH THE HOMEOWNERS ASSOCIATION DELEGATES RESPONSIBILITIES FOR PREPARING AND ADOPTING THE BUDGET.

(2) (I) NOTICE OF THE MEETING AT WHICH THE PROPOSED BUDGET WILL BE CONSIDERED SHALL BE SENT TO EACH LOT OWNER.

(II) NOTICE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE SENT BY ELECTRONIC TRANSMISSION, BY POSTING ON THE HOMEOWNERS ASSOCIATION'S HOME PAGE, OR BY INCLUDING THE NOTICE IN THE HOMEOWNERS ASSOCIATION'S NEWSLETTER.

(E) EXCEPT FOR AN EXPENDITURE MADE BY THE HOMEOWNERS ASSOCIATION BECAUSE OF A CONDITION THAT, IF NOT CORRECTED, COULD REASONABLY RESULT IN A THREAT TO THE HEALTH OR SAFETY OF THE LOT OWNERS OR A SIGNIFICANT RISK OF DAMAGE TO THE DEVELOPMENT, ANY EXPENDITURE THAT WOULD RESULT IN AN INCREASE IN AN AMOUNT OF ASSESSMENTS FOR THE CURRENT FISCAL YEAR OF THE HOMEOWNERS ASSOCIATION IN EXCESS OF 15% OF THE BUDGETED AMOUNT PREVIOUSLY

ADOPTED SHALL BE APPROVED BY AN AMENDMENT TO THE BUDGET ADOPTED AT A SPECIAL MEETING FOR WHICH NOT LESS THAN 10 DAYS WRITTEN NOTICE SHALL BE PROVIDED TO THE LOT OWNERS.

(F) THE ADOPTION OF A BUDGET DOES NOT IMPAIR THE AUTHORITY OF THE HOMEOWNERS ASSOCIATION TO OBLIGATE THE HOMEOWNERS ASSOCIATION FOR EXPENDITURES FOR ANY PURPOSE CONSISTENT WITH ANY PROVISION OF THIS TITLE.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 443 – Senator Raskin

AN ACT concerning

Real Property – Wrongful Detainer

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 562 – Senator Raskin

AN ACT concerning

Real Property – Mortgages and Deeds of Trust – Authority to Exercise a Power of Sale

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 597 – Senator Rosapepe

AN ACT concerning

**Condominiums and Homeowners Associations – Common Elements and
Common Areas – Implied Warranties**

SB0597/720314/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 597

(Third Reading File Bill)

On page 2, in line 34, after “ANY” insert “MULTIFAMILY RESIDENTIAL”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 615 – Senator Edwards

AN ACT concerning

**Garrett County – Volunteer Fire Departments and Rescue Squads –
Emergency Services Board**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 654 – Senators Lenett, Gladden, Muse, and Raskin

~~EMERGENCY BILL~~

AN ACT concerning

Real Property – Tenants in Foreclosure – Conforming to Federal Law

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 666 – Senators Muse, Forehand, Haines, ~~and Stone~~ Stone, Frosh, and Jacobs

EMERGENCY BILL

AN ACT concerning

Real Property – Transfer Fees – Prohibition

Delegate Rice moved to make the Bill and Report a Special Order for Monday.

The motion was adopted.

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

Senate Bill 729 – Cecil County Senators

AN ACT concerning

Cecil County – Regulation of Domestic Animals

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 733 – Cecil County Senators

AN ACT concerning

Cecil County – Budget and Taxes

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 780 – ~~Senator Raskin~~ Senators Raskin, Frosh, Gladden, Forehand, Jacobs, Muse, Simonaire, and Stone

AN ACT concerning

Real Property – Affordable Housing Land Trusts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 800 – Senator Klausmeier

AN ACT concerning

Common Ownership Communities – Fidelity Insurance – Exemption

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1019 – Senator Kelley

AN ACT concerning

Real Property – Residential Real Estate Settlements – Disclosures

SB1019/670514/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 1019

(Third Reading File Bill)

On page 1, in line 2, before the first “Real” insert “Residential”; and in the same line, strike “Residential”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

AMENDED IN THE SENATE

House Bill 193 – Delegate Rosenberg

AN ACT concerning

Civil Proceedings – Foreign Defamation Judgments – ~~Enforceability~~ Recognition, Enforceability, and Bases of Personal Jurisdiction

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

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 not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0193

SPONSOR: Del Rosenberg

SUBJECT: Civil Prcdngs – Forgn Dfmtn Judgts – Recognition, Enforceability, and Bases of Prsnl Jurisd

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

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

Delegate Waldstreicher, Chairman
Delegate Conaway, and
Delegate McConkey.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

House Bill 269 – Delegates Kaiser, Boteler, Carr, Feldman, Healey, Hecht, Ivey, Manno, Montgomery, O'Donnell, Reznik, Robinson, Schuler, Shewell, Sophocleus, Stocksdales, ~~and Stukes~~ Stukes, Kramer, and Glenn

AN ACT concerning

Child with a Disability – Individualized Education Program

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

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 not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0269

SPONSOR: Del Kaiser, et al

SUBJECT: Child with a Disability – Individualized Education Program

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

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

Delegate Kaiser, Chairman
Delegate Gilchrist, and
Delegate Myers.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

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~~**

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

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 not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0283**

SPONSOR: Del Waldstreicher, et al

SUBJECT: Criminal Law – Human Trafficking – Prohibitions

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 Lee, Chairman
Delegate Valderrama, and
Delegate Dwyer.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

**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

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

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 not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0304**

SPONSOR: Del Jones, et al

SUBJECT: Education – Maintenance of Effort Requirement –
Process and Factors

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 Olszewski, Chairman
Delegate Rice, and
Delegate Kaiser.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

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

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

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 not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0439

SPONSOR: Del Kaiser, et al

SUBJECT: Education – Innovative School Scheduling Models –
Low-Performing and At-Risk Public Schools

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 Kaiser, Chairman

Delegate Rice, and

Delegate Gilchrist.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

**House Bill 1263 – The Speaker (By Request – Administration) and Delegates
Busch, Hixson, Kaiser, and Rosenberg**

AN ACT concerning

Education Reform Act of 2010

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

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 not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 1263**

SPONSOR: The Spkr (Admin), et al

SUBJECT: Education Reform Act of 2010

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 Kaiser, Chairman
Delegate Olszewski, and
Delegate Rice.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB 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 ordered journalized.

MESSAGE TO THE SENATE

BILL: SB 0135

SPONSOR: Sen Kelley

SUBJECT: Criminal Procedure – Petition for Writ of Actual
Innocence – Notice of Filing and Hearing

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

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed: Senator Gladden, Chair
Senator Haines
Senator Raskin

The House appoints: Delegate Anderson, Chairman
Delegate Barnes, and
Delegate Carter.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB 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 ordered journalized.

MESSAGE TO THE SENATE

BILL: SB 0252

SPONSOR: Sen Frosh, et al

SUBJECT: Child Support Guidelines – Revision

By the Majority Leader:

Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed: Senator Frosh, Chair
Senator Forehand
Senator Gladden

The House appoints: Delegate Simmons, Chairman
Delegate Dumais, and
Delegate Levi.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: SB 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 ordered journalized.

MESSAGE TO THE SENATE

BILL: SB 0261

SPONSOR: Sen Forehand, et al

SUBJECT: Criminal Law – Sexual Solicitation of a Minor and
Human Trafficking – Prohibitions and Proof

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 Forehand, Chair
Senator Mooney
Senator Muse

The House appoints: Delegate Lee, Chairman
Delegate Valderrama, and
Delegate Dwyer.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #25

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

House Bill 1183 – Delegate Oaks

AN ACT concerning

Motor Vehicles – Access to and Removal of Towed Vehicles**HB1183/740818/1**

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1183

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and Removal of”; in line 4, after “purposes” insert “, subject to certain oversight and limitations”; strike beginning with “authorizing” in line 5 down through “charges;” in line 8; and in line 8, strike “and removal of”.

AMENDMENT NO. 2

On page 2, strike beginning with “**REMOVAL**” in line 14 down through “**(II)**” in line 16; in lines 17 and 25, in each instance, strike “**(III)**” and substitute “**(II)**”; in the same lines, in each instance, after “**RETRIEVAL**” insert “**FROM THE VEHICLE**”; in lines 17 and 18, strike “**IN THE MOTOR VEHICLE**” and substitute “**THAT IS UNATTACHED TO THE VEHICLE**”; strike beginning with “**REMOVAL**” in line 22 down through “**(II)**” in line 24; and in line 25, strike “**IN THE VEHICLE**” and substitute “**THAT IS UNATTACHED TO THE VEHICLE**”.

AMENDMENT NO. 3

On pages 2 and 3, strike beginning with the colon in line 27 on page 2 down through “**CARD**” in line 7 on page 3 and substitute “**MAY SUPERVISE OR LIMIT THE HOURS FOR AN INSPECTION OR RETRIEVAL OF PERSONAL PROPERTY AUTHORIZED UNDER THIS SECTION**”.

The preceding 3 amendments were read and adopted.Favorable report, as amended, adopted.Read the second time and ordered prepared for Third Reading.

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

House Bill 1568 – Delegates Conway and Mathias**EMERGENCY BILL**

AN ACT concerning

**Board of Public Works – Licenses to Dredge and Fill on State Wetlands –
Working Marinas**

HB1568/570119/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1568
(First Reading File Bill)

On page 2, in lines 12, 16, and 21, in each instance, strike “AT” and substitute “TO EXPAND”; strike beginning with “PRINCIPAL” in line 16 down through “PROJECT” in line 17 and substitute “EXISTING OR EXPANDED MARINA”; in line 17, after “IS” insert “USED”; in line 18, strike “AT THE MARINA”; in line 19, after “(B)” insert “(1)”; in line 21, strike “WITH A” and substitute “THAT IS LOCATED IN AN AREA WHERE THE”; in the same line, strike “OF” and substitute “IS”; strike beginning with “, NO” in line 21 down through “THE” in line 23 and substitute “AT MEAN LOW WATER AND ON A WATERWAY WITHOUT STRONG FLUSHING IF THE”; and in line 29, strike “SIGNIFICANTLY”; and in line 32, strike “; OR” and substitute a period.

On page 3, in line 1, strike “WILL” and substitute “AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

**Senate Bill 93 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Agriculture)**

AN ACT concerning

Agriculture – Pest Control – Fees and Registration

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 278 – The President (By Request – Administration) and Senators Astle, Della, Exum, Forehand, Gladden, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Miller, Peters, Pinsky, Pugh, and Stone

AN ACT concerning

Smart, Green, and Growing – Maryland Sustainable Growth Commission

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 322 – Senator Stone

AN ACT concerning

Motor Vehicles – Use of Video Display Equipment

SB0322/260219/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 322

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Video” insert “and Electronic”; strike beginning with “altering” in line 3 down through “vehicle” in line 7 and substitute “prohibiting a person from driving a motor vehicle on a highway if the motor vehicle is equipped with certain video display equipment that is turned on under certain circumstances; altering a certain restriction on motor vehicles being equipped with television-type receiving equipment; altering the exceptions to the prohibition against locating certain electronic display equipment in certain areas of a motor vehicle; providing that a”

motor vehicle may be equipped with certain video display equipment only if the equipment is turned off under certain circumstances; providing for the application of this Act; defining a certain term"; in line 7, after "video" insert "and electronic"; and after line 13, insert:

"BY adding to

Article – Transportation

Section 21–1128 and 22–414.1

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 17 on page 1 through line 14 on page 2, inclusive, and substitute:

"21–1128.

A PERSON MAY NOT DRIVE A MOTOR VEHICLE ON A HIGHWAY IF THE MOTOR VEHICLE IS EQUIPPED WITH TELEVISION–TYPE RECEIVING EQUIPMENT OR VIDEO DISPLAY EQUIPMENT, AS DEFINED UNDER § 22–414.1 OF THIS ARTICLE, THAT IS TURNED ON AND DISPLAYING AN IMAGE VISIBLE TO THE DRIVER.

22–414.

(a) A motor vehicle driven on a highway in this State may not be equipped with television–type receiving equipment [in front of the back of the driver’s seat or otherwise] THAT IS TURNED ON AND DISPLAYING AN IMAGE visible to the driver.

(b) This section does not prevent:

(1) The use of television–type receiving equipment in a vehicle exclusively for safety or law enforcement purposes, as approved by the Department of State Police;

(2) The use in a vehicle of equipment used exclusively for alphanumeric data and text transmission and reception; or

(3) The use in a vehicle of electronic display equipment [used in conjunction with a]:

(I) USED IN CONJUNCTION WITH:

1. A vehicle navigation system; OR

2. BROADCAST AND SATELLITE RADIO SYSTEM
GRAPHICS; OR

(II) DISPLAYING INFORMATION OR IMAGES RELATED TO
THE OPERATION OR SAFETY OF A MOTOR VEHICLE.

22-414.1.

(A) IN THIS SECTION, “VIDEO DISPLAY EQUIPMENT” MEANS EQUIPMENT
CAPABLE OF DISPLAYING A DYNAMIC VISUAL IMAGE, OTHER THAN TEXT, FROM
A DIGITAL VIDEO DISC OR OTHER STORAGE DEVICE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
MOTOR VEHICLE DRIVEN ON A HIGHWAY IN THE STATE MAY BE EQUIPPED WITH
VIDEO DISPLAY EQUIPMENT ONLY IF THE VIDEO DISPLAY EQUIPMENT IS
TURNED OFF WHEN THE SCREEN ON THE VIDEO DISPLAY EQUIPMENT IS VISIBLE
TO THE DRIVER.

(C) THIS SECTION DOES NOT APPLY TO EQUIPMENT ON A VEHICLE USED
BY A PUBLIC SERVICE COMPANY.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 344 – Senator Glassman

AN ACT concerning

Motor Vehicles – ~~Medium~~ Limited Speed Vehicles – Requirements and Prohibitions

SB0344/800514/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 344

(Third Reading File Bill)

On page 4, in lines 31 and 33, in each instance, strike “**REDUCED**” and substitute “**LIMITED**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 361 – Senator Astle

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.

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

Senate Bill 422 – Senator Colburn

AN ACT concerning

Dorchester County – Choptank River – Soft-Shell Clam Harvesting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 664 – Senators Klausmeier, Dyson, and Harris

AN ACT concerning

Environment – Dental Radiation Machines – Inspections

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 958 – Senator Miller

AN ACT concerning

Calvert County – Noise Control Ordinance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 978 – Senator Colburn

AN ACT concerning

Talbot County – Deer Hunting on Private Property – Sundays

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1020 – Senator Dyson

EMERGENCY BILL

AN ACT concerning

Natural Resources – Incidental Taking Permit for Endangered Puritan Tiger Beetle – Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #22

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

Senate Bill 13 – Senator Raskin

AN ACT concerning

Civil Proceedings – Foreign Defamation Judgments – Enforceability and Bases of Personal Jurisdiction

SB0013/772918/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 13
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Enforceability” and substitute “Recognition, Enforceability,”; strike beginning with “prohibiting” in line 6 down through “judgments;” in line 7; strike beginning with “authorizing” in line 9 down through “judgment;” in line 11; in line 11, after “term;” insert “providing for the application of this Act;”; in the same line, after “to” insert “the recognition and”; in lines 12 and 13, in each instance, after “foreign” insert “defamation”; and in line 16, after “6–103.3” insert “and 10–704(c)”.

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 1 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 12, strike beginning with “OR” through the second “STATE” and substitute “OR HAS ASSETS IN THIS STATE”; in line 15, strike “SHOULD” and substitute “MAY”; in line 18, after “THE” insert “MARYLAND”; in the same line, strike “PERSON SUBJECT TO JURISDICTION” and substitute “PERSON WHO HAS ASSETS”; strike beginning with “(1)” in line 20 down through “MAY” in line 22 and substitute “MAY”; in line 19, after “STATE” strike the colon; and in line 22, strike “THIS STATE” and substitute “MARYLAND”.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 25 on page 2 through line 14 on page 3, inclusive, and substitute:

“(C) (1) IN THIS SUBSECTION, “DEFAMATION” INCLUDES INVASION OF PRIVACY BY FALSE FACTS.

“(2) A FOREIGN JUDGMENT AGAINST ANY PERSON WHO IS A RESIDENT OF THIS STATE OR WHO HAS ASSETS IN THIS STATE MAY NOT BE RECOGNIZED IF:”.

AMENDMENT NO. 4

On page 3, in line 18, after “LAW” insert “AS”.

AMENDMENT NO. 5

On page 3, in lines 15 and 22, strike “(6)” and “(7)”, respectively, and substitute “(I)” and “(II)”, respectively.

AMENDMENT NO. 6

On page 3, strike in their entirety lines 27 through 31, 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 case filed in a court before the effective date of this Act.”;

and in line 32, strike “2.” and substitute “3.”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 25 – Senators Forehand and Frosh

AN ACT concerning

Estates and Trusts – Property Held as Tenants by the Entireties – Transfer to Trust

SB0025/552110/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 25

(Third Reading File Bill)

On page 4, in line 3, after “(C)” insert “(1)”; and after line 10, insert:

“(2) TO THE EXTENT THAT THE SURVIVING SPOUSE REMAINS A BENEFICIARY OF THE TRUST, THE PROPERTY THAT IS IMMUNE FROM THE CLAIMS OF THE SEPARATE CREDITORS OF THE DECEDENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBJECT TO THE CLAIMS OF THE SEPARATE CREDITORS OF THE SURVIVING SPOUSE.”

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 499 – Senator Raskin

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

SB0499/202011/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 499

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 10 down through “Probation” in line 14 and substitute “authorizing the Division of Parole and Probation to recommend to the Parole Commission that a certain supervisee be exempt wholly or partly from a certain fee; defining a certain term; making conforming changes; and generally relating to fees paid by individuals supervised by the Division of Parole and Probation”; in line 15, strike “adding to” and substitute “repealing and reenacting, with amendments,”; and in line 17, strike “7-702(j)” and substitute “7-702”.

AMENDMENT NO. 2

On page 4, strike in their entirety lines 7 through 12, inclusive, and substitute:

“(a) **(1)** In this section[, “supervisee”] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DIVISION” MEANS THE DIVISION OF PAROLE AND PROBATION.

(3) “SUPERVISEE” means an individual supervised by the Division [of Parole and Probation for the Commission].

(b) Unless a supervisee is exempted by the Commission under subsection (d) of this section, the Commission shall assess a monthly fee of \$40 as a condition of supervision for each supervisee.

(c) **(1)** The fee assessed under subsection (b) of this section shall be paid to the Division [of Parole and Probation].

(2) The Division [of Parole and Probation] shall pay all money collected under this section into the General Fund of the State.

(d) The Commission may exempt a supervisee wholly or partly from the fee assessed under subsection (b) of this section if:

(1) the supervisee has diligently attempted but has been unable to obtain employment that provides sufficient income for the supervisee to pay the fee;

(2) (i) the supervisee is a student in a school, college, or university or is enrolled in a course of vocational or technical training designed to prepare the supervisee for gainful employment; and

(ii) the institution in which the supervisee is enrolled supplies certification of student status to the Commission;

(3) the supervisee has a disability that limits possible employment, as determined by a physical or psychological examination that the Commission accepts or orders;

(4) the supervisee is responsible for the support of dependents and the payment of the fee constitutes an undue hardship on the supervisee; or

(5) other extenuating circumstances exist.

(e) The fee assessed under subsection (b) of this section is in addition to court costs and fines.

(f) (1) If a supervisee does not comply with the fee requirement:

(i) the Division [of Parole and Probation] shall notify the Commission; and

(ii) the Commission may revoke parole or mandatory supervision.

(2) The Commission shall conduct a hearing to determine if there are sufficient grounds to find the supervisee in violation of the fee requirement.

(3) At a hearing under this subsection, the Commission may consider:

(i) any material change in the supervisee's financial status;

(ii) good faith efforts of the supervisee to pay the fee; and

(iii) alternative means to assure payment of the fee before the period of supervision ends.

(g) (1) In addition to the fee assessed under subsection (b) of this section, the Division [of Parole and Probation] may require a supervisee to pay for drug or alcohol abuse testing that the Commission orders.

(2) If a supervisee fails to pay for drug or alcohol abuse testing as required by the Division [of Parole and Probation], the Commission may revoke parole or mandatory supervision.

(3) If the Division [of Parole and Probation] determines that any of the criteria specified in subsection (d) of this section are applicable, the Division may exempt a supervisee wholly or partly from a payment for drug or alcohol abuse testing.

(h) The Division [of Parole and Probation] shall:

(1) adopt guidelines for collecting the supervision fee;

(2) adopt guidelines for collecting the cost of drug and alcohol abuse testing; and

(3) investigate requests for an exemption from payment if the Commission requests an investigation.

(i) The Division [of Parole and Probation] shall:

(1) keep records of all payments by each supervisee; and

(2) report delinquencies to the Commission.

(J) THE DIVISION MAY RECOMMEND TO THE COMMISSION THAT A SUPERVISEE BE EXEMPT WHOLLY OR PARTLY FROM THE FEE ASSESSED UNDER SUBSECTION (B) OF THIS SECTION. ”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary 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.

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

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

AN ACT concerning

Domestic Violence – Protective Order – Extension

Delegate Levy moved to make the Bill and Report a Special Order for Monday.

The motion was adopted.

THE COMMITTEE ON WAYS AND MEANS REPORT #19

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

**House Bill 243 – Delegates Hixson, Barve, Howard, Hucker, Ivey, Kaiser,
Mizeur, Olszewski, Rice, Ross, Stukes, and F. Turner**

AN ACT concerning

Fairness in Negotiations Act

HB0243/185065/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 243
(First Reading File Bill)

AMENDMENT NO. 1

On page 7, in line 26, strike “CLEARLY”.

On page 15, in line 20, strike “CLEARLY”.

AMENDMENT NO. 2

On page 8, in line 25, after “ORGANIZATION” insert “, WHICH MAY NOT INCLUDE ITEMS OR TOPICS NOT PREVIOUSLY RAISED IN THE BARGAINING PROCESS”.

On page 16, in line 17, after “ORGANIZATION” insert “, WHICH MAY NOT INCLUDE ITEMS OR TOPICS NOT PREVIOUSLY RAISED IN THE BARGAINING PROCESS”.

AMENDMENT NO. 3

On page 9, in line 16, strike “OR”; after line 16, insert:

“(II) ACCEPT THE WRITTEN PROPOSED SETTLEMENT IN PART, AS MUTUALLY AGREED ON BY THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION; OR”;

and in line 17, strike “(II)” and substitute “(III)”.

On page 17, in line 10, strike “OR”; after line 10, insert:

“(II) ACCEPT THE WRITTEN PROPOSED SETTLEMENT IN PART, AS MUTUALLY AGREED ON BY THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION; OR”;

and in line 11, strike “(II)” and substitute “(III)”.

AMENDMENT NO. 4

On page 10, in line 9, after the semicolon insert “AND”; strike beginning with “DECIDE” in line 10 down through “(VII)” in line 12; in line 12, after “RECEIVE”

insert “, HEAR,”; and in line 13, after the comma insert “WHETHER OR NOT OFFERED THROUGH AN ATTORNEY,”.

On page 17, in line 33, after the semicolon insert “AND”.

On page 18, strike beginning with “**DECIDE**” in line 1 down through “**(VII)**” in line 3; in line 3, after “**RECEIVE**” insert “, HEAR,”; and in line 4, after the comma insert “WHETHER OR NOT OFFERED THROUGH AN ATTORNEY,”.

AMENDMENT NO. 5

On page 10, in lines 19 and 20, strike “**FROM THE COUNTY’S GENERAL FUND**” and substitute “, CONSIDERING THEIR EXISTING RESOURCES,”.

On page 18, in lines 10 and 11, strike “**FROM THE COUNTY’S GENERAL FUND**” and substitute “, CONSIDERING THEIR EXISTING RESOURCES,”.

AMENDMENT NO. 6

On page 20, in lines 9 and 10, strike “**OF THE EDUCATION OR BUSINESS COMMUNITY,**”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Frank moved to make the Bill a Special Order for later this session.

The motion was adopted.

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

House Bill 266 – Delegates Rosenberg and Cardin

AN ACT concerning

Voter’s Rights Protection Act of 2010

HB0266/965962/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 266

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “preventive” and substitute “injunctive”; in line 6, strike “immediately”; in line 7, after “Act” insert “as soon as practicable”; in line 13, strike “preventive” and substitute “injunctive”; and in line 16, strike “16–101 and”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 20, inclusive.

On page 3, in line 21, strike “§ 16–101 OR”; strike beginning with “PREVENTIVE” in line 23 down through the second “ORDER” in line 25 and substitute “INJUNCTIVE RELIEF IN ACCORDANCE WITH THE MARYLAND RULES”; and in line 27, strike “IMMEDIATELY ON” and substitute “AS SOON AS PRACTICABLE AFTER”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 59 – Chair, Budget and Taxation Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Agricultural Land Transfer Tax – Distribution and Use of Revenue

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 221 – Senator Currie

AN ACT concerning

**Tax Credits for Qualifying Employees with Disabilities – Sunset ~~Repeal~~
Extension**

SB0221/995161/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 221

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 7 down through “Act;” in line 16, inclusive.

AMENDMENT NO. 2

On pages 3 and 4, strike beginning with line 12 on page 3 through line 10 on page 4, inclusive; in line 11, strike “3.” and substitute “2.”; and strike beginning with “Section” in line 12 down through “effect.” in line 15.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 229 – Senators Garagiola, Astle, Colburn, Conway, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Glassman, Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Mooney, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Simonaire, and Stone

AN ACT concerning

Blue Ribbon Commission on Maryland Transportation Funding**SB0229/665762/1**

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 229

(Third Reading File Bill)

On page 2, after line 8, insert:

“(4) short- and long-term pedestrian and bicycle facility construction and maintenance funding needs;”;

and in lines 9, 11, 13, and 15, strike “(4)”, “(5)”, “(6)”, and “(7)”, respectively, and substitute “(5)”, “(6)”, “(7)”, and “(8)”, respectively.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 412 – Senators Pugh, Forehand, Harrington, Harris, Lenett, Madaleno, Miller, Muse, Peters, and Raskin

AN ACT concerning

Teacher Certification – Career Professionals

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 520 – Senator Robey

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.

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

**Senate Bill 590 – Senators Raskin, Middleton, Conway, Exum, Frosh,
Garagiola, Harrington, Jones, Kelley, King, Lenett, Madaleno, Peters,
Pinsky, Pugh, Rosapepe, and Stone**

AN ACT concerning

Fairness in Negotiations Act

SB0590/455569/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 590
(Third Reading File Bill)

AMENDMENT NO. 1

On page 8, in line 1, strike “CLEARLY”.

On page 15, in line 27, strike “CLEARLY”.

AMENDMENT NO. 2

On page 8, in line 34, after “ORGANIZATION” insert “, WHICH MAY NOT
INCLUDE ITEMS OR TOPICS NOT PREVIOUSLY RAISED IN THE BARGAINING
PROCESS”.

On page 16, in line 22, after “ORGANIZATION” insert “, WHICH MAY NOT
INCLUDE ITEMS OR TOPICS NOT PREVIOUSLY RAISED IN THE BARGAINING
PROCESS”.

AMENDMENT NO. 3

On page 9, in line 24, strike “OR”; after line 24, insert:

“(II) ACCEPT THE WRITTEN PROPOSED SETTLEMENT IN PART, AS MUTUALLY AGREED ON BY THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION; OR”;

and in line 25, strike “(II)” and substitute “(III)”.

On page 17, in line 15, strike “OR”; after line 15, insert:

“(II) ACCEPT THE WRITTEN PROPOSED SETTLEMENT IN PART, AS MUTUALLY AGREED ON BY THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION; OR”;

and in line 16, strike “(II)” and substitute “(III)”.

AMENDMENT NO. 4

On page 10, in line 16, after the semicolon insert “AND”; strike beginning with “**DECIDE**” in line 17 down through “(VII)” in line 19; in line 19, after “**RECEIVE**” insert “, HEAR,”; and in line 20, after the comma insert “WHETHER OR NOT OFFERED THROUGH AN ATTORNEY,”.

On page 18, in line 7, after the semicolon insert “AND”; strike beginning with “**DECIDE**” in line 8 down through “(VII)” in line 10; in line 10, after “**RECEIVE**” insert “, HEAR,”; and in line 11, after the comma insert “WHETHER OR NOT OFFERED THROUGH AN ATTORNEY,”.

AMENDMENT NO. 5

On page 10, in lines 26 and 27, strike “**FROM THE COUNTY’S GENERAL FUND**” and substitute “, CONSIDERING THEIR EXISTING RESOURCES,”.

On page 18, in lines 17 and 18, strike “**FROM THE COUNTY’S GENERAL FUND**” and substitute “, CONSIDERING THEIR EXISTING RESOURCES,”.

AMENDMENT NO. 6

On page 20, in lines 16 and 17, strike “**OF THE EDUCATION OR BUSINESS COMMUNITY,**”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Frank moved to make the Bill a Special Order for later this session.

The motion was adopted.

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

Senate Bill 957 – Senator Miller

AN ACT concerning

Calvert County – Special Taxing Districts

SB0957/655861/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 957

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “funds” insert “or portion of the funds”; in line 5, after “districts” insert a comma; in the same line, strike “or”; and in line 6, after “manner” insert “, or applied to a certain reserve fund under certain circumstances”.

AMENDMENT NO. 2

On page 2, in line 5, after “FUNDS” insert “OR PORTION OF THE FUNDS”; in line 8, strike “OR”; in line 10, after “DISTRICT” insert “; OR

(III) APPLIED TO A SPECIAL TAXING DISTRICT RESERVE FUND AS AGREED TO BY THE COUNTY COMMISSIONERS AND THE HOMEOWNERS ASSOCIATION THAT PETITIONED FOR THE CREATION OF THE SPECIAL TAXING DISTRICT”;

and in lines 12 and 13, in each instance, after “FUNDS” insert “OR PORTION OF THE FUNDS”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1013 – Senator Jacobs

AN ACT concerning

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

Delegate Ross moved to make the Bill and Report a Special Order for Monday.

The motion was adopted.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #15**

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

House Bill 699 – Delegates Reznik, Ali, Barkley, Barve, Benson, Costa, Dumais, Eckardt, Elliott, Feldman, Gilchrist, Haddaway, Hubbard, Kaiser, Kullen, Manno, Montgomery, Nathan-Pulliam, Pena-Melnyk, Rice, Simmons, Smigiel, Sossi, and Taylor

AN ACT concerning

Health Facilities – Freestanding Medical Facilities – Rates

HB0699/226483/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 699

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Taylor” and substitute “Taylor, Donoghue, Jenkins, Morhaim, Kach, Krebs, Oaks, Riley, and V. Turner”; in line 3, after “of” insert “requiring the Maryland Medical Assistance Program to pay certain rates for certain hospital services;”; in line 6, after “facilities;” insert “altering the”

circumstances under which the Department of Health and Mental Hygiene must issue a license to a freestanding medical facility;"; in line 7, strike "claims submitted by freestanding medical facilities at"; in line 8, after "Commission" insert "for hospital services provided at certain freestanding medical facilities; repealing certain provisions of law requiring the Maryland Health Care Commission to propose certain regulations; altering certain definitions"; in the same line, after the third "the" insert "Health Services Cost Review"; in line 10, after "Act;" insert "requiring the Maryland Health Care Commission, in consultation with the Health Services Cost Review Commission, to conduct a certain study and report the results of its study to certain committees of the General Assembly on or before a certain date; prohibiting freestanding medical facilities from being established after a certain date without a certificate of need issued by the Maryland Health Care Commission; requiring the Maryland Health Care Commission to consider certain data in establishing certain criteria and standards for issuing a certain certificate of need; requiring the Health Services Cost Review Commission to set certain rates applicable to certain payors for certain hospital services;"; strike in their entirety lines 12 through 16, inclusive; in line 19, after "Section" insert "19-114,"; in the same line, after "19-211," insert "19-3A-03,"; after line 21, insert:

"BY repealing

Article – Health – General

Section 19-131

Annotated Code of Maryland

(2009 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 19-201(a), (b), and (c)

Annotated Code of Maryland

(2009 Replacement Volume)";

and in line 24, after "Section" insert "15-105(g) and".

AMENDMENT NO. 2

On page 5, in line 5, strike "**JURISDICTION**" and substitute "**RATE-SETTING AUTHORITY**"; and strike in their entirety lines 7 through 10, inclusive, and substitute:

"(1) INSURERS, NONPROFIT HEALTH SERVICE PLANS, AND HEALTH MAINTENANCE ORGANIZATIONS THAT DELIVER OR ISSUE FOR

DELIVERY INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES AND CONTRACTS IN THE STATE;”.

AMENDMENT NO. 3

On page 2, after line 4, insert:

“15–105.

(G) THE PROGRAM SHALL PAY THE RATES SET BY THE HEALTH SERVICES COST REVIEW COMMISSION FOR HOSPITAL SERVICES, AS DEFINED IN § 19–201 OF THIS ARTICLE, PROVIDED AT:

1. A FREESTANDING MEDICAL FACILITY PILOT PROJECT AUTHORIZED UNDER § 19–3A–07 OF THIS ARTICLE PRIOR TO JANUARY 1, 2008; AND

2. A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015.

19–114.

(a) In this Part II of this subtitle the following words have the meanings indicated.

(b) (1) “Ambulatory surgical facility” means any center, service, office, facility, or office of one or more health care practitioners or a group practice, as defined in § 1–301 of the Health Occupations Article, that:

(i) Has two or more operating rooms;

(ii) Operates primarily for the purpose of providing surgical services to patients who do not require overnight hospitalization; and

(iii) Seeks reimbursement from payors as an ambulatory surgical facility.

(2) For purposes of this subtitle, the office of one or more health care practitioners or a group practice with two operating rooms may be exempt from the certificate of need requirements under this subtitle if the Commission finds, in its sole discretion, that:

(i) A second operating room is necessary to promote the efficiency, safety, and quality of the surgical services offered; and

(ii) The office meets the criteria for exemption from the certificate of need requirements as an ambulatory surgical facility in accordance with regulations adopted by the Commission.

(c) “Certificate of need” means a certification of public need issued by the Commission under this Part II of this subtitle for a health care project.

(d) (1) “Health care facility” means:

(i) A hospital, as defined in § 19–301 of this title;

(ii) A limited service hospital, as defined in § 19–301 of this title;

(iii) A related institution, as defined in § 19–301 of this title;

(iv) An ambulatory surgical facility;

(v) An inpatient facility that is organized primarily to help in the rehabilitation of disabled individuals, through an integrated program of medical and other services provided under competent professional supervision;

(vi) A home health agency, as defined in § 19–401 of this title;

(vii) A hospice, as defined in § 19–901 of this title;

(VIII) A FREESTANDING MEDICAL FACILITY, AS DEFINED IN § 19–3A–01 OF THIS TITLE; and

[(viii)] (IX) Any other health institution, service, or program for which this Part II of this subtitle requires a certificate of need.

(2) “Health care facility” does not include:

(i) A hospital or related institution that is operated, or is listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;

(ii) For the purpose of providing an exemption from a certificate of need under § 19–120 of this subtitle, a facility to provide comprehensive care constructed by a provider of continuing care, as defined in § 10–401 of the Human Services Article, if:

1. Except as provided under § 19–123 of this subtitle, the facility is for the exclusive use of the provider’s subscribers who have executed continuing care agreements and paid entrance fees that are at least equal to the lowest entrance fee charged for an independent living unit or an assisted living unit before entering the continuing care community, regardless of the level of care needed by the subscribers at the time of admission;

2. The facility is located on the campus of the continuing care community; and

3. The number of comprehensive care nursing beds in the community does not exceed:

A. 24 percent of the number of independent living units in a community having less than 300 independent living units; or

B. 20 percent of the number of independent living units in a community having 300 or more independent living units;

(iii) Except for a facility to provide kidney transplant services or programs, a kidney disease treatment facility, as defined by rule or regulation of the United States Department of Health and Human Services;

(iv) Except for kidney transplant services or programs, the kidney disease treatment stations and services provided by or on behalf of a hospital or related institution; or

(v) The office of one or more individuals licensed to practice dentistry under Title 4 of the Health Occupations Article, for the purposes of practicing dentistry.

(e) “Health care practitioner” means any individual who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care services.

(f) “Health service area” means an area of this State that the Governor designates as appropriate for planning and developing of health services.

(g) “Local health planning agency” means the health department of a jurisdiction or a body designated by the local health department to perform health planning functions.

(h) “State health plan” means the State health plan for facilities and services.

[19–131.

(a) On or before July 1, 2008, the Commission, in consultation with the Health Services Cost Review Commission and the Department of Health and Mental Hygiene, shall propose emergency regulations to establish a review process to approve facilities in the State that may seek licensure as a freestanding medical facility, as provided in Subtitle 3A of this title.

(b) The regulations shall include:

(1) A process to identify areas of the State in which a freestanding medical facility could meet health care service delivery needs;

(2) A process for submitting and acting on applications;

(3) Criteria for evaluating and approving applications, including:

(i) Documentation that the proposed freestanding medical facility will meet the licensure requirements of Subtitle 3A of this title;

(ii) The efficiency and effectiveness of the proposed freestanding medical facility in meeting the health care needs of the health planning region;

(iii) The types of equipment and level of staffing specified, in relation to the services the freestanding medical facility proposes to provide; and

(iv) Costs to both public and private payers; and

(4) Appropriate notice and opportunity for a hearing and judicial review, in accordance with the Administrative Procedure Act.

(c) A facility that is approved under this section to seek licensure as a freestanding medical facility shall provide to the Commission information, as specified by the Commission, on the configuration, location, operation, and utilization, including patient-level utilization, of the freestanding medical facility.

(d) A freestanding medical facility pilot project is exempt from the review process in subsections (a) and (b) of this section.];

in line 15, strike “FREESTANDING MEDICAL FACILITIES AND FREESTANDING” and substitute “;

1. FREESTANDING”;

in line 16, strike “LICENSED” and substitute “AUTHORIZED”; and in the same line, strike the semicolon and substitute “PRIOR TO JANUARY 1, 2008; AND

2. A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015;”.

On page 3, strike beginning with “A” in line 12 down through “A” in line 13 and substitute “;

(1) A”;

in line 14, strike “ESTABLISHED UNDER § 19-3A-07” and substitute “AUTHORIZED UNDER SUBTITLE 3A”; in the same line, after “TITLE” insert “PRIOR TO JANUARY 1, 2008; AND”

(2) A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015”;

and after line 14, insert:

“19-3A-03.

(a) The Department shall issue a license to a freestanding medical facility that:

(1) Meets the licensure requirements under this subtitle; and

(2) [Receives] AFTER JULY 1, 2015, RECEIVES A CERTIFICATE OF NEED [approval] from the Maryland Health Care Commission ISSUED under [the regulations required under § 19-131] § 19-120 of this title.

(b) A freestanding medical facility that uses in its title or advertising the word “emergency” or other language indicating to the public that medical treatment for immediately life-threatening medical conditions exist at that facility shall be licensed by the Department before it may operate in this State.

(c) Notwithstanding subsection (a)(2) of this section, the Department may not require a freestanding medical facility pilot project to be approved by the Maryland Health Care Commission as a condition of licensure.”.

On page 5, strike beginning with “A” in line 15 down through “AT” in line 18; in line 20, after “TITLE” insert “FOR HOSPITAL SERVICES PROVIDED AT:”

(1) A FREESTANDING MEDICAL FACILITY PILOT PROJECT AUTHORIZED UNDER THIS SUBTITLE PRIOR TO JANUARY 1, 2008; AND

(2) A FREESTANDING MEDICAL FACILITY ISSUED A CERTIFICATE OF NEED BY THE MARYLAND HEALTH CARE COMMISSION AFTER JULY 1, 2015”;

in line 22, after “that” insert “emergency”; in the same line, after “by” insert “a”; in the same line, strike “facilities and” and substitute “facility issued a certificate of need by the Maryland Health Care Commission after July 1, 2015, and by”; in line 23, after “projects” insert “authorized under § 19–3A–07 of the Health – General Article, as enacted by Section 1 of this Act, prior to January 1, 2008,”; in line 28, strike “freestanding medical facilities and”; in line 31, after “That” insert “:

(a) (1) The Maryland Health Care Commission, in consultation with the Health Services Cost Review Commission, shall conduct a study of the effect of the rates established for freestanding medical facility pilot projects by the Health Services Cost Review Commission under § 19–211(c) of the Health – General Article, as enacted by Section 1 of this Act.

(2) The study shall review the effect of the rates for a period of 2 full years after the rates become effective.

(3) On or before December 31, 2014, the Maryland Health Care Commission shall report the results of its study, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee.

(b) The Maryland Health Care Commission shall consider the data in the report required under subsection (a) of this section and other pertinent data in establishing review criteria and standards for issuing a certificate of need required to establish a freestanding medical facility in the State after July 1, 2015.

(c) A freestanding medical facility may not be established in the State without a certificate of need issued after July 1, 2015, by the Maryland Health Care Commission.

SECTION 5. AND BE IT FURTHER ENACTED, That the Health Services Cost Review Commission shall set rates that apply to all payors, effective October 1, 2010, for hospital services, as defined in § 19–201 of the Health – General Article, as enacted by Section 1 of this Act, provided at a freestanding medical facility pilot project described in § 19–3A–07(b)(2) of the Health – General Article, as enacted by Section 1 of this Act, in a manner that does not result in a fiscal impact on the fiscal year 2011 State budget.

SECTION 6. AND BE IT FURTHER ENACTED, That the Health Services Cost Review Commission shall set rates that apply to all payors, effective July 1, 2011, for hospital services, as defined in § 19–201 of the Health – General Article, as enacted by Section 1 of this Act, provided at:

(1) a freestanding medical facility licensed prior to July 1, 2007; and

(2) a freestanding medical facility pilot project described in § 19–3A–07(b)(1) of the Health – General Article, as enacted by Section 1 of this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That”;

and in line 32, strike “July” and substitute “June”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1465 – Delegate Beitzel

AN ACT concerning

Procurement – Employee Uniforms and Equipment – Place of Manufacture

HB1465/926887/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1465

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Beitzel” and substitute “Delegates Beitzel, Hammen, Pendergrass, Bromwell, Costa, Donoghue, Elliott, Jenkins, Kach, Kipke, Krebs, Kullen, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnik, Reznik, Riley, Tarrant, and V. Turner”; and in line 6, after “States,” insert “requiring the Board of Public Works to adopt certain regulations”.

AMENDMENT NO. 2

On page 2, in line 14, after “IF” insert “:

(I)”;

and in line 15, after “STATES” insert “;

(II) THE ITEM OR A SIMILAR ITEM IS NOT MANUFACTURED OR AVAILABLE FOR PURCHASE IN THE UNITED STATES IN REASONABLY AVAILABLE QUANTITIES;

(III) THE PRICE OF THE ITEM OR A SIMILAR ITEM MANUFACTURED IN THE UNITED STATES EXCEEDS THE PRICE OF A SIMILAR, AVAILABLE ITEM THAT IS NOT MANUFACTURED IN THE UNITED STATES BY AN UNREASONABLE AMOUNT; OR

(IV) THE QUALITY OF THE ITEM OR A SIMILAR ITEM MANUFACTURED IN THE UNITED STATES IS SUBSTANTIALLY LESS THAN THE QUALITY OF A COMPARABLY PRICED, SIMILAR, AND AVAILABLE ITEM THAT IS NOT MANUFACTURED IN THE UNITED STATES.

(3) THE BOARD SHALL ADOPT REGULATIONS DEFINING THE FOLLOWING TERMS FOR THE PURPOSES OF THIS SECTION:

(I) “REASONABLY AVAILABLE”;

(II) “UNREASONABLE AMOUNT”; AND

(III) “SUBSTANTIALLY LESS”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1555 – Delegate Conway**EMERGENCY BILL**

AN ACT concerning

**Fire, Rescue, and Ambulance Funds – Distribution of Money to Companies
Outside the State**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 176 – Senator McFadden

AN ACT concerning

Family Law – Family Day Care Homes and Child Care Centers – Inspections

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

**Senate Bill 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

SB0308/726083/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 308

(Third Reading File Bill)

On page 1, in line 15, after “Health” insert “and Mental Hygiene”.

On page 37, in line 6, strike "TITLE" and substitute "ARTICLE".

On page 40, in line 4, strike "SUBTITLE" and substitute "ARTICLE".

On page 42, in line 34, strike the first "PHYSICIAN" and substitute "PHYSICIANS".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 593 – Senators Garagiola, King, Pipkin, Colburn, Della, Exum, Forehand, Glassman, Kelley, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Health Facilities – Freestanding Medical Facilities – Rates

SB0593/326881/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 593
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 11, in each instance, strike “emergency” and substitute “hospital”.

On page 2, in line 4, strike “emergency” and substitute “hospital”; in line 13, strike “15–105(d)”; and in line 28, after “Section” insert “15–105(g) and”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 35 on page 2 through line 17 on page 3, inclusive.

On page 3, in line 18, strike “(III)” and substitute “(G)”.

AMENDMENT NO. 3

On page 3, in line 19, strike “EMERGENCY SERVICES” and substitute “HOSPITAL SERVICES, AS DEFINED IN § 19–201 OF THIS ARTICLE,”.

On page 11, in line 4, strike “EMERGENCY” and substitute “HOSPITAL”.

On page 12, in lines 6 and 12, in each instance, strike “emergency services” and substitute “hospital services, as defined in § 19–201 of the Health – General Article, as enacted by Section 1 of this Act,”.

AMENDMENT NO. 4

On page 10, in line 22, strike “JURISDICTION” and substitute “RATE-SETTING AUTHORITY”; and strike in their entirety lines 24 through 27, inclusive, and substitute:

“(1) INSURERS, NONPROFIT HEALTH SERVICE PLANS, AND HEALTH MAINTENANCE ORGANIZATIONS THAT DELIVER OR ISSUE FOR DELIVERY INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES AND CONTRACTS IN THE STATE;”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 637 – Senators ~~Pipkin and Astle~~, Astle, Klausmeier, Exum, and Garagiola

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 704 – Senators ~~Garagiola and Frosh~~, Frosh, Exum, Kelley, Middleton, and Pugh

AN ACT concerning

Insurance – Coordination of Benefits – Health Insurance and Personal Injury Protection

SB0704/476788/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 704

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike “authorizing” and substitute “prohibiting”; in lines 9 and 10, strike “or contracts”; in line 10, strike “or contracts”; in the same line, strike “to contain” and substitute “from containing”; and strike beginning with “under” in line 12 down through “contracts” in line 19.

On page 2, strike in their entirety lines 18 through 22, inclusive.

AMENDMENT NO. 2

On page 3, in line 16, strike “SUBJECT TO § 19-507(C)(3) OF THE INSURANCE ARTICLE, A” and substitute “A”; and in line 18, after “MAY” insert “NOT”.

On page 4, strike beginning with “SUBJECT” in line 8 down through “MAY” in line 11 and substitute “HEALTH INSURANCE POLICIES AND POLICIES OF NONPROFIT HEALTH SERVICE PLANS MAY NOT”; and in lines 13 and 14, strike “POLICY OR CONTRACT” and substitute “POLICIES”.

AMENDMENT NO. 3

On pages 4 and 5, strike in their entirety the lines beginning with line 15 on page 4 through line 20 on page 5, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 719 – Senator Middleton

AN ACT concerning

Health Occupations – Dental Hygienists – Practice in Long-Term Care Facilities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 723 – Senator Munson

AN ACT concerning

Health Insurance – Clinically Integrated Organizations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 791 – Senator Garagiola

AN ACT concerning

**Procurement – Multi-Year Contracts for Renewable Energy – Termination
Clauses**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 849 – Senator Harrington

AN ACT concerning

**Procurement – Minority Business Enterprise ~~Directory~~ Program – ~~List of~~
~~Contracts~~ Directory and Report**

SB0849/546684/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 849

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Directory and”; strike beginning with the second “the” in line 4 down through “directory” in line 5 and substitute “a certain report to include”; and in line 13, strike “14–304(a) and”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 28 on page 2, inclusive.

On page 3, in line 14, after the semicolon insert:

“(IV) FOR EACH MINORITY BUSINESS INCLUDED IN THE REPORT UNDER ITEM (III) OF THIS PARAGRAPH, LIST ALL PROCUREMENT CONTRACTS AWARDED BY A UNIT TO THE MINORITY BUSINESS ENTERPRISE, INCLUDING A DESCRIPTION OF THE CONTRACT;”;

and in line 15, strike “(IV)” and substitute “(V)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Patient Centered Medical Home Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 885 – Senators Klausmeier and Astle

AN ACT concerning

Health – Administrative Service Provider Contracts – Contracting Provider Definition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations 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.

SPECIAL ORDERS

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

House Bill 1187 – Delegates Anderson, Branch, Harrison, Krysiak, Love, McIntosh, Oaks, Robinson, Rosenberg, and Tarrant

AN ACT concerning

Baltimore City – Marriage License Fee – Increase

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

FLOOR AMENDMENT

HB1187/313422/1

BY: Delegate Dwyer

AMENDMENTS TO HOUSE BILL 1187, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

In the House Judiciary Committee Amendments (HB1187/342617/1), strike Amendment No. 1 in its entirety.

On page 1 of the bill, strike line 2 in its entirety and substitute “Marriage – Determination of Validity and License Fees”; in line 3, after the first “of” insert “providing that a marriage between two individuals of the same sex that is validly entered into in another state or in a foreign country is not valid in this State;

declaring that marriages between individuals of the same sex are against the public policy of this State.”; in line 8, after the semicolon insert “altering the definition of a foreign marriage to provide that the term includes a marriage ceremony between a man and woman.”; in the same line, strike “license fees in Baltimore City”; and in line 11, strike “2-404(d)” and substitute “2-201, 2-404(d), and 2-502(a)”.

AMENDMENT NO. 2

On page 1 of the bill, after line 16, insert:

“2-201.

(A) Only a marriage between a man and a woman is valid in this State.

(B) A MARRIAGE BETWEEN TWO INDIVIDUALS OF THE SAME SEX THAT IS VALIDLY ENTERED INTO IN ANOTHER STATE OR IN A FOREIGN COUNTRY IS NOT VALID IN THIS STATE.

(C) MARRIAGES BETWEEN INDIVIDUALS OF THE SAME SEX ARE AGAINST THE PUBLIC POLICY OF THIS STATE.”.

On page 2 of the bill, after line 5, insert:

“2-502.

(a) In this section, “foreign marriage” means a marriage ceremony:

(1) performed outside this State; [and]

(2) BETWEEN A MAN AND A WOMAN; AND

[(2)](3) in which 1 or both of the parties were or are citizens of this State.”

The preceding 2 amendments were ruled out of order.

Delegate Impallaria appealed the Decision of the Chair.

The Delegate was supported.

THE HONORABLE ADRIENNE A. JONES,

SPEAKER PRO TEM, PRESIDING

Delegate Kirk moved the previous question.

The motion was adopted.

Decision of the Chair was upheld by roll call vote as follows:

Affirmative – 99 Negative – 32 (See Roll Call No. 1071)

THE HONORABLE MICHAEL E. BUSCH, SPEAKER, PRESIDING

Read the second time and ordered prepared for Third Reading.

Senate Bill 390 – Senator McFadden

AN ACT concerning

Baltimore City – Marriage License Fee – Increase – The Carole Alexander Act

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

Read the second time and ordered prepared for Third Reading.

Senate Bill 778 – Senators Raskin, Lenett, ~~and Pinsky~~ Pinsky, and Harrington

AN ACT concerning

Public Schools – Student Information – Availability to Military Recruiters

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

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: 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 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 ordered journalized.

QUORUM CALL

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

(See Roll Call No. 1072)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #70

House Bill 38 – Delegate Frush

AN ACT concerning

Motor Vehicles – Disposal Under Indemnity Agreement – Repeal

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

Affirmative – 137 Negative – 3 (See Roll Call No. 1073)

The Bill was then sent to the Senate.

House Bill 359 – Delegates James, Riley, Ali, Barkley, Boteler, Burns, DeBoy, Elmore, Hixson, Kach, Kipke, Lafferty, Love, McDonough, Minnick, Mizeur, Montgomery, Robinson, Rudolph, Shewell, Sophocleus, Sossi, Stocksdales, Stukes, F. Turner, ~~and Wood~~ Wood, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Jenkins, Krebs, Kullen, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Tarrant, and V. Turner

AN ACT concerning

Procurement – ~~Service-Disabled Veteran~~ Veteran-Owned Small Business Enterprise Participation

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1074)

The Bill was then sent to the Senate.

House Bill 475 – The Speaker (By Request – Administration) and Delegates Bartlett, Bobo, Bronrott, Cane, Carr, V. Clagett, Davis, Donoghue, Doory, Eckardt, Elmore, Frush, Gaines, Haddaway, Hammen, Healey, Jones, Kullen, Lafferty, McIntosh, Morhaim, Nathan–Pulliam, Proctor, Ramirez, Rice, ~~and Stein~~ Stein, Barve, Cardin, Frick, George, Gilchrist, Hixson, Howard, Ivey, Kaiser, Murphy, Myers, Olszewski, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Smart, Green, and Growing – The Sustainable Communities Act of 2010

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

Affirmative – 112 Negative – 27 (See Roll Call No. 1075)

The Bill was then sent to the Senate.

House Bill 635 – Delegates Frush, Barnes, and Pena–Melnik

AN ACT concerning

Judges’ Retirement System – Reemployment of Retirees

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

Affirmative – 135 Negative – 1 (See Roll Call No. 1076)

The Bill was then sent to the Senate.

House Bill 654 – Delegates Impallaria, Jennings, McComas, and McDonough

AN ACT concerning

Harford County – Towing and Removing Vehicles

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

Affirmative – 137 Negative – 1 (See Roll Call No. 1077)

The Bill was then sent to the Senate.

House Bill 879 – Delegates Kramer, Barkley, Barnes, Bates, Carr, Conaway, Feldman, Frank, Hecht, Heller, Ivey, Jenkins, Kaiser, Kelly, Lee, Manno, McConkey, Miller, Murphy, Reznik, Rice, Shank, and Smigiel

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 – 140 Negative – 0 (See Roll Call No. 1078)

The Bill was then sent to the Senate.

House Bill 1523 – ~~Delegate Minnick~~ Delegates Minnick and McHale

AN ACT concerning

Elevator Safety – Elevator Units in ~~Churches~~ Places of Worship – Exemption from Third-Party Inspections

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

Affirmative – 135 Negative – 5 (See Roll Call No. 1079)

The Bill was then sent to the Senate.

House Bill 1527 – Delegate Rudolph

AN ACT concerning

Heating Oil – Sulfur Content

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1080)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #28

Senate Bill 247 – Senators Glassman, Klausmeier, and Munson

AN ACT concerning

Hazardous Material Response Team Employees – Death Benefits and Funeral Expenses – Local Government Agencies

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

Affirmative – 139 Negative – 1 (See Roll Call No. 1081)

The Bill was then returned to the Senate.

Senate Bill 317 – Senators McFadden, Kasemeyer, Astle, Conway, Currie, DeGrange, Dyson, Exum, Forehand, Frosh, Garagiola, Harrington, Jones, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Miller, Munson, Peters, Pinsky, Pugh, Raskin, Robey, and Stone

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 – 135 Negative – 1 (See Roll Call No. 1082)

The Bill was then returned to the Senate.

Senate Bill 444 – Senator Kasemeyer

AN ACT concerning

Blue Ribbon Commission to Study Retiree Health Care Funding Options – Extension of Reporting and Termination Dates

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

Affirmative – 138 Negative – 1 (See Roll Call No. 1083)

The Bill was then returned to the Senate.

Senate Bill 480 – Senator Robey

AN ACT concerning

State Contributory Law Enforcement Officers' Pension System – Transfer of Service Credit

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1084)

The Bill was then returned to the Senate.

Senate Bill 495 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Police Retirement System – Deferred Vested Members – Survivor
Benefits**

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

Affirmative – 138 Negative – 1 (See Roll Call No. 1085)

The Bill was then returned to the Senate.

Senate Bill 496 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

**Law Enforcement Officers' Pension System – Deferred Retirement Option
Program – Participation**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1086)

The Bill was then returned to the Senate.

Senate Bill 498 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension System – Reemployment Earnings Limitation
– Exemptions**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1087)

The Bill was then returned to the Senate.

Senate Bill 508 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

**Employees' Retirement and Pension Systems – Maryland School for the Deaf
Retirees – Overpayment of Benefits**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1088)

The Bill was then returned to the Senate.

Senate Bill 550 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Eligible Governmental Units

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1089)

The Bill was then returned to the Senate.

Senate Bill 567 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension System – Noncontributory Former Vested
Members – Vested Retirement Allowance**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1090)

The Bill was then returned to the Senate.

Senate Bill 732 – Cecil County Senators

AN ACT concerning

Cecil County – Public Facilities Bond Bill

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1091)

The Bill was then returned to the Senate.

Senate Bill 777 – Senators DeGrange, Kasemeyer, King, Klausmeier, McFadden, Munson, Peters, Pugh, Robey, and Zirkin

AN ACT concerning

Local Government Funds – Redeposit into Insured Accounts

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

Affirmative – 137 Negative – 1 (See Roll Call No. 1092)

The Bill was then returned to the Senate.

Senate Bill 796 – Senators Middleton and Forehand

AN ACT concerning

Criminal Procedure – Child Advocacy Centers

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1093)

The Bill was then returned to the Senate.

Senate Bill 924 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

Delegate Ross moved to make the Bill a Special Order for Monday.

The motion was adopted.

THIRD READING CALENDAR (SENATE BILLS) #30

Senate Bill 67 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Issuance of Temporary Registration Plates by Dealers – Transmission of Information and Record Keeping

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1094)

The Bill was then returned to the Senate.

**Senate Bill 85 – Chair, Judicial Proceedings Committee (By Request –
Departmental – Transportation)**

AN ACT concerning

Vehicle Laws – Electronic Transmission of Title Information by Dealers

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1095)

The Bill was then returned to the Senate.

Senate Bill 321 – ~~Senator Stone~~ Senators Stone, Lenett, and Forehand

AN ACT concerning

**The Delegate John Arnick Electronic Communications Traffic Safety Act of
2010**

FLOOR AMENDMENT

SB0321/913829/1

BY: Delegate Smigiel

AMENDMENTS TO SENATE BILL 321

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “prohibiting” in line 4 down through “vehicle” in line 16 and substitute “requiring the Maryland Insurance Commissioner, in cooperation with the Motor Vehicle Administration, the Department of State Police, and certain insurers, to establish and implement public awareness efforts to educate drivers about the dangers of using a handheld telephone while operating a motor vehicle; requiring the Commissioner to collect a certain assessment from certain insurers; requiring the Commissioner to deposit certain money into a special fund to

be used only for a certain purpose; and generally relating to establishing and funding public awareness efforts concerning the dangers of using a handheld telephone while driving"; and strike in their entirety lines 17 through 21, inclusive, and substitute:

"BY adding to

Article – Insurance

Section 2–116

Annotated Code of Maryland

(2003 Replacement Volume and 2009 Supplement)".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 1 on page 2 through line 31 on page 3, inclusive, and substitute:

"Article – Insurance

2–116.

(A) THE COMMISSIONER, IN COOPERATION WITH THE MOTOR VEHICLE ADMINISTRATION, THE DEPARTMENT OF STATE POLICE, AND INSURERS THAT ISSUE, SELL, OR DELIVER MOTOR VEHICLE LIABILITY INSURANCE POLICIES IN THE STATE, SHALL ESTABLISH AND IMPLEMENT PUBLIC AWARENESS EFFORTS TO EDUCATE DRIVERS ABOUT THE DANGERS OF USING A HANDHELD TELEPHONE WHILE OPERATING A MOTOR VEHICLE.

(B) THE COMMISSIONER SHALL:

(1) COLLECT AN ASSESSMENT FROM EACH INSURER THAT ISSUES, SELLS, OR DELIVERS MOTOR VEHICLE LIABILITY INSURANCE POLICIES IN THE STATE IN AN AMOUNT THAT THE COMMISSIONER DETERMINES NECESSARY TO ACCOMPLISH THE PURPOSE SPECIFIED FOR THE SPECIAL FUND ESTABLISHED UNDER ITEM (2) OF THIS SUBSECTION; AND

(2) DEPOSIT THE AMOUNTS COLLECTED UNDER THIS SUBSECTION INTO A SPECIAL FUND TO BE USED ONLY AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.

(C) THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (B)(2) OF THIS SECTION SHALL BE USED ONLY FOR THE PURPOSE OF ESTABLISHING PUBLIC AWARENESS EFFORTS TO EDUCATE DRIVERS ABOUT THE DANGERS OF USING A HANDHELD TELEPHONE WHILE OPERATING A MOTOR VEHICLE.”.

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

Affirmative – 29 Negative – 106 (See Roll Call No. 1096)

FLOOR AMENDMENT

SB0321/903526/1

BY: Delegate Smigiel

AMENDMENTS TO SENATE BILL 321
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after “driving;” insert “prohibiting the court from issuing a subpoena for a record of calls made to and from a handheld telephone as evidence of a violation of this Act, except under certain circumstances;”.

AMENDMENT NO. 2

On page 3, after line 31, insert:

“(H) THE COURT MAY NOT ISSUE A SUBPOENA FOR A RECORD OF THE CALLS MADE TO AND FROM A HANDHELD TELEPHONE AS EVIDENCE OF A VIOLATION OF THIS SECTION UNLESS THE PERSON CHARGED WITH THE VIOLATION WAS INVOLVED IN A MOTOR VEHICLE ACCIDENT AT THE TIME THE VIOLATION WAS BEING COMMITTED.”.

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

Affirmative – 30 Negative – 98 (See Roll Call No. 1097)

FLOOR AMENDMENT

SB0321/633426/1

BY: Delegate Smigiel

AMENDMENT TO SENATE BILL 321
(Third Reading File Bill)

On page 3, in line 9, strike “INITIATE” and substitute “:

(I) INITIATE”;

in the same line, strike “OR TO TURN” and substitute “;

(II) TURN”;

and in line 10, after “TELEPHONE” insert “;**OR**

**(III) TURN ON, TURN OFF, OR ADJUST THE SOUND OF THE
HANDHELD TELEPHONE**”.

The preceding amendment was read and rejected.

FLOOR AMENDMENT

SB0321/203624/1

BY: Delegate Smigiel

AMENDMENT TO SENATE BILL 321
(Third Reading File Bill)

On page 2, in line 20, strike “AND”; and after line 21, insert:

**“(III) STATE HIGHWAY ADMINISTRATION EMPLOYEES OR
CONTRACTORS ACTING UNDER THE AUTHORITY OF § 8-602 OF THIS ARTICLE IN
AN EMERGENCY SITUATION; AND”**.

The preceding amendment was read and rejected.

FLOOR AMENDMENT

SB0321/833320/1

BY: Delegate Smigiel

AMENDMENTS TO SENATE BILL 321
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 10 and 11, strike “as a secondary action” and substitute “under certain circumstances”.

AMENDMENT NO. 2

On page 3, strike beginning with “AS” in line 11 down through “ACTION” in line 12; and strike beginning with “DETAINS” in line 12 down through “CODE” in line 13 and substitute “HAS PROBABLE CAUSE TO BELIEVE A DRIVER INVOLVED IN A MOTOR VEHICLE ACCIDENT WAS COMMITTING A VIOLATION OF THIS SECTION AT THE TIME OF THE ACCIDENT”.

The preceding 2 amendments were read and rejected.

FLOOR AMENDMENT

SB0321/213622/1

BY: Delegate Smigiel

AMENDMENT TO SENATE BILL 321
(Third Reading File Bill)

On page 2, in line 16, strike “OR”; and in line 17, after “SQUAD;” insert “OR

(VII) A TOWING SERVICE PROVIDER;”.

The preceding amendment was read and rejected.

FLOOR AMENDMENT

SB0321/313129/1

BY: Delegate Smigiel

AMENDMENT TO SENATE BILL 321
(Third Reading File Bill)

On page 1, in line 7, after “vehicle” insert “that is in motion”.

On page 2, in line 25, after “VEHICLE” insert “THAT IS IN MOTION”.

On page 3, in line 2, strike “AND IN MOTION”.

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

Affirmative – 37 Negative – 99 (See Roll Call No. 1098)

FLOOR AMENDMENT

SB0321/723521/1

BY: Delegate Smigiel

AMENDMENTS TO SENATE BILL 321
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after “driving;” insert “providing that this Act does not apply to the use of a handheld telephone in certain counties;”.

AMENDMENT NO. 2

On page 2, in line 21, strike “AND”; and in line 19, after “SUBTITLE” insert “;
OR

(4) USE OF A HANDHELD TELEPHONE IN:

(I) CAROLINE COUNTY;

(II) CECIL COUNTY;

(III) KENT COUNTY; OR

(IV) QUEEN ANNE’S COUNTY”.

The preceding 2 amendments were read and rejected.

Delegate Davis moved the previous question.

The motion was adopted.

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

Affirmative – 125 Negative – 14 (See Roll Call No. 1099)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #31

Senate Bill 163 – Senator Conway

AN ACT concerning

State Board of Pharmacy – ~~Wholesale Distributors – Accreditation and Reciprocity~~ Wholesale Distributor Permitting and Prescription Drug Integrity Act – Revisions

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1100)

The Bill was then returned to the Senate.

Senate Bill 171 – Senators Peters, Astle, Colburn, Conway, DeGrange, Garagiola, Harrington, Kasemeyer, Klausmeier, Lenett, Munson, Pugh, ~~and Robey~~ Robey, and Dyson

AN ACT concerning

Procurement – Service-Disabled Veteran Business Enterprise Participation

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1101)

The Bill was then returned to the Senate.

Senate Bill 241 – Senator Conway

AN ACT concerning

State Board of Nursing – Changes to the Electrology Practice Committee and Licensing Requirements

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1102)

The Bill was then returned to the Senate.

Senate Bill 266 – Senator Conway

AN ACT concerning

**State Board of Nursing and Certified Nursing Assistant Advisory Committee
– Membership – Nominations for Vacancies**

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1103)

The Bill was then returned to the Senate.

Senate Bill 291 – Senator Conway

AN ACT concerning

Health Occupations Boards – Revisions

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1104)

The Bill was then returned to the Senate.

Senate Bill 305 – Senator Munson

AN ACT concerning

**Public Safety – Emergency Medical Services Provider Killed in Performance
of Duty – Flag Benefit for Family**

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

Affirmative – 136 Negative – 1 (See Roll Call No. 1105)

The Bill was then returned to the Senate.

**Senate Bill 325 – Senator Conway (Chair, Education, Health, and
Environmental Affairs Committee)**

AN ACT concerning

State Board of Dental Examiners – Sunset Extension and Revisions

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1106)

The Bill was then returned to the Senate.

Senate Bill 415 – Senators Mooney, Raskin, Madaleno, Colburn, Currie, Della, Dyson, Forehand, Frosh, Garagiola, Haines, Harrington, Jacobs, Kelley, King, Kittleman, Lenett, Middleton, Munson, Muse, Peters, Pugh, Rosapepe, Simonaire, ~~and Zirkin~~ Zirkin, Conway, Harris, and Reilly

AN ACT concerning

State Government – Commemorative Month – Hispanic Heritage Month

Delegate Ross moved to make the Bill a Special Order for Monday.

The motion was adopted.

Senate Bill 454 – Senator Pinsky

AN ACT concerning

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1107)

The Bill was then returned to the Senate.

Senate Bill 485 – Senator Munson

AN ACT concerning

State Board of Physical Therapy Examiners – Licensure and Regulation

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1108)

The Bill was then returned to the Senate.

Senate Bill 546 – Senators Peters, Muse, Conway, Currie, Exum, Harrington, Jones, King, Klausmeier, Kramer, Pinsky, Pugh, Robey, and Rosapepe

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 – 138 Negative – 0 (See Roll Call No. 1109)

The Bill was then returned to the Senate.

Senate Bill 632 – Senator Conway

AN ACT concerning

Registered Nurses, Licensed Practical Nurses, Nursing Assistants, and Medication Technicians – Changes to Licensure Requirements

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1110)

The Bill was then returned to the Senate.

Senate Bill 715 – Senators Dyson, Astle, Brinkley, Colburn, Conway, DeGrange, Forehand, Garagiola, Gladden, Glassman, Haines, Harris, Jacobs, Jones, King, Kittleman, Klausmeier, Kramer, Lenett, Middleton, Munson, Pipkin, Raskin, Rosapepe, Stoltzfus, Stone, ~~and Zirkin~~ Zirkin, and Harrington

AN ACT concerning

State Government – Commemorative Days – Fire, Rescue, and Emergency Services Workers

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1111)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #34

Senate Bill 279 – The President (By Request – Administration) and Senators Frosh, Lenett, Currie, Della, Gladden, Harrington, Kelley, Klausmeier, Madaleno, Middleton, Pinsky, Raskin, Robey, and Rosapepe

AN ACT concerning

Maryland False Health Claims Act of 2010

FLOOR AMENDMENT

SB0279/293920/1

BY: Delegate Reznik

AMENDMENT TO SENATE BILL 279

(Third Reading File Bill)

On page 23, in line 9, strike “**6**” and substitute “**3**”; and in line 15, strike “**10**” and substitute “**5**”.

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

Affirmative – 59 Negative – 78 (See Roll Call No. 1112)

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

Affirmative – 105 Negative – 33 (See Roll Call No. 1113)

The Bill was then returned to the Senate.

SPECIAL ORDERS

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

House Bill 243 – Delegates Hixson, Barve, Howard, Hucker, Ivey, Kaiser, Mizeur, Olszewski, Rice, Ross, Stukes, and F. Turner

AN ACT concerning

Fairness in Negotiations Act

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

FLOOR AMENDMENT

HB0243/553824/1

BY: Delegate Frank

AMENDMENT TO HOUSE BILL 243

(First Reading File Bill)

On page 22, in line 12, strike “MAY” and substitute “SHALL”; and strike beginning with the comma in line 13 down through “BOARD” in line 14.

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

Affirmative – 38 Negative – 96 (See Roll Call No. 1114)

Read the second time and ordered prepared for Third Reading.

Senate Bill 590 – Senators Raskin, Middleton, Conway, Exum, Frosh, Garagiola, Harrington, Jones, Kelley, King, Lenett, Madaleno, Peters, Pinsky, Pugh, Rosapepe, and Stone

AN ACT concerning

Fairness in Negotiations Act

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

Read the second time and ordered prepared for Third Reading.

Delegate Hixson moved to put **Senate Bill 590** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 103 Negative – 33 (See Roll Call No. 1115)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 590** was placed on Third Reading.

Senate Bill 590 – Senators Raskin, Middleton, Conway, Exum, Frosh, Garagiola, Harrington, Jones, Kelley, King, Lenett, Madaleno, Peters, Pinsky, Pugh, Rosapepe, and Stone

AN ACT concerning

Fairness in Negotiations Act

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 103 Negative – 35 (See Roll Call No. 1116)

The Bill was then returned to the Senate.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 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 ordered journalized.

CONCURRENCE CALENDAR #2

AMENDED IN THE SENATE

**House Bill 402 – Chair, Economic Matters Committee (By Request –
Departmental – Labor, Licensing and Regulation)**

AN ACT concerning

Collection Agencies – Application and Renewal Fees

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

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 concurred in.

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1117)

AMENDED IN THE SENATE

House Bill 908 – Delegates Feldman, Hecht, ~~and Rice~~ Rice, Stein, and Bronrott

AN ACT concerning

Maryland Clean Energy Center – Miscellaneous Provisions

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

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 concurred in.

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1118)

AMENDED IN THE SENATE

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

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

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 concurred in.

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

Affirmative – 103 Negative – 36 (See Roll Call No. 1119)

AMENDED IN THE SENATE

House Bill 1136 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Supervision and Reorganization

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

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 concurred in.

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1120)

AMENDED IN THE SENATE**House Bill 1470 – Delegates Rudolph, Miller, and Niemann**

AN ACT concerning

**Title Insurance – Title Insurers and Title Insurance Producers – Regulation
and Reports**

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

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 concurred in.

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1121)

AMENDED IN THE SENATE**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**

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

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 concurred in.

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1122)

AMENDED IN THE SENATE

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

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

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 concurred in.

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1123)

AMENDED IN THE SENATE

House Bill 856 – Montgomery County Delegation

AN ACT concerning

**Election Law – Montgomery County Republican and Democratic Party
Central ~~Committee~~ Committees – Membership**

MC 15-10

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

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 concurred in.

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1124)

AMENDED IN THE SENATE**House Bill 1440 – Delegate Barve**

AN ACT concerning

Election Law – Campaign Finance Entity – Officers Authorized to Perform Duties of Treasurer

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

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 concurred in.

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1125)

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 1126)

ADJOURNMENT

At 2:00 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day April 3, 2010, Calendar Day Saturday, April 10, 2010.

Annapolis, Maryland
Legislative Day: April 3, 2010
Calendar Day: Saturday, April 10, 2010

The House met at 10:25 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Jay Walker of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 1127)

The Journal of April 2, 2010 was read and approved.

EXCUSES:

Del. Myers – personal

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER

SPONSOR

HB 775	Del. Griffith
HB 816	Del. Cardin
HB 891	Montgomery Co. Del.
HB 995	Del. Kach
HB 1017	Del. Reznik
HB 1076	Del. Feldman
HB 1202	Del. Stein

Read and ordered journalized.

THE COMMITTEE ON APPROPRIATIONS REPORT #13

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

House Bill 125 – Delegates Anderson, Branch, Conaway, Hammen, Kirk, Krysiak, Oaks, Robinson, Rosenberg, and Stukes

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

**House Bill 470 – The Speaker (By Request – Administration) and Delegates
Bohanan, Conway, Doory, Beidle, Bobo, Hecht, Levy, Mathias, Reznik,
and Shewell**

AN ACT concerning

Higher Education Investment Fund – Tuition Stabilization and Funding

HB0470/994466/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 470

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “regarding” insert “certain”; and in line 10, after “Account;” insert “defining certain terms; stating a certain goal of the State for certain education funding; requiring the governing boards of certain higher education institutions to periodically review tuition at certain institutions and to take certain other actions for certain purposes;”.

AMENDMENT NO. 2

On page 2, after line 20, insert:

**“(3) “PUBLIC SENIOR HIGHER EDUCATION INSTITUTION” HAS
THE MEANING STATED IN § 10–101(J)(1) AND (2) OF THIS ARTICLE.”;**

and in lines 21 and 23, strike “(3)” and “(4)”, respectively, and substitute “(4)” and “(5)”, respectively.

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.

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

The motion was adopted.

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

**Senate Bill 91 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Higher Education
Commission)**

AN ACT concerning

Maryland Higher Education Commission – Exempt Institutions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 179 – Senator McFadden

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

**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

SB0283/504969/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 283

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “Account;” insert “defining certain terms;”; and strike beginning with “authorizing” in line 11 down through “Act;” in line 13 and substitute “requiring the governing boards of certain higher education institutions to periodically review tuition at certain institutions and to take certain other actions for certain purposes;”.

AMENDMENT NO. 2

On page 2, after line 27, insert:

“(3) “PUBLIC SENIOR HIGHER EDUCATION INSTITUTION” HAS THE MEANING STATED IN § 10–101(J)(1) AND (2) OF THIS ARTICLE.”;

and in lines 28 and 30, strike “(3)” and “(4)”, respectively, and substitute “(4)” 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.

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

Senate Bill 368 – Senator Della

AN ACT concerning

**Department of Transportation – Repeal of Secretary’s Authority to Abolish
Employee Positions**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 709 – Senator Kasemeyer

AN ACT concerning

**State Retirement and Pension System – Disability Retirement Application
– Surviving Beneficiary**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 731 – Cecil County Senators

AN ACT concerning

Cecil County – Emergency Medical Services – Collective Bargaining

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 793 – Senators Garagiola, Forehand, King, and Pugh

AN ACT concerning

**State Retirement and Pension System – Investments – Qualified Information
Technology, Green Technology, Medical Device Technology, or Bioscience
Businesses – Reporting**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 829 – Senator Madaleno

AN ACT concerning

**Teachers' Retirement and Pension Systems – Reemployment of Retirees –
Retired Higher Education Faculty**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1124 – Senator Kasemeyer

AN ACT concerning

**University System of Maryland – Audits – Communicating Preliminary
Findings**

SB1124/734269/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 1124

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “University System of Maryland” and substitute “Public Senior Higher Education Institutions”; strike beginning with the third “the” in line 4 down through “Committee” in line 6; strike beginning with “constituent” in line 7 down through “Maryland;” in line 8 and substitute “public senior higher education institution to the appropriate governing board of the institution;”; and strike beginning with “the” in line 10 down through “Maryland” in line 11 and substitute “public senior higher education institutions”.

AMENDMENT NO. 2

On page 3, in line 19, strike beginning with “CONSTITUENT” through “MARYLAND” and substitute “PUBLIC SENIOR HIGHER EDUCATION INSTITUTION”; strike beginning with the first “THE” in line 21 down through “COMMITTEE” in line 22; and in line 24, after “IMPROPRIETY” insert “TO THE FOLLOWING INDIVIDUALS AND GOVERNING BOARDS OF THE RESPECTIVE INSTITUTIONS THAT WERE SUBJECT TO THE EXAMINATION:”

(1) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND AND THE UNIVERSITY SYSTEM OF MARYLAND BOARD OF REGENTS AUDIT COMMITTEE;

(2) THE PRESIDENT OF MORGAN STATE UNIVERSITY AND THE FINANCE AND FACILITIES COMMITTEE OF THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY; OR

(3) THE PRESIDENT OF ST. MARY’S COLLEGE OF MARYLAND AND THE FINANCE, INVESTMENT, AND AUDIT COMMITTEE OF THE BOARD OF TRUSTEES OF ST. MARY’S COLLEGE OF MARYLAND”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

SPECIAL ORDERS

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

House Bill 470 – The Speaker (By Request – Administration) and Delegates Bohanan, Conway, Doory, Beidle, Bobo, Hecht, Levy, Mathias, Reznik, and Shewell

AN ACT concerning

Higher Education Investment Fund – Tuition Stabilization and Funding

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

HB0470/994466/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 470
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “regarding” insert “certain”; and in line 10, after “Account;” insert “defining certain terms; stating a certain goal of the State for certain education funding; requiring the governing boards of certain higher education institutions to periodically review tuition at certain institutions and to take certain other actions for certain purposes;”.

AMENDMENT NO. 2

On page 2, after line 20, insert:

“(3) “PUBLIC SENIOR HIGHER EDUCATION INSTITUTION” HAS THE MEANING STATED IN § 10–101(J)(1) AND (2) OF THIS ARTICLE.”;

and in lines 21 and 23, strike “(3)” and “(4)”, respectively, and substitute “(4)” and “(5)”, respectively.

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.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #28

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

Senate Bill 911 – ~~Senator Astle~~ Senators Astle, Della, Exum, Garagiola, Glassman, Klausmeier, and Middleton

AN ACT concerning

Underground Facilities – Damage Prevention

SB0911/113696/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 911

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after “members;” insert “prohibiting a member of the Authority from participating in certain matters;”.

On page 3, in line 21, after “changes;” insert “providing for a certain contingency;”; and in line 34, strike “12–120, 12–121, 12–122, 12–128, 12–134, and 12–135” and substitute “12–106, 12–107, 12–108, 12–114, 12–120, and 12–121”.

On page 4, in line 5, strike “adding to” and substitute “repealing and reenacting, with amendments;”; in line 7, after “through” insert “12–108 and”; strike beginning with “Maryland” in line 7 down through “Requests” in line 11 and substitute “Excavation and Demolition”; and 12–121”; after line 13, insert:

“(As enacted by Section 2 of this Act)”

BY repealing and reenacting, without amendments,

Article – Public Utility Companies

Section 12–120 to be under the new part “Part IV. Enforcement and Penalties”

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

(As enacted by Section 2 of this Act)

BY adding to

Article – Public Utility Companies

Section 12–109 through 12–113; and 12–117 to be under the new part “Part III. Designer Request”

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY renumbering

Article – Public Utility Companies

Section 12–106 through 12–114 and the part “Part II. Excavation and Demolition”; 12–117 and the part “Part III. Designer Requests”; and

12-120 and 12-121 and the part “Part IV. Enforcement and Penalties”,
respectively
to be Section 12-120 through 12-128 and the part “Part IV. Excavation and
Demolition”; 12-131 and the part “Part V. Designer Requests”; and
12-134 and 12-135 and the part “Part VI. Enforcement and Penalties”,
respectively
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)
(As enacted by Sections 2 and 3 of this Act);

strike beginning with “12-120” in line 16 down through “12-135” in line 17 and substitute “12-101”; in line 20, strike “2” and substitute “3”; after line 20, insert:

“BY adding to

Article – Public Utility Companies
Section 12-106 through 12-114 to be under the new part “Part II. Maryland
Underground Facilities Damage Prevention Authority”; and 12-117 to be
under the new part “Part III. Maryland Underground Facilities Damage
Prevention Education and Outreach Fund”
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)”;

strike in their entirety lines 21 through 26, inclusive; in line 27, strike “without” and substitute “with”; strike in its entirety line 29 and substitute “Section 12-120, 12-121,
12-123, 12-125, 12-127, 12-128, and 12-135”; in line 32, strike “Section 2” and substitute “Sections 2, 3, and 4”; and after line 32, insert:

“BY repealing and reenacting, without amendments,

Article – Public Utility Companies
Section 12-122, 12-124, and 12-126
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)
(As enacted by Sections 2, 3, and 4 of this Act)”.

AMENDMENT NO. 2

On page 5, strike beginning with “12-120,” in line 16 down through “12-135” in line 17 and substitute “12-106, 12-107, 12-108, 12-114, 12-120, and 12-121”; strike in their entirety lines 28 and 29; in line 30, strike “(C)” and substitute “(B)”; in line 32, strike both brackets; and in the same line, strike “(D)”.

On page 6, in lines 1, 6, 14, 18, and 30, strike “(E)”, “(F)”, “(H)”, “(I)”, and “(J)”, respectively, and substitute “(D)”, “(E)”, “(F)”, “(G)”, and “(H)”, respectively; and strike in their entirety lines 12 and 13.

On page 7, in lines 14, 16, and 23, strike “(K)”, “(L)”, and “(M)”, respectively, and substitute “(I)”, “(J)”, and “(K)”, respectively.

On page 8, in line 2, strike “12-131” and substitute “12-117”; and in lines 3 and 6, strike “(N)” and “(O)”, respectively, and substitute “(L)” and “(M)”, respectively.

On page 9, after line 1, insert:

“PART II. EXCAVATION AND DEMOLITION.”

12-106.

(a) Except as provided in subsections (b) and (c) of this section, a person that obtains the information required under this subtitle is not excused from:

(1) performing an excavation or demolition in a careful and prudent manner; and

(2) liability for damages or injury that results from the excavation or demolition.

(b) If an underground facility is damaged by a person that fails to comply with this subtitle, the person is deemed negligent and is liable to the owner for the total cost of repair of the underground facility, unless the owner has failed to become an owner-member in accordance with § [12-109(b)] 12-109 of this subtitle.

(c) If an underground facility is damaged by a person who is in compliance with this subtitle and the owner has failed to become an owner-member in accordance with § [12-109(b)] 12-109 of this subtitle:

(1) the person is not liable to the owner for the cost of repair of the underground facility; and

(2) the owner is liable for any repairs or restoration of property damaged by the excavation or demolition.

(d) Subsection (c) of this section may not be construed to interfere with the right of:

(1) a third party to recover damages arising out of the excavation or demolition from the person or from the owner; or

(2) the person to seek contribution from an owner for damages sought by a third party under paragraph (1) of this subsection.

12-107.

(a) Subject to § [12-104(b)] **12-106(B)** of this subtitle, if all reasonable precautions have been taken to protect underground facilities, § [12-104(a)] **12-106(A)** of this subtitle and §§ [12-106 through 12-113] **12-108 THROUGH 12-121** of this subtitle do not apply to an emergency excavation or demolition being performed to prevent danger to life, health, or property.

(b) A person performing an emergency excavation or demolition to prevent danger to life, health, or property shall:

(1) take all reasonable precautions to protect underground facilities in and near the excavation or demolition area; and

(2) [promptly notify each owner of an underground facility in and near the excavation or demolition area] **IMMEDIATELY NOTIFY THE ONE-CALL SYSTEM SERVING THE GEOGRAPHIC AREA WHERE THE EMERGENCY EXCAVATION OR DEMOLITION IS PERFORMED TO INFORM THE APPROPRIATE OWNER-MEMBERS OF THE EXCAVATION OR DEMOLITION AREA.**

(c) **A PERSON THAT ABUSES THE EMERGENCY EXCAVATION AND DEMOLITION PROCEDURE SET FORTH IN THIS SECTION IS SUBJECT TO PENALTIES UNDER § 12-121 OF THIS SUBTITLE.**

12-108.

(a) Except as provided in subsection (b) of this section, a person that operates a one-call system in the State shall register with and obtain certification to operate from the Commission.

(b) A person operating a one-call system on or before July 1, 1990, is automatically registered with and certified by the Commission to continue to operate.

(c) (1) The operator of a one-call system shall install and make available an [owner-contractor] UNDERGROUND FACILITIES information exchange system in its one-call center in the State.

(2) The [owner-contractor] UNDERGROUND FACILITIES information exchange system shall be available to any caller at all times.

(d) The Commission may grant, amend, or revoke the certification of a person operating a one-call system.

12-109.

(A) (1) AN OWNER SHALL BE A MEMBER OF A ONE-CALL SYSTEM.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN OWNER BECOMES A MEMBER OF A ONE-CALL SYSTEM BY REGISTERING WITH THE ONE-CALL SYSTEM.

(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 § 12-110(B)(2) OF THIS SUBTITLE.

(B) (1) AN OWNER-MEMBER OF A ONE-CALL SYSTEM SHALL SUBMIT TO THE ONE-CALL SYSTEM, IN WRITING, THE TELEPHONE NUMBER OF THE PERSON TO WHICH CALLS CONCERNING PROPOSED EXCAVATIONS OR DEMOLITIONS SHALL BE DIRECTED.

(2) AN OWNER-MEMBER SHALL ENSURE THAT ALL CONTACT INFORMATION PROVIDED TO THE ONE-CALL SYSTEM REMAINS CURRENT.

12-110.

(A) A PERSON THAT INTENDS TO PERFORM AN EXCAVATION OR DEMOLITION IN THE STATE SHALL INITIATE A TICKET REQUEST BY NOTIFYING THE ONE-CALL SYSTEM SERVING THE GEOGRAPHIC AREA WHERE THE EXCAVATION OR DEMOLITION IS TO BE PERFORMED OF THE PERSON'S INTENT TO PERFORM THE EXCAVATION OR DEMOLITION.

(B) NOTICE PROVIDED TO A ONE-CALL SYSTEM UNDER SUBSECTION (A) OF THIS SECTION SHALL INDICATE:

(1) THE LOCATION OF THE PROPOSED EXCAVATION OR DEMOLITION;

(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

(3) THE TYPE OF WORK TO BE PERFORMED IN CONNECTION WITH THE PROPOSED EXCAVATION OR DEMOLITION.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, 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) BASED ON INFORMATION COLLECTED UNDER SUBSECTION (B)(2) OF THIS SECTION, 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) A TICKET IS VALID FOR 12 BUSINESS DAYS AFTER THE DAY ON

WHICH THE TICKET IS TRANSMITTED BY THE ONE-CALL SYSTEM TO AN OWNER-MEMBER.

12-111.

(A) A PERSON SHALL REPEAT THE NOTIFICATION REQUIRED UNDER § 12-110 OF THIS SUBTITLE IF THE PERSON:

(1) HAS NOT COMPLETED OR WILL NOT COMPLETE THE EXCAVATION OR DEMOLITION WITHIN THE TIME PERIOD AUTHORIZED BY THE TICKET; OR

(2) INTENDS TO EXPAND THE EXCAVATION OR DEMOLITION BEYOND THE LOCATION INDICATED IN THE NOTICE UNDER § 12-110(B) OF THIS SUBTITLE.

(B) A PERSON SHALL REPEAT THE NOTIFICATION REGARDLESS OF:

(1) ANY DELAYS BY AN OWNER-MEMBER IN MARKING ITS UNDERGROUND FACILITIES; OR

(2) AN AGREEMENT BETWEEN THE PERSON AND AN OWNER-MEMBER REGARDING THE TIME FOR MARKING UNDERGROUND FACILITIES.

12-112.

(A) AN OWNER-MEMBER SHALL MARK ITS UNDERGROUND FACILITY IF THE OWNER-MEMBER HAS DETERMINED THAT A PROPOSED EXCAVATION OR DEMOLITION:

(1) IS WITHIN 5 FEET OF THE HORIZONTAL PLANE OF THE UNDERGROUND FACILITY; OR

(2) BECAUSE OF PLANNED BLASTING, IS SO NEAR TO THE UNDERGROUND FACILITY THAT THE UNDERGROUND FACILITY MAY BE DAMAGED OR DISTURBED.

(B) (1) AN OWNER-MEMBER SHALL MARK THE LOCATION OF ITS UNDERGROUND FACILITY BY MARKING ON THE GROUND WITHIN 18 INCHES ON A HORIZONTAL PLANE ON EITHER SIDE OF THE UNDERGROUND FACILITY.

(2) (I) WHEN MARKING THE LOCATION OF AN UNDERGROUND FACILITY, AN OWNER-MEMBER SHALL USE THE CURRENT COLOR CODES ESTABLISHED BY THE AMERICAN PUBLIC WORKS ASSOCIATION FOR MARKING UNDERGROUND FACILITIES.

(II) IF TWO OR MORE OWNER-MEMBERS SHARE THE SAME COLOR CODE, EACH OWNER-MEMBER SHALL INCLUDE INFORMATION WITH THE MARKING THAT INDICATES THE OWNER-MEMBER OF THE MARKED UNDERGROUND FACILITY.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, WITHIN 2 BUSINESS DAYS AFTER THE DAY ON WHICH A TICKET IS TRANSFERRED TO AN OWNER-MEMBER, THE OWNER-MEMBER SHALL:

(1) MARK THE LOCATION OF THE OWNER-MEMBER'S UNDERGROUND FACILITY AND REPORT TO THE UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM THAT THE UNDERGROUND FACILITY HAS BEEN MARKED; OR

(2) REPORT TO THE UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM THAT THE OWNER-MEMBER HAS NO UNDERGROUND FACILITIES IN THE VICINITY OF THE PLANNED EXCAVATION OR DEMOLITION.

(D) (1) IF AN OWNER-MEMBER IS UNABLE TO MARK THE LOCATION OF THE OWNER-MEMBER'S UNDERGROUND FACILITY WITHIN THE TIME PERIOD PRESCRIBED IN SUBSECTION (C) OF THIS SECTION BECAUSE OF THE SCOPE OF THE PROPOSED EXCAVATION OR DEMOLITION, THE OWNER-MEMBER SHALL:

(I) PROMPTLY NOTIFY THE UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM AND THE PERSON THAT INTENDS TO PERFORM THE EXCAVATION OR DEMOLITION; AND

(II) WORK WITH THE PERSON THAT INTENDS TO PERFORM THE EXCAVATION OR DEMOLITION TO DEVELOP A MUTUALLY AGREEABLE SCHEDULE FOR MARKING THE UNDERGROUND FACILITY.

(2) IF THE OWNER-MEMBER AND PERSON THAT INTENDS TO PERFORM THE EXCAVATION OR DEMOLITION CANNOT REACH A MUTUALLY AGREEABLE SCHEDULE FOR MARKING UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE OWNER-MEMBER SHALL MARK THAT PORTION OF THE SITE WHERE EXCAVATION OR DEMOLITION WILL FIRST OCCUR, AND THE OWNER-MEMBER SHALL MARK THE REMAINDER OF THE SITE WITHIN A REASONABLE TIME.

(3) IF, DUE TO CIRCUMSTANCES BEYOND AN OWNER-MEMBER'S CONTROL AND FOR REASONS OTHER THAN THOSE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION, AN OWNER-MEMBER IS UNABLE TO MARK THE LOCATION OF THE OWNER-MEMBER'S UNDERGROUND FACILITY WITHIN THE TIME PERIOD PRESCRIBED IN SUBSECTION (C) OF THIS SECTION, THE OWNER-MEMBER SHALL REPORT TO THE UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM THAT AN EXTENSION IS REQUIRED.

(4) IN CONNECTION WITH EXTENSIVE OR CONTIGUOUS EXCAVATION OR DEMOLITION PROJECTS, THE PERSON PERFORMING THE EXCAVATION OR DEMOLITION AND THE OWNER-MEMBER MAY ESTABLISH A WORKING AGREEMENT REGARDING THE TIME PERIODS FOR MARKING THE UNDERGROUND FACILITY.

12-113.

(A) A PERSON MAY BEGIN EXCAVATION OR DEMOLITION ONLY AFTER THE PERSON RECEIVES NOTIFICATION FROM THE UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM OF THE ONE-CALL SYSTEM CONFIRMING THAT ALL APPLICABLE OWNER-MEMBERS HAVE:

(1) MARKED THEIR UNDERGROUND FACILITIES IN ACCORDANCE WITH § 12-112(C) OF THIS SUBTITLE;

(2) MARKED THE APPLICABLE PORTION OF THEIR

UNDERGROUND FACILITIES IN ACCORDANCE WITH § 12-112(D) OF THIS SUBTITLE; OR

(3) REPORTED THAT THEY HAVE NO UNDERGROUND FACILITIES IN THE VICINITY OF THE EXCAVATION OR DEMOLITION.

(B) (1) AFTER AN OWNER-MEMBER HAS MARKED THE LOCATION OF AN UNDERGROUND FACILITY IN ACCORDANCE WITH § 12-112 OF THIS SUBTITLE, THE PERSON PERFORMING THE EXCAVATION OR DEMOLITION IS RESPONSIBLE FOR THE MAINTENANCE OF THE DESIGNATED MARKER.

(2) IF THE MARKER IS OBLITERATED, DESTROYED, OR REMOVED, THE PERSON SHALL REPEAT THE NOTIFICATION REQUIRED UNDER § 12-110 OF THIS SUBTITLE.

(C) (1) A PERSON PERFORMING AN EXCAVATION OR DEMOLITION SHALL EXERCISE DUE CARE TO AVOID INTERFERENCE WITH OR DAMAGE TO AN UNDERGROUND FACILITY THAT AN OWNER-MEMBER HAS MARKED IN ACCORDANCE WITH § 12-112 OF THIS SUBTITLE.

(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.

(3) A PERSON MAY NOT USE MECHANIZED EQUIPMENT TO EXCAVATE WITHIN 18 INCHES OF THE OUTERMOST SURFACE OF AN EXPOSED UNDERGROUND FACILITY.

(D) (1) THE PERSON PERFORMING AN EXCAVATION OR DEMOLITION IMMEDIATELY SHALL NOTIFY THE OWNER-MEMBER OF THE FACILITY IF THE PERSON DISCOVERS OR CAUSES ANY DAMAGE TO OR DISLOCATION OR DISTURBANCE OF AN UNDERGROUND FACILITY IN CONNECTION WITH THE EXCAVATION OR DEMOLITION.

(2) IF THE DAMAGE, DISLOCATION, OR DISTURBANCE RESULTS IN THE ESCAPE OF A FLAMMABLE, TOXIC, OR CORROSIVE GAS OR LIQUID, THE

PERSON PERFORMING THE EXCAVATION OR DEMOLITION IMMEDIATELY SHALL REPORT THE DAMAGE TO THE 9-1-1 EMERGENCY SYSTEM.

(E) (1) IF A PERSON KNOWS OR HAS REASON TO KNOW THAT AN UNDERGROUND FACILITY IN THE AREA OF A PLANNED OR ONGOING EXCAVATION OR DEMOLITION IS NOT MARKED AS REQUIRED BY THIS SUBTITLE, THE PERSON MAY NOT BEGIN OR CONTINUE THE EXCAVATION OR DEMOLITION UNLESS THE PERSON:

(I) HAS REPEATED THE NOTIFICATION REQUIRED UNDER § 12-110 OF THIS SUBTITLE; AND

(II) RECEIVES NOTIFICATION FROM THE UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM OF THE ONE-CALL SYSTEM CONFIRMING THAT ALL APPLICABLE OWNER-MEMBERS THAT HAVE UNDERGROUND FACILITIES IN THE VICINITY OF THE EXCAVATION OR DEMOLITION HAVE MARKED:

1. THE UNDERGROUND FACILITIES IN ACCORDANCE WITH § 12-112(C) OF THIS SUBTITLE; OR

2. THE APPLICABLE PORTION OF THE UNDERGROUND FACILITIES IN ACCORDANCE WITH § 12-112(D) OF THIS SUBTITLE.

(2) IF THE UNDERGROUND FACILITY IS NOT MARKED AS REQUIRED BY THIS SUBTITLE AFTER THE PERSON RECEIVES NOTIFICATION FROM THE UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE PERSON MAY PROCEED WITH THE EXCAVATION OR DEMOLITION.

12-114.

(a) A political subdivision [or], municipal corporation, THE DEPARTMENT OF TRANSPORTATION, AN ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION, OR THE MARYLAND TRANSPORTATION AUTHORITY may charge, assess, or collect from a person a one-time initial marking fee not exceeding

\$35 for reimbursement of expenses that the political subdivision [or], municipal corporation, THE DEPARTMENT OF TRANSPORTATION, AN ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION, OR THE MARYLAND TRANSPORTATION AUTHORITY incurs to comply with this subtitle.

(b) If re-marking is requested, or is required after renotification under § [12-108(b)] 12-111(B) of this subtitle, a political subdivision [or], municipal corporation, OR ANY OF THE TRANSPORTATION ENTITIES SPECIFIED IN SUBSECTION (A) OF THIS SECTION may charge, assess, or collect from a person a re-marking fee not exceeding \$15 for reimbursement of expenses that the political subdivision [or], municipal corporation, OR ANY OF THE TRANSPORTATION ENTITIES SPECIFIED IN SUBSECTION (A) OF THIS SECTION incurs to comply with this subtitle.

12-115. RESERVED.

12-116. RESERVED.

PART III. DESIGNER REQUESTS.

12-117.

(A) IN CONNECTION WITH A PROJECT THAT MAY REQUIRE EXCAVATION OR DEMOLITION, A DESIGNER MAY INITIATE A TICKET REQUEST BY NOTIFYING THE ONE-CALL SYSTEM SERVING THE GEOGRAPHIC AREA COVERING THE PLANNED PROJECT.

(B) A DESIGNER INITIATING A TICKET REQUEST UNDER THIS SECTION:

(1) MAY INITIATE ONLY ONE TICKET REQUEST FOR A SINGLE PROJECT; AND

(2) SHALL, IN CONNECTION WITH A TICKET REQUEST:

(I) INDICATE THAT THE REQUEST IS FOR DESIGN PURPOSES ONLY AND MAY NOT BE USED FOR THE PURPOSE OF EXCAVATION OR DEMOLITION;

(II) NOTIFY THE ONE-CALL SYSTEM OF ANY OWNER-MEMBERS FROM WHICH THE DESIGNER DOES NOT REQUIRE UNDERGROUND FACILITIES INFORMATION; AND

(III) ON THE REQUEST OF AN OWNER-MEMBER, PROVIDE THE OWNER-MEMBER WITH A PRELIMINARY DRAWING THAT INDICATES THE SCOPE OF THE PROJECT.

(C) (1) WITHIN 15 BUSINESS DAYS AFTER RECEIVING NOTICE FROM A ONE-CALL SYSTEM THAT A DESIGNER HAS MADE A REQUEST UNDER THIS SECTION, AN OWNER-MEMBER OF AN UNDERGROUND FACILITY IN THE AREA OF THE PROJECT SHALL NOTIFY THE DESIGNER OF THE TYPE AND APPROXIMATE LOCATION OF THE UNDERGROUND FACILITY.

(2) AN OWNER-MEMBER MAY PROVIDE NOTICE OF THE APPROXIMATE LOCATION OF AN UNDERGROUND FACILITY THROUGH THE USE OF:

(I) FIELD LOCATES;

(II) MAPS;

(III) SURVEYS;

(IV) INSTALLATION RECORDS; OR

(V) OTHER SIMILAR MEANS.

(D) (1) INFORMATION PROVIDED TO A DESIGNER UNDER THIS SECTION IS FOR INFORMATIONAL PURPOSES ONLY.

(2) AN OWNER-MEMBER OR AGENT OF AN OWNER-MEMBER MAY NOT BE HELD LIABLE FOR ANY INACCURATE INFORMATION PROVIDED TO A DESIGNER UNDER THIS SECTION.

12-118. RESERVED.

12-119. RESERVED.PART IV. ENFORCEMENT AND PENALTIES.12-120.

(a) To stop or prevent a negligent or unsafe excavation or demolition, an owner or the Attorney General may file an action for a writ of mandamus or injunction in a court of competent jurisdiction in Baltimore City or the county in which the excavation or demolition is being performed or is to be performed or in which the person resides or has its principal place of business, if the person:

(1) is performing an excavation or demolition in a negligent or unsafe manner that has resulted in or is likely to result in damage to an underground facility;
or

(2) is intending to use procedures to carry out the excavation or demolition that are likely to result in damage to an underground facility.

(b) (1) To make its judgment or processes effective, the court may join as parties any persons necessary or proper.

(2) If appropriate, the court shall issue a final order granting the injunction or writ of mandamus.

12-121.

(a) A person that performs an excavation or demolition without first providing the notice required under § [12-108] 12-110 of this subtitle and damages, dislocates, or disturbs an underground facility is deemed negligent and is subject to a civil penalty not exceeding \$1,000 for the first offense and \$1,000 for each subsequent offense or ten times the cost of repairs to the underground facility caused by the damage, dislocation, or disturbance.

(b) An action to recover a civil penalty under this section shall be brought by an owner of a damaged, dislocated, or disturbed underground facility or the Attorney General in a court of competent jurisdiction in Baltimore City or the county in which the damage, dislocation, or disturbance occurred.

(c) All civil penalties recovered in an action under this section, including reasonable attorney's fees, shall be paid into the General Fund of the State.

SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 12-106 through 12-114 and the part "Part II. Excavation and Demolition"; 12-117 and the part "Part III. Designer Requests"; and 12-120 and 12-121 and the part "Part IV. Enforcement and Penalties", respectively, of Article – Public Utility Companies of the Annotated Code of Maryland, as enacted by Sections 2 and 3 of this Act, be renumbered to be Section(s) 12-120 through 12-128 and the part "Part IV. Excavation and Demolition"; 12-131 and the part "Part V. Designer Requests"; and 12-134 and 12-135 and the part "Part VI. Enforcement and Penalties", respectively.

SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Public Utility Companies

12-101.

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

(B) "AUTHORITY" MEANS THE MARYLAND UNDERGROUND FACILITIES DAMAGE PREVENTION AUTHORITY.

[(b)] (C) "Business day" means a calendar day other than a Saturday, Sunday, or legal holiday.

[(c)] (D) "Demolition" means an operation in which a structure or mass of material is wrecked, razed, rended, moved, or removed using any tool, equipment, or explosive.

[(d)] (E) "Designer" means a licensed architect, professional engineer, professional land surveyor, or licensed landscape architect, as those terms are defined in the Business Occupations and Professions Article, who prepares a drawing for a project that may require excavation or demolition.

[(e)] (F) (1) "Excavation" means an operation in which earth, rock, or other material in or on the ground is moved, removed, or otherwise displaced by using

any tool, equipment, or explosive.

(2) “Excavation” includes grading, trenching, digging, ditching, dredging, drilling, boring, augering, tunnelling, scraping, cable or pipe plowing and driving a mass of material.

(G) “FUND” MEANS THE MARYLAND UNDERGROUND FACILITIES DAMAGE PREVENTION EDUCATION AND OUTREACH FUND.

[(f)] (H) “Legal holiday” means:

(1) the day on which a legal holiday, as defined in Article 1, § 27 of the Code, is observed; or

(2) a federal legal holiday.

[(g)] (I) “One-call system” means a communications system in the State that:

(1) allows a person to notify owner-members of planned excavation or demolition by:

(i) calling a toll-free number or abbreviated dialing code; or

(ii) initiating an interactive Internet ticket request; and

(2) maintains an underground facilities information exchange system.

[(h)] (J) (1) “Owner” means a person that:

(i) owns or operates an underground facility; and

(ii) has the right to bury an underground facility.

(2) “Owner” includes:

(i) a public utility;

(ii) a telecommunications corporation;

(iii) a cable television corporation;

(iv) a political subdivision;

(v) a municipal corporation;

(vi) a steam heating company;

(vii) an authority; and

(viii) a unit of the State.

[(i)] (K) “Owner–member” means an owner that participates as a member in a one–call system.

[(j)] (L) (1) “Person” has the meaning stated in § 1–101 of this article.

(2) “Person” includes:

(i) a municipal corporation;

(ii) the State;

(iii) a political subdivision of the State; and

(iv) any governmental unit, department, or agency.

[(k)] (M) “Ticket” means a numbered document issued by a one–call system to notify owner–members that:

(1) a person intends to perform an excavation or demolition; or

(2) a designer has requested information on the location of underground facilities under § [12–117] 12–131 of this subtitle.

[(l)] (N) “Underground facilities information exchange system” means an automated voice response unit or interactive Internet access system that is maintained as part of a one–call system.

~~[(m)] (O)~~ (1) “Underground facility” means personal property that is buried or submerged for:

(i) use in connection with the storage or conveyance of water, sewage, oil, gas, or other substances; or

(ii) transmission or conveyance of electronic, telephonic, or telegraphic communications or electricity.

(2) “Underground facility” includes pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those portions of poles below ground.

(3) “Underground facility” does not include a stormwater drain.”.

On pages 15 through 25, strike in their entirety the lines beginning with line 18 on page 15 through line 17 on page 25, inclusive, and substitute:

“12–120.

(a) Except as provided in subsections (b) and (c) of this section, a person that obtains the information required under this subtitle is not excused from:

(1) performing an excavation or demolition in a careful and prudent manner; and

(2) liability for damages or injury that results from the excavation or demolition.

(b) If an underground facility is damaged by a person that fails to comply with this subtitle, the person is deemed negligent and is liable to the owner for the total cost of repair of the underground facility, unless the owner has failed to become an owner–member in accordance with § [12–109] 12–123 of this subtitle.

(c) If an underground facility is damaged by a person who is in compliance with this subtitle and the owner has failed to become an owner–member in accordance with § [12–109] 12–123 of this subtitle:

(1) the person is not liable to the owner for the cost of repair of the

underground facility; and

(2) the owner is liable for any repairs or restoration of property damaged by the excavation or demolition.

(d) Subsection (c) of this section may not be construed to interfere with the right of:

(1) a third party to recover damages arising out of the excavation or demolition from the person or from the owner; or

(2) the person to seek contribution from an owner for damages sought by a third party under paragraph (1) of this subsection.

12-121.

(a) Subject to § [12-106(b)] **12-120(B)** of this subtitle, if all reasonable precautions have been taken to protect underground facilities, § [12-106(a)] **12-120(A)** of this subtitle and §§ [12-108 through 12-121] **12-122 THROUGH 12-135** of this subtitle do not apply to an emergency excavation or demolition being performed to prevent danger to life, health, or property.

(b) A person performing an emergency excavation or demolition to prevent danger to life, health, or property shall:

(1) take all reasonable precautions to protect underground facilities in and near the excavation or demolition area; and

(2) immediately notify the one-call system serving the geographic area where the emergency excavation or demolition is performed to inform the appropriate owner-members of the excavation or demolition area.

(c) A person that abuses the emergency excavation and demolition procedure set forth in this section is subject to penalties under § [12-121] **12-135** of this subtitle.

12-122.

(a) Except as provided in subsection (b) of this section, a person that operates

a one-call system in the State shall register with and obtain certification to operate from the Commission.

(b) A person operating a one-call system on or before July 1, 1990, is automatically registered with and certified by the Commission to continue to operate.

(c) (1) The operator of a one-call system shall install and make available an underground facilities information exchange system in its one-call center in the State.

(2) The underground facilities information exchange system shall be available to any caller at all times.

(d) The Commission may grant, amend, or revoke the certification of a person operating a one-call system.

12-123.

(a) (1) An owner shall be a member of a one-call system.

(2) Except as provided in paragraph (3) of this subsection, an owner becomes a member of a one-call system by registering with the one-call system.

(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 § [12-110(b)(2)] **12-124(B)(2)** of this subtitle.

(b) (1) An owner-member of a one-call system shall submit to the one-call system, in writing, the telephone number of the person to which calls concerning proposed excavations or demolitions shall be directed.

(2) An owner-member shall ensure that all contact information provided to the one-call system remains current.

12-124.

(a) A person that intends to perform an excavation or demolition in the State shall initiate a ticket request by notifying the one-call system serving the geographic

area where the excavation or demolition is to be performed of the person's intent to perform the excavation or demolition.

(b) Notice provided to a one-call system under subsection (a) of this section shall indicate:

(1) the location of the proposed excavation or demolition;

(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

(3) the type of work to be performed in connection with the proposed excavation or demolition.

(c) (1) Except as provided in paragraph (2) of this subsection, 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) Based on information collected under subsection (b)(2) of this section, 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) A ticket is valid for 12 business days after the day on which the ticket is transmitted by the one-call system to an owner-member.

12-125.

(a) A person shall repeat the notification required under § [12-110] 12-124 of this subtitle if the person:

(1) has not completed or will not complete the excavation or demolition within the time period authorized by the ticket; or

(2) intends to expand the excavation or demolition beyond the location indicated in the notice under § [12-110(b)] 12-124(B) of this subtitle.

(b) A person shall repeat the notification regardless of:

(1) any delays by an owner-member in marking its underground facilities; or

(2) an agreement between the person and an owner-member regarding the time for marking underground facilities.

12-126.

(a) An owner-member shall mark its underground facility if the owner-member has determined that a proposed excavation or demolition:

(1) is within 5 feet of the horizontal plane of the underground facility;
or

(2) because of planned blasting, is so near to the underground facility that the underground facility may be damaged or disturbed.

(b) (1) An owner-member shall mark the location of its underground facility by marking on the ground within 18 inches on a horizontal plane on either side of the underground facility.

(2) (i) When marking the location of an underground facility, an owner-member shall use the current color codes established by the American Public Works Association for marking underground facilities.

(ii) If two or more owner-members share the same color code, each owner-member shall include information with the marking that indicates the owner-member of the marked underground facility.

(c) Except as provided in subsection (d) of this section, within 2 business days after the day on which a ticket is transferred to an owner-member, the owner-member shall:

(1) mark the location of the owner-member's underground facility and report to the underground facilities information exchange system that the underground facility has been marked; or

(2) report to the underground facilities information exchange system that the owner-member has no underground facilities in the vicinity of the planned excavation or demolition.

(d) (1) If an owner-member is unable to mark the location of the owner-member's underground facility within the time period prescribed in subsection (c) of this section because of the scope of the proposed excavation or demolition, the owner-member shall:

(i) promptly notify the underground facilities information exchange system and the person that intends to perform the excavation or demolition; and

(ii) work with the person that intends to perform the excavation or demolition to develop a mutually agreeable schedule for marking the underground facility.

(2) If the owner-member and person that intends to perform the excavation or demolition cannot reach a mutually agreeable schedule for marking under paragraph (1) of this subsection, the owner-member shall mark that portion of the site where excavation or demolition will first occur, and the owner-member shall mark the remainder of the site within a reasonable time.

(3) If, due to circumstances beyond an owner-member's control and for reasons other than those specified in paragraph (1) of this subsection, an owner-member is unable to mark the location of the owner-member's underground facility within the time period prescribed in subsection (c) of this section, the owner-member shall report to the underground facilities information exchange system that an extension is required.

(4) In connection with extensive or contiguous excavation or demolition projects, the person performing the excavation or demolition and the owner-member may establish a working agreement regarding the time periods for marking the underground facility.

12-127.

(a) A person may begin excavation or demolition only after the person

receives notification from the underground facilities information exchange system of the one-call system confirming that all applicable owner-members have:

(1) marked their underground facilities in accordance with § [12-112(c)] 12-126(C) of this subtitle;

(2) marked the applicable portion of their underground facilities in accordance with § [12-112(d)] 12-126(D) of this subtitle; or

(3) reported that they have no underground facilities in the vicinity of the excavation or demolition.

(b) (1) After an owner-member has marked the location of an underground facility in accordance with § [12-112] 12-126 of this subtitle, the person performing the excavation or demolition is responsible for the maintenance of the designated marker.

(2) If the marker is obliterated, destroyed, or removed, the person shall repeat the notification required under § [12-110] 12-124 of this subtitle.

(c) (1) A person performing an excavation or demolition shall exercise due care to avoid interference with or damage to an underground facility that an owner-member has marked in accordance with § [12-112] 12-126 of this subtitle.

(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.

(3) A person may not use mechanized equipment to excavate within 18 inches of the outermost surface of an exposed underground facility.

(d) (1) The person performing an excavation or demolition immediately shall notify the owner-member of the facility if the person discovers or causes any damage to or dislocation or disturbance of an underground facility in connection with the excavation or demolition.

(2) If the damage, dislocation, or disturbance results in the escape of a flammable, toxic, or corrosive gas or liquid, the person performing the excavation or

demolition immediately shall report the damage to the 9–1–1 emergency system.

(e) (1) If a person knows or has reason to know that an underground facility in the area of a planned or ongoing excavation or demolition is not marked as required by this subtitle, the person may not begin or continue the excavation or demolition unless the person:

(i) has repeated the notification required under § [12–110] 12–124 of this subtitle; and

(ii) receives notification from the underground facilities information exchange system of the one–call system confirming that all applicable owner–members that have underground facilities in the vicinity of the excavation or demolition have marked:

1. the underground facilities in accordance with § [12–112(c)] 12–126(C) of this subtitle; or

2. the applicable portion of the underground facilities in accordance with § [12–112(d)] 12–126(D) of this subtitle.

(2) If the underground facility is not marked as required by this subtitle after the person receives notification from the underground facilities information exchange system under paragraph (1) of this subsection, the person may proceed with the excavation or demolition.

12–128.

(a) A political subdivision, municipal corporation, the Department of Transportation, an administration of the Department of Transportation, or the Maryland Transportation Authority may charge, assess, or collect from a person a one–time initial marking fee not exceeding \$35 for reimbursement of expenses that the political subdivision, municipal corporation, the Department of Transportation, an administration of the Department of Transportation, or the Maryland Transportation Authority incurs to comply with this subtitle.

(b) If re–marking is requested, or is required after renotification under § [12–111(b)] 12–125 of this subtitle, a political subdivision, municipal corporation, or any of the transportation entities specified in subsection (a) of this section may charge,

assess, or collect from a person a re-marking fee not exceeding \$15 for reimbursement of expenses that the political subdivision, municipal corporation, or any of the transportation entities specified in subsection (a) of this section incurs to comply with this subtitle.

12-129. RESERVED.

12-130. RESERVED.

12-132. RESERVED.

12-133. RESERVED.”.

On page 25, in line 20, strike “12-108” and substitute “12-110”.

AMENDMENT NO. 3

On page 9, in line 10, strike “NINE” and substitute “THE FOLLOWING 11”; in line 10, after “MEMBERS” insert “:

(1) NINE MEMBERS”;

in line 11, after “GOVERNOR” insert “;AND

(2) TWO EX OFFICIO VOTING MEMBERS APPOINTED AS FOLLOWS:

(I) ONE REPRESENTATIVE OF THE DEPARTMENT OF TRANSPORTATION APPOINTED BY THE SECRETARY OF TRANSPORTATION; AND

(II) ONE REPRESENTATIVE OF THE STAFF OF THE COMMISSION APPOINTED BY THE CHAIRMAN OF THE COMMISSION”;

in line 12, strike “OF THE” and substitute “THE”; and in the same line, after “MEMBERS” insert “APPOINTED BY THE GOVERNOR SHALL BE APPOINTED AS FOLLOWS”.

On page 11, after line 25, insert:

“(C) (1) A MEMBER OF THE AUTHORITY MAY NOT PARTICIPATE IN A MATTER BEFORE THE AUTHORITY IN WHICH THE MEMBER HAS A DIRECT OR INDIRECT INTEREST.

(2) THE STATUS OF THE COMMISSION OR THE DEPARTMENT OF TRANSPORTATION OR ANY OF THEIR OFFICERS OR EMPLOYEES AS A PARTY TO A COMPLAINT MAY NOT CONSTITUTE A DIRECT OR INDIRECT INTEREST AS TO AN EX OFFICIO MEMBER.”.

AMENDMENT NO. 4

On page 11, in line 11, after “(2)” insert “SUE AND BE SUED;

(3)”;

and in lines 12, 13, 15, 16, 19, and 22, strike “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, and “(8)”, respectively, and substitute “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, and “(9)”, respectively.

On page 14, strike in their entirety lines 6 through 11, inclusive; in line 28, strike “HOLD AND”; in line 29, after “(D)” insert “(1)”; and after line 30, insert:

“(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.”.

On page 15, after line 15, insert:

“(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.”.

AMENDMENT NO. 5

On page 28, in line 7, strike “4.” and substitute “6.”; and after line 31, insert:

“SECTION 7. AND BE IT FURTHER ENACTED, That the Public Service Commission and the Maryland Department of Transportation shall jointly:

(1) determine whether there is a permanent funding source available that may be used to fund the activities of the Maryland Underground Facilities Damage Prevention Authority to be established under Section 5 of this Act;

(2) take all steps necessary to secure that permanent funding for the Authority; and

(3) notify the Department of Legislative Services in writing of the successful securing of the funding, if any, identified and secured under items (1) and (2) of this section.

SECTION 8. AND BE IT FURTHER ENACTED, That Sections 4, 5, and 6 of this Act shall take effect October 1, 2010, contingent on the receipt by the Department of Legislative Services of notification of the successful securing of funding under Section 7(3) of this Act. If the Department of Legislative Services receives the notification that funding has been secured under Section 7(3) of this Act, Sections 4, 5, and 6 of this Act shall take effect on the receipt of the notification. If the Department of Legislative Services does not receive that notification before the end of September 30, 2013, Sections 4, 5, and 6 of this Act shall be null and void without the necessity of further action by the General Assembly.”.

On page 29, in line 9, strike “5.” and substitute “9.”; and in the same line, after “That” insert “, except as provided in Section 8 of this Act.”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #29

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

House Bill 392 – Delegates Vaughn, Barkley, Bobo, Bronrott, Gutierrez, Hecht, Heller, Hucker, James, Jameson, Kaiser, Kirk, Kramer, Krysiak, Kullen, Lee, Levy, Manno, Minnick, Reznik, and Waldstreicher

AN ACT concerning

Commercial Law – Debt Settlement Services

HB0392/893896/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 392

(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.

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

Senate Bill 53 – Chair, Finance Committee (By Request – Departmental – Military) and Senators Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Middleton, Pipkin, ~~and Pugh~~ Pugh, and Harris

AN ACT concerning

Workers' Compensation – Average Weekly Wage – Militia

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 58 – Chair, Finance Committee (By Request – Departmental – Education)

AN ACT concerning

Workers' Compensation – Division of Rehabilitation Services – Unpaid Work-Based Learning Experiences

SB0058/693999/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 58

(Third Reading File Bill)

On page 2, in line 30, after “**COVERAGE**” insert “**FOR MEDICAL SERVICES AND TREATMENT**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 195 – Senator Colburn

AN ACT concerning

Wicomico County – Alcoholic Beverages – Micro–Brewery Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 196 – Senator Colburn

AN ACT concerning

Wicomico County – Alcoholic Beverages Act of 2010

SB0196/293398/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 196

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after “purposes;” insert “repealing a certain restriction applicable to a holder of a micro–brewery license regarding the sale of beer for off–premises consumption;”.

AMENDMENT NO. 2

On page 5, in line 15, strike “**ONE**” and substitute “A”; in the same line, strike “**ONE**” and substitute “a”; strike beginning with “**BUT**” in line 16 down through “**BOTH**” in line 17; and strike lines 19 through 21, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 449 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Alcoholic Beverages – Sales Hours

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 542 – Senators Harrington and Colburn

AN ACT concerning

~~Health~~ **Business Regulation – Lodging Establishments – National Human
Trafficking Resource Center Hotline – ~~Posting of~~ Information**

SB0542/493593/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 542

(Third Reading File Bill)

On page 2, in line 28, after “**FREELY**” insert “**DO**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

**Senate Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 893 – Senator Garagiola

AN ACT concerning

Maryland Clean Energy Center – Miscellaneous Provisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 926 – Carroll County Senators

AN ACT concerning

Carroll County – Alcoholic Beverages – Sale of Wine for Off-Premises Consumption

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #26

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

House Bill 934 – Delegates McIntosh, Barkley, Beidle, Bobo, Bronrott, Cane, Carr, V. Clagett, Conaway, Donoghue, Dumais, Frick, Frush, Glenn, Healey, Hecht, Howard, Hucker, Kullen, Love, Manno, Minnick, Montgomery, Morhaim, Niemann, Olszewski, Pendergrass, Reznik, Rice, Riley, Stein, and Weir

AN ACT concerning

Vehicle Laws – Use of Wireless Telephone While Driving – Prohibitions

HB0934/320519/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 934

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “McIntosh,” insert “G. Clagett, Conaway,”; in the same line, strike “Conaway,”; and in the same line, strike “and Weir” and substitute “Weir, Holmes, Norman, Serafini, Shewell, Sossi, and Stull”; strike line 2 in its entirety and substitute “Vehicle Laws – Commercial Vehicles – Handheld Telephones Utilizing Push-to-Talk Technology”; and strike beginning with “prohibiting” in line 3 down through “vehicle” in line 17 and substitute “creating an exception for the use of a handheld telephone utilizing push-to-talk technology by an individual operating a commercial motor vehicle to certain prohibitions against using a handheld telephone while driving a motor vehicle; making this Act subject to a certain contingency; and generally relating to handheld telephones utilizing push-to-talk technology in a commercial motor vehicle”.

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

“BY repealing and reenacting, with amendments,

Article – Transportation

Section 21-1124.2(b)

Annotated Code of Maryland

(As enacted by Chapter _____ (S.B. 321) of the Acts of the General Assembly of 2010)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 21-1124.2(c) and (d)

Annotated Code of Maryland

(As enacted by Chapter _____ (S.B. 321) of the Acts of the General Assembly of 2010)”.

AMENDMENT NO. 2

On pages 2 through 7, strike in their entirety the lines beginning with line 15 on page 2 through line 18 on page 7, inclusive, and substitute:

“Article – Transportation

21-1124.2.

(b) This section does not apply to:

(1) Emergency use of a handheld telephone, including calls to:

- (i) A 9-1-1 system;
- (ii) A hospital;
- (iii) An ambulance service provider;
- (iv) A fire department;
- (v) A law enforcement agency; or
- (vi) A first aid squad;

(2) Use of a handheld telephone by the following individuals when acting within the scope of official duty:

- (i) Law enforcement personnel; and
- (ii) Emergency personnel; [and]

(3) Use of a handheld telephone as a text messaging device as defined in § 21-1124.1 of this subtitle; AND

(4) USE OF A HANDHELD TELEPHONE AS A COMMUNICATION DEVICE UTILIZING PUSH-TO-TALK TECHNOLOGY BY AN INDIVIDUAL OPERATING A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN 49 CFR PART 390.5 OF THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS.

(c) The following individuals may not use a handheld telephone while operating a motor vehicle:

(1) A driver of a Class H (school) vehicle that is carrying passengers and in motion; and

(2) A holder of a learner's instructional permit or a provisional driver's license who is 18 years of age or older.

(d) (1) This subsection does not apply to an individual specified in subsection (c) of this section.

(2) A driver of a motor vehicle that is in motion may not use the driver's hands to use a handheld telephone other than to initiate or terminate a wireless telephone call or to turn on or turn off the handheld telephone."

AMENDMENT NO. 3

On page 7, strike lines 19 and 20 in their entirety and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010, contingent on the taking effect of Chapter _____ (S.B. 321) of the Acts of the General Assembly of 2010, and if Chapter _____ (S.B. 321) does not become effective, this Act shall be null and void without the necessity of further action by the General Assembly."

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 66 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Length of Vehicles – Saddle-Mount and Full-Mount Combinations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 324 – ~~Senator Glassman~~ Senators Glassman, Jacobs, Forehand, and Colburn

AN ACT concerning

Motor Vehicles – Approaching Emergency Vehicles and Personnel

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 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.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #27

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

House Bill 35 – Delegate Hubbard

AN ACT concerning

Environment – Brominated Flame Retardants – Decabrominated Diphenyl Ether – Prohibition

HB0035/850510/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 35

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Hubbard” and substitute “Delegates Hubbard and Frush”; in line 3, strike “Prohibition” and substitute “Prohibitions”; in line 4, strike “a”; in the same line, strike “date” and substitute “dates”; in the same line, after “manufacturing,” insert “leasing”; and in line 6, after “ether;” insert “prohibiting a person from using certain substances as a substitute for decabrominated diphenyl ether under certain circumstances”.

AMENDMENT NO. 2

On page 2, after line 12, insert:

“(C) SUBJECT TO SUBSECTIONS (A) AND (B) OF THIS SECTION, A PERSON MAY NOT USE ANY OF THE FOLLOWING AS A SUBSTITUTE FOR DECABDE:

(1) A CARCINOGEN RATED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY AS A GROUP A, B, OR C CARCINOGEN;

(2) A REPRODUCTIVE TOXICANT THAT MAY CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM, OR DEVELOPMENTAL HARM AS IDENTIFIED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY; OR

(3) THE SUBSTANCE DECABROMODIPHENYL ETHANE.”;

and in line 13, strike “(C)” and substitute “(D)”.

AMENDMENT NO. 3

On page 2, in line 13, after “(1)” insert “IN THIS SUBSECTION, “TRANSPORTATION EQUIPMENT”, “MILITARY EQUIPMENT”, AND “COMPONENTS OF TRANSPORTATION OR MILITARY EQUIPMENT” DO NOT INCLUDE SHIPPING PALLETS USED TO TRANSPORT UNPACKAGED FRUITS AND VEGETABLES.

(2);

in line 22, strike “(2) ON” and substitute “(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, ON”; in line 23, after “MANUFACTURE,” insert “LEASE”; in the same line, after “DISTRIBUTE” insert “FOR SALE OR LEASE”; after line 25, insert:

“(4) BEFORE JANUARY 1, 2014, PARAGRAPH (3) OF THIS SUBSECTION DOES NOT APPLY TO:

(I) TRANSPORTATION EQUIPMENT;

(II) MILITARY EQUIPMENT; OR

(III) COMPONENTS OF TRANSPORTATION OR MILITARY EQUIPMENT.”;

and in line 27, strike “January” and substitute “October”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Frush moved to make the Bill a Special Order for later this session.

The motion was adopted.

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

House Bill 502 – Delegates Bohanan, Jameson, Kullen, O'Donnell, and Wood

AN ACT concerning

Calvert, Charles, and St. Mary's Counties – Deer Hunting

HB0502/420412/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 502

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “conditions” in line 11 and substitute “authorizing, in certain counties, the Department of Natural Resources to allow a person to hunt deer on private property on certain Sundays”; in line 12, strike “Damage” and substitute “Management”; in line 14, strike “defining a certain term” and substitute “stating the intent of the General Assembly that the

Department evaluate certain deer hunting opportunities on certain public lands for certain purposes; authorizing, in St. Mary's County, a person who holds a certain permit to hunt deer with a shotgun on private property during certain months; providing for the termination of certain provisions of this Act"; strike beginning with "in" in line 15 down through "counties" in line 16; after line 16, insert:

"BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 10–410(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)";

in line 19, strike "10–408.2 and"; and strike in their entirety lines 22 through 26, inclusive.

AMENDMENT NO. 2

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

On page 3, after line 4, insert:

"10–410.

(a) (1) Except as provided in paragraphs (2), [and] (3), AND (5) of this subsection, a person may not hunt any game bird or mammal on Sundays.

(2) The following persons may hunt the specified game birds and mammals on Sundays:

(i) A person using State certified raptors to hunt game birds or mammals during open season;

(ii) An unarmed person participating in an organized fox chase to chase foxes;

(iii) Provided that the provisions of § 10–906(b)(3) of this title are met, a person:

1. Using a regulated shooting ground under § 10–906 of this title to hunt the following pen-reared game birds:

A. Pheasants;

B. Bobwhite quail;

C. Chukar partridge;

D. Hungarian partridge;

E. Tower released flighted mallard ducks; and

F. Turkey on a regulated shooting ground that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays; and

(iv) Subject to the provisions of § 10–411 of this subtitle, in Dorchester, Frederick, [St. Mary's,] Somerset, Washington, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow during open season on the last three Sundays in October and the second Sunday in November.

(3) Provided that the provisions of § 10–415 of this subtitle are met and subject to paragraph (4) of this subsection, the Department may allow a person to hunt deer on private property on the first Sunday of:

(i) The bow hunting season in November; and

(ii) The deer firearms season.

(4) The Sunday deer hunting provisions under paragraph (3) of this subsection do not apply:

(i) In Baltimore, CALVERT, Carroll, CHARLES, Howard, [and] Prince George's, AND ST. MARY'S counties; and

(ii) In Baltimore City.

(5) (I) THIS PARAGRAPH APPLIES ONLY IN CALVERT COUNTY, CHARLES COUNTY, AND ST. MARY’S COUNTY.

(II) SUBJECT TO §§ 10–411 AND 10–415 OF THIS SUBTITLE, THE DEPARTMENT MAY ALLOW A PERSON TO HUNT DEER ON PRIVATE PROPERTY FROM THE FIRST SUNDAY IN OCTOBER THROUGH THE SECOND SUNDAY IN JANUARY OF THE FOLLOWING YEAR, INCLUSIVE.”.

AMENDMENT NO. 3

On page 3, in line 5, strike “(3)” and substitute:

“10–415.

(D) (1);

in line 6, strike “DAMAGE” and substitute “MANAGEMENT”; in line 7, after “COUNTY” insert “, ISSUED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT,”; and after line 8, insert:

“(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT EVALUATE POTENTIAL DEER HUNTING OPPORTUNITIES ON PUBLIC LANDS MANAGED BY THE DEPARTMENT IN CALVERT COUNTY, CHARLES COUNTY, AND ST. MARY’S COUNTY TO:

(I) MINIMIZE THE IMPACT OF CROP DAMAGE CAUSED BY DEER ON AGRICULTURAL LANDS; AND

(II) MAINTAIN A LOCAL DEER POPULATION APPROPRIATE FOR THE NATURAL ENVIRONMENT.”;

and strike in their entirety lines 9 and 10 and substitute:

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

Article – Natural Resources10–415.

(D) (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ST. MARY’S COUNTY, A PERSON WHO HOLDS A VALID DEER MANAGEMENT PERMIT ISSUED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT MAY HUNT DEER WITH A SHOTGUN ON PRIVATE PROPERTY DURING THE MONTHS OF SEPTEMBER AND OCTOBER.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. Section 2 of this Act shall remain effective for a period of 6 months and, at the end of December 31, 2010, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 729 – Cecil County Delegation

AN ACT concerning

Cecil County – Regulation of Domestic Animals

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 987 – Delegates George, Beidle, Carr, V. Clagett, Frush, Holmes, Hucker, Lafferty, Niemann, Norman, Serafini, Shewell, Sossi, and Stein

AN ACT concerning

Marine Contractors – Licensure and Regulation – Wetland Permits and Authorizations

HB0987/220512/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 987

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “– Wetland Permits and Authorizations” and substitute “– Tidal Wetlands Licenses”; in line 4, after “of” insert “exempting certain licensed marine contractors from certain home improvement contractor licensing requirements; requiring the Department of the Environment to make certain notifications regarding certain wetlands license applications and delineations on or before a certain length of time; requiring the Department to grant, deny, or condition certain tidal wetlands licenses on or before a certain length of time under certain circumstances; requiring the Department to issue a certain public notice and provide an opportunity to submit certain comments or request a certain hearing under certain circumstances; establishing a Marine Contractors Licensing Board; providing for the membership of the Board;”; in line 5, strike “Department of the Environment” and substitute “Board”; strike beginning with “authorizing” in line 6 down through “duties” in line 7 and substitute “establishing certain powers and duties of the Board”; in line 8, after “the” insert “Board to recommend certain regulations for adoption by the”; in the same line, strike “to adopt certain regulations and” and substitute “of the Environment and to”; in line 9, strike “roster” and substitute “record”; in lines 13, 14, 16, 17, 18, 24, 28, and 30, in each instance, strike “Secretary” and substitute “Board”; in line 19, strike “providing that a license is void under certain circumstances;”; in line 23, after “to” insert “adopt regulations to”; in line 24, after “of” insert “certain”; in line 26, strike “the” and substitute “a”; in line 27, strike “a certain fee” and substitute “certain fees”; and in line 29, strike “a firm” and substitute “an entity”.

On page 2, in line 2, strike “Secretary” and substitute “Board”; in line 3, after “deny,” insert “refuse to renew,”; in line 6, after “law,” insert “establishing a civil penalty for certain violations; requiring certain penalties that are collected to be paid into the Wetlands and Waterways Program Fund for administration of the Board;”; strike beginning with “requiring” in line 6 down through “association,” in line 17; in line 18, strike “or consult”; in line 19, after “circumstances,” insert “providing that certain property owners are not required to hire a licensed marine contractor under”

certain circumstances;”; in the same line, after “establishing” insert “a”; in the same line, strike “administrative fines” and substitute “fine”; in lines 19 and 20, strike “or consult”; in line 20, after “required;” insert “establishing a certain notification requirement applicable to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; providing for certain processing times for certain tidal wetlands license applications;”; strike beginning with “and” in line 21 down through “term” in line 22 and substitute “; requiring all marine contractors performing certain services to register with the Department and pay a certain fee on or before a certain date; prohibiting a marine contractor that fails to register from performing or soliciting to perform certain services after a certain date; requiring the Department, for certain initial recommendations of appointments to the Board, to select marine contractors from a certain list”; and strike beginning with the first “and” in line 23 down through “process” in line 24.

AMENDMENT NO. 2

On page 2, after line 24, insert:

“BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 8–301

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 16–101(h) through (n) and 16–202

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)”;

in line 26, strike “Business Occupations and Professions” and substitute “Environment”; in line 27, strike “22–101 through 22–401” and substitute “16–101(h) and 16–106; and 17–101 through 17–403”; and in the same line, strike “22.” and substitute “17.”; in line 30, strike “2004” and substitute “2007”.

On pages 2 and 3, strike in their entirety the lines beginning with line 31 on page 2 through line 2 on page 3.

AMENDMENT NO. 3

On page 3, after line 4, insert:

“Article – Business Regulation8–301.

(a) Except as otherwise provided in this title, a person must have a contractor license whenever the person acts as a contractor in the State.

(b) Except as otherwise provided in this title, a person must have a subcontractor license or contractor license whenever the person acts as a subcontractor in the State.

(c) Except as otherwise provided in this title, a person must have a salesperson license or contractor license whenever the person sells a home improvement in the State.

(d) This section does not apply to:

(1) an individual who works for a contractor or subcontractor for a salary or wages but who is not a salesperson for the contractor;

(2) a clerical employee, retail clerk, or other employee of a licensed contractor who is not a salesperson, as to a transaction on the premises of the licensed contractor;

(3) a solicitor for a contractor who calls an owner by telephone only;

(4) an architect, electrician, plumber, heating, ventilation, air-conditioning, or refrigeration contractor, or other person who:

(i) is required by State or local law to meet standards of competency or experience before engaging in an occupation or profession;

(ii) currently is licensed in that occupation or profession under State or local law; and

(iii) is:

1. acting only within the scope of that occupation or profession; or

2. installing a central heating or air-conditioning system;

(5) a security systems technician licensed under Title 18 of the Business Occupations and Professions Article; [or]

(6) A MARINE CONTRACTOR LICENSED UNDER TITLE 17, SUBTITLE 3 OF THE ENVIRONMENT ARTICLE; OR

[(6)] (7) a person who is selling a home improvement to be performed by a person described in item (4) of this subsection.

Article – Environment

16–101.

(H) “LICENSED MARINE CONTRACTOR” HAS THE MEANING STATED IN TITLE 17, SUBTITLE 3 OF THIS ARTICLE.

[(h)] (I) (1) “Pier” means any pier, wharf, dock, walkway, bulkhead, breakwater, piles, or other similar structure.

(2) “Pier” does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.

[(i)] (J) “Person” means any natural person, partnership, joint-stock company, unincorporated association or society, the federal government, the State, any unit of the State, a political subdivision, or other corporation of any type.

[(j)] (K) (1) “Private wetlands” means any land not considered “State wetland” bordering on or lying beneath tidal waters, which is subject to regular or periodic tidal action and supports aquatic growth.

(2) “Private wetlands” includes wetlands, transferred by the State by a valid grant, lease, patent, or grant confirmed by Article 5 of the Maryland Declaration of Rights, to the extent of the interest transferred.

~~[(k)]~~ (L) (1) “Public notice” means the public notice and public informational hearing procedures established in § 5–204(b) through (e) of this article.

(2) “Public notice” does not mean notice as provided for in § 16–303 of this title.

~~[(l)]~~ (M) “Regular or periodic tidal action” means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by wind or any other circumstance.

~~[(m)]~~ (N) “Secretary” means the Secretary of the Environment.

~~[(n)]~~ (O) “State wetlands” means any land under the navigable waters of the State below the mean high tide, affected by the regular rise and fall of the tide. Wetlands of this category which have been transferred by the State by valid grant, lease, patent or grant confirmed by Article 5 of the Maryland Declaration of Rights shall be considered “private wetland” to the extent of the interest transferred.

16–106.

(A) (1) A PERSON THAT UNDERTAKES OR AUTHORIZES AN ACTIVITY THAT REQUIRES A LICENSE OR PERMIT UNDER THIS TITLE SHALL:

(I) HIRE A LICENSED MARINE CONTRACTOR TO DO THE WORK; OR

(II) BE A LICENSED MARINE CONTRACTOR.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOMEOWNER SHALL BE EXEMPT FROM THE REQUIREMENT TO BE OR TO HIRE A LICENSED MARINE CONTRACTOR UNDER SUBSECTION (A) OF THIS SECTION IF:

(I) THE HOMEOWNER PERFORMS MARINE CONTRACTOR SERVICES ON THE HOMEOWNER’S PROPERTY; AND

(II) THE HOMEOWNER OBTAINS THE NECESSARY TIDAL WETLANDS LICENSES OR PERMITS REQUIRED UNDER THIS TITLE.

(B) (1) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION OR ANY REGULATION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(2) EACH DAY THAT A PERSON CONDUCTS MARINE CONTRACTOR SERVICES WITHOUT A LICENSE CONSTITUTES A SEPARATE OFFENSE.

(C) (1) IN ADDITION TO ANY OTHER SANCTION UNDER THIS SECTION, A CIVIL ACTION MAY BE BROUGHT AGAINST A PERSON FOR A VIOLATION OF SUBSECTION (A) OF THIS SECTION OR ANY REGULATION ADOPTED UNDER THIS SECTION.

(2) A PERSON MAY BE LIABLE FOR A CIVIL PENALTY UNDER THIS SUBSECTION NOT TO EXCEED \$10,000 FOR EACH VIOLATION.

(D) ANY PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE WETLANDS AND WATERWAYS PROGRAM FUND ESTABLISHED UNDER § 5-203.1 OF THIS ARTICLE, FOR THE ADMINISTRATION OF THE MARINE CONTRACTORS LICENSING BOARD ESTABLISHED UNDER TITLE 17 OF THIS ARTICLE.

(E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ADMINISTER AND ENFORCE THE PROVISIONS OF THIS SECTION.

16-202.

(a) A person may not dredge or fill on State wetlands without a license.

(B) TO APPLY FOR A LICENSE, THE APPLICANT SHALL SUBMIT A DELINEATION OF THE AFFECTED TIDAL WETLANDS AND ALL OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(C) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, WITHIN 45 DAYS FROM RECEIPT OF THE APPLICATION, THE DEPARTMENT SHALL NOTIFY THE APPLICANT WHETHER THE APPLICATION IS COMPLETE AND WHETHER THE DELINEATION IS CORRECT.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF THE DEPARTMENT FAILS TO NOTIFY THE APPLICANT ABOUT THE APPLICATION OR DELINEATION WITHIN 45 DAYS, THE DELINEATION SHALL BE TREATED BY THE DEPARTMENT AS CORRECT, AND THE APPLICATION SHALL BE TREATED AS COMPLETE.

(3) UPON WRITTEN NOTICE TO THE APPLICANT, THE DEPARTMENT MAY PROVIDE FOR AN EXTENSION OF THE DEADLINE UNDER THIS SUBSECTION IF THE FOLLOWING EXTENUATING CIRCUMSTANCES PREVENT CONSIDERATION OF THE APPLICATION:

(I) INCLEMENT WEATHER CONDITIONS;

(II) A REVIEW IS REQUIRED BY A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY; OR

(III) A REQUEST IS MADE BY AN APPLICANT.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ONCE THE APPLICATION IS COMPLETE IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT SHALL GRANT, DENY, OR CONDITION A LICENSE WITHIN 45 DAYS IF:

(I) THE APPLICATION IS NOT SUBJECT TO PUBLIC NOTICE AND HEARING REQUIREMENTS UNDER SUBSECTION (G) OF THIS SECTION; OR

(II) THE APPLICATION DOES NOT REQUIRE AN ACTION BY THE BOARD.

(2) UPON WRITTEN NOTICE TO THE APPLICANT, THE DEPARTMENT MAY PROVIDE FOR A 30-DAY EXTENSION OF THE DEADLINE

UNDER THIS SUBSECTION FOR THE FOLLOWING EXTENUATING CIRCUMSTANCES:

(I) A REVIEW IS REQUIRED BY A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY; OR

(II) A REQUEST IS MADE BY AN APPLICANT.

(E) (1) ONCE THE APPLICATION IS COMPLETE UNDER SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT SHALL ISSUE PUBLIC NOTICE OF AN OPPORTUNITY TO SUBMIT WRITTEN COMMENTS OR TO REQUEST A HEARING IN ACCORDANCE WITH § 5-204(B) THROUGH (E) OF THIS ARTICLE.

(2) A HEARING REQUESTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE HELD WITHIN 45 DAYS OF THE HEARING REQUEST, UNLESS EXTENUATING CIRCUMSTANCES JUSTIFY AN EXTENSION OF TIME.

(3) THE HEARING THAT MAY BE REQUESTED UNDER THIS SUBSECTION IS NOT A CONTESTED CASE HEARING UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

[(b)] (F) The Secretary shall assist the Board in determining whether to issue a license to dredge or fill State wetlands. The Secretary shall submit a report indicating whether the license should be granted and, if so, the terms, conditions, and consideration required after consultation with any interested federal, State, and local unit, and after issuing public notice, holding any requested hearing, and taking any evidence the Secretary thinks advisable.

[(c)] (G) (1) Upon receipt of a report by the Secretary, the Board shall decide if issuance of the license is in the best interest of the State, taking into account the varying ecological, economic, developmental, recreational, and aesthetic values each application presents. If the Board decides to issue the license, the issuance of the license shall be for consideration and on terms and conditions the Board determines. Every license shall be in writing.

(2) With respect to an application for a license to fill or construct a shore erosion control structure other than riprap on State wetlands, the Board may

issue the license without public notice if the fill area is less than 300 feet in length parallel to the fast land as close to the fast land as structurally feasible but not more than 10 feet channelward of the mean high water line and if after a site visit the report of the Secretary recommends that the license be granted. The Board may issue a license without public notice where an emergency exists caused by act of God, natural disaster, catastrophe, or other similar natural event when the health, safety, or welfare of the citizens of the State would be jeopardized by a delay caused by time requirements for public notice. However, the license may be granted by the Board only with the concurrence of the Secretary. The Secretary shall provide prompt public notice of the emergency license issuance and the opportunity to submit written comments or to request a hearing to determine whether the emergency license shall be revoked or made permanent. If a hearing is requested, the hearing shall be scheduled within 30 days of the emergency issuance of the license.

(3) If the report of the Secretary recommends that a license be granted, the Board may issue the license without public notice:

(i) To fill or construct a shore erosion control structure of riprap on State wetlands if the fill area is less than 500 feet in length parallel to the fast land as close to the fast land as structurally feasible but not more than 10 feet channelward of the mean high water line;

(ii) To repair or replace a bulkhead for the purpose of shore erosion control where the bulkhead is presently functional, but is deteriorating or damaged, provided that the repair or replacement structure does not extend more than 18 inches channelward of the existing structure. Repair or replacement may include riprap placed along the base of the bulkhead, provided that the riprap shall not extend more than 10 feet channelward of the bulkhead;

(iii) To fill near shore shallow water bottom extending no more than 35 feet channelward of the mean high water line provided the fill area is less than 500 feet in length parallel to the fast land for the purpose of shore erosion control by landscaping and wetland plant establishment;

(iv) To construct or repair a private noncommercial boat ramp provided the ramp does not exceed 12 feet in width and extend more than 30 feet channelward of the mean high water line; or

(v) To maintenance dredge a mooring, private or commercial boat ramp, mobile boat hoist slip, or marine railway when no more than 100 cubic yards of material nor an area greater than 1,500 square feet need to be dredged.

(4) With respect to the maintenance dredging of projects in State wetlands for which a license is to be issued, the license may include provision for periodic maintenance dredging if recommended by the report of the Secretary provided that the maintenance dredging be effected:

(i) Within the area, depth, and in conformity with other limitations contained in the license;

(ii) That no more than 500 cubic yards of material be dredged at each maintenance dredging to restore licensed works;

(iii) That the material from maintenance dredging be deposited upon the designated or other upland site approved by the Secretary; and

(iv) That the Secretary be notified and approve of each maintenance dredging operation.

(5) The provisions for periodic maintenance dredging under paragraph (4) of this subsection shall be effective for no more than 6 years beyond the date of issuance of the license.

(6) If the licensee desires to continue maintenance dredging beyond the expiration date authorized in paragraph (5) of this subsection, the licensee must obtain a new license by submitting an application to the Board for review in accordance with the procedures of this section.

[(d)] (H) The provisions of this section do not apply to any operation for:

(1) Dredging and filling being conducted as of July 1, 1970, as authorized under the terms of an appropriate permit or license granted under the provisions of existing State and federal law;

(2) Dredging of seafood products by any licensed operator, harvesting of seaweed, or mosquito control and abatement as approved by the Department of Agriculture;

(3) Improvement of wildlife habitat or agricultural drainage ditches as approved by an appropriate unit;

(4) Routine maintenance or repair of existing bulkheads, provided that there is no addition or channelward encroachment; or

(5) Aquaculture activities occurring in Aquaculture Enterprise Zones established under Title 4, Subtitle 11A of the Natural Resources Article under an aquaculture lease issued by the Department of Natural Resources.

[(e)] (I) (1) The Board may not approve a license or an amendment to a license authorizing the dredge material deposited in the Hart–Miller Island Dredged Material Containment Facility to exceed an elevation of:

(i) 44 feet above the mean low water mark in the north cell; and

(ii) 28 feet above the mean low water mark in the south cell.

(2) On or after January 1, 2010, the Board may not approve a license or an amendment to a license authorizing the deposit of dredge material at the Hart–Miller Dredged Material Containment Facility.”.

AMENDMENT NO. 4

On page 3, strike line 5 in its entirety; in line 6, strike “**22.**” and substitute “**17.**”; in line 8, strike “**22–101.**” and substitute “**17–101.**”; in line 11, strike “**DEPARTMENT**” and substitute “**BOARD**”; in the same line, strike “**DEPARTMENT OF THE ENVIRONMENT**” and substitute “**MARINE CONTRACTORS LICENSING BOARD**”; in line 12, strike “**FIRM**” and substitute “**ENTITY**”; in the same line, after “**A**” insert “**PROFESSIONAL**”; in line 15, strike “**SECRETARY**” and substitute “**BOARD**”; in the same line, after “**TO**” insert “**AN INDIVIDUAL OR ENTITY TO**”; in line 16, strike “**PROVIDE**” and substitute “**PERFORM**”; strike beginning with “**A**” in line 17 down through “**STATE**” in line 19 and substitute “**AN INDIVIDUAL OR ENTITY THAT HAS RECEIVED A LICENSE FROM THE BOARD TO PERFORM MARINE CONTRACTOR SERVICES**”; in line 20, strike “**THE**”; in line 21, after “**INSTALLATION,**” insert “**ALTERATION,**”; in the same line, strike “**SALE,**”; in lines 21 and 22, strike “**OF STRUCTURES**” and substitute “**ACTIVITIES**”; in line 22, strike “**THE STATE’S**” and substitute “**, ON, OVER, OR UNDER STATE OR PRIVATE**”; in the same line, strike

“AND NONTIDAL”; strike beginning with the last comma in line 22 down through “WHARFS” in line 26; in line 27, strike “THE” and substitute “;

(I) DREDGING AND FILLING;

(II) THE CONSTRUCTION, DEMOLITION, INSTALLATION, ALTERATION, REPAIR, OR SALVAGE OF STRUCTURES, INCLUDING BOATHOUSES, BOAT OR OTHER PERSONAL WATERCRAFT LIFTS OR RAMPS, SLIPS, DOCKS, FLOATING PLATFORMS, MOORINGS, PIERS, PIER ACCESS STRUCTURES, PILINGS, WETLAND OBSERVATION PLATFORMS, WETLAND WALKWAYS, AND WHARFS; AND

(III) THE;

in line 28, after “INSTALLATION,” insert “ALTERATION,”; in the same line, strike “SALE,”; in line 29, strike “MECHANISMS” and substitute “MEASURES”; in line 30, strike “AND”; and in line 31, after “SILLS” insert “, MARSH ESTABLISHMENTS, AND BEACH NOURISHMENT OR OTHER SIMILAR PROJECTS”.

AMENDMENT NO. 5

On page 4, strike line 1 in its entirety; in line 2, strike “SECRETARY” and substitute “MARINE CONTRACTORS LICENSING BOARD”; in line 3, strike “22-201.” and substitute “17-201.”; in line 4, before “SUBJECT” insert:

“(A) THERE IS A MARINE CONTRACTORS LICENSING BOARD.

(B);

in the same line, strike “SECRETARY” and substitute “BOARD”; in line 5, strike “PERSONS” and substitute “INDIVIDUALS AND ENTITIES”; and after line 6, insert:

“17-202.

(A) (1) THE BOARD CONSISTS OF SEVEN MEMBERS APPOINTED BY THE GOVERNOR, WITH THE ADVICE OF THE SECRETARY, AND WITH THE ADVICE AND CONSENT OF THE SENATE.

(2) OF THE SEVEN MEMBERS:

(I) ONE SHALL BE EMPLOYED BY THE DEPARTMENT;

(II) ONE SHALL BE EMPLOYED BY THE DEPARTMENT OF NATURAL RESOURCES;

(III) THREE SHALL BE LICENSED MARINE CONTRACTORS AND SHALL INCLUDE:

1. ONE FROM ANNE ARUNDEL, CALVERT, CHARLES, PRINCE GEORGE'S, OR ST. MARY'S COUNTIES;

2. ONE FROM BALTIMORE CITY, OR BALTIMORE, CECIL, HARFORD, KENT, OR QUEEN ANNE'S COUNTIES; AND

3. ONE FROM CAROLINE, DORCHESTER, SOMERSET, TALBOT, WICOMICO, OR WORCESTER COUNTIES; AND

(IV) TWO SHALL BE PRIVATE CITIZENS, APPOINTED AT LARGE, WHO REPRESENT DIVERSE INTERESTS, AND SHALL INCLUDE:

1. ONE FROM BALTIMORE CITY, OR ANNE ARUNDEL, BALTIMORE, CALVERT, CHARLES, HARFORD, PRINCE GEORGE'S, OR ST. MARY'S COUNTIES; AND

2. ONE FROM CAROLINE, CECIL, DORCHESTER, KENT, QUEEN ANNE'S, SOMERSET, TALBOT, WICOMICO, OR WORCESTER COUNTIES.

(B) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

(C) (1) THE TERM OF A MEMBER OF THE BOARD IS 3 YEARS.

(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(D) THE GOVERNOR MAY REMOVE A MEMBER FROM THE BOARD FOR INCOMPETENCE, MISCONDUCT, NEGLECT OF DUTY, OR OTHER SUFFICIENT CAUSE.

17-203.

(A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR, VICE CHAIR, AND SECRETARY ANNUALLY.

(B) THE BOARD SHALL DETERMINE THE MANNER OF THE ELECTION OF OFFICERS.

17-204.

(A) THE BOARD SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

(B) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(C) THE BOARD MAY EMPLOY STAFF IN ACCORDANCE WITH THE STATE BUDGET.”.

AMENDMENT NO. 6

On page 4, in line 7, strike “**22-202.**” and substitute “**17-205.**”; strike beginning with “**IN**” in line 8 down through “**SECRETARY**” in line 9 and substitute “**THE BOARD**”; in line 10, strike “**ADOPT**” and substitute “**RECOMMEND**”; in the same line, after “**REGULATIONS**” insert “**FOR ADOPTION BY THE SECRETARY**”; in

the same line, after “OUT” insert “THE PROVISIONS OF”; in the same line, after the semicolon insert “AND”; strike beginning with “USE” in line 11 down through “MAKE” in line 13 and substitute “MAKE”; strike beginning with “IN” in line 15 down through “SECRETARY” in line 16 and substitute “THE BOARD”; strike beginning with “ADOPT” in line 17 down through “AND” in line 18 and substitute “CARRY OUT THE PROVISIONS OF THIS TITLE”;

(2) COLLECT AND ACCOUNT FOR THE FEES PROVIDED FOR UNDER THIS TITLE; AND;

in line 19, strike “(2) KEEP” and substitute “(3) KEEP”; in the same line, strike “ROSTER” and substitute “CURRENT RECORD”; in the same line, strike “THE” and substitute “ALL”; in lines 19 and 20, strike “FIRMS WITH LICENSES” and substitute “ENTITIES LICENSED”; in line 20, strike “ON THE ROSTER”; in line 21, strike “THE” and substitute “THE”; in the same line, strike “FIRMS” and substitute “ENTITIES THAT ARE”; in line 22, strike “THE LICENSE” and substitute “THE”; in the same line, after “DATES” insert “OF THE LICENSES”; in line 23, strike “ANY” and substitute “ANY”; in the same line, strike “SECRETARY” and substitute “BOARD”; and after line 24, insert:

“17-206.

(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND OTHER SERVICES THAT THE BOARD PROVIDES.

(2) THE FEES IMPOSED BY THE BOARD SHALL BE SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COSTS OF MAINTAINING THE BOARD.

(B) THE BOARD SHALL PAY ALL FUNDS COLLECTED UNDER THIS TITLE INTO THE WETLANDS AND WATERWAYS PROGRAM FUND UNDER § 5-203.1 OF THIS ARTICLE FOR THE ADMINISTRATION OF THE BOARD.”.

AMENDMENT NO. 7

On page 4, in line 25, strike “MARINE CONTRACTOR LICENSES” and substitute “LICENSING”; and in line 26, strike “22-301.” and substitute “17-301.”.

On page 5, in line 1, strike “A” and substitute “EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A”; in the same line, strike “SECRETARY” and substitute “BOARD”; and in line 2, strike “FIRM” and substitute “ENTITY THAT IS”; in line 4, strike “PROVIDE” and substitute “PERFORM”; in line 5, strike “SOLICIT” and substitute “SOLICIT”; in the same line, strike “PROVIDE” and substitute “PERFORM”; in line 7, strike “A FIRM” and substitute “AN ENTITY”; after line 7, insert:

“(C) AN INDIVIDUAL WHO IS EMPLOYED BY AN AGENCY OF THE FEDERAL GOVERNMENT OR THE STATE MAY PERFORM MARINE CONTRACTOR SERVICES WHILE IN THE PERFORMANCE OF THE DUTIES OF THEIR EMPLOYMENT WITHOUT HAVING TO OBTAIN A LICENSE FROM THE BOARD UNDER THIS TITLE.”;

in line 8, strike “22-302.” and substitute “17-302.”; in line 10, after “SECTION” insert “AND ANY REGULATIONS ADOPTED UNDER THIS SECTION”; in lines 11 and 14, in each instance, strike “A FIRM” and substitute “AN ENTITY”; in lines 11, 12, and 13, in each instance, strike “FIRM” and substitute “ENTITY”; in lines 16 and 21, in each instance, strike “HAVE” and substitute “HAVE”; in line 17, after “CONTRACTOR” insert “OR DEMONSTRATE SIMILAR CONTRACTOR EXPERIENCE”; in line 18, strike “PASS” and substitute “PASS”; strike beginning with “SECRETARY” in line 19 down through “ASSOCIATION” in line 20 and substitute “BOARD”; in line 21, after “NUMBER;” insert “AND”; strike beginning with “BE” in line 22 down through “CARRY” in line 24 and substitute “CARRY”; in line 25, strike “COMMERCIAL” and substitute “COMMERCIAL”; and in line 27, strike “WORKERS” and substitute “WORKERS”.

AMENDMENT NO. 8

On page 5, in line 29, strike “22-303.” and substitute “17-303.”.

On page 6, in line 1, strike “AN” and substitute “TO APPLY FOR A LICENSE, AN”; and in the same line, strike “FOR A LICENSE”; in lines 2, 3, 6, 14, and 20, in each instance, strike “SECRETARY” and substitute “BOARD”; in lines 2 and 4, in each instance, strike “SUBMIT” and substitute “SUBMIT”; in line 6, strike “PAY” and substitute “PAY”; in the same line, after the second “THE” insert “REQUIRED APPLICATION”; strike beginning with “REQUIRED” in line 6 down through “SECTION” in line 7 and substitute “SET BY THE BOARD”; in lines 8 and 19, in each instance, strike “A FIRM” and substitute “AN ENTITY”; in line 10, strike “FIRM’S” and substitute “ENTITY’S”; strike beginning with “AN” in line 11 down through “(C)” in

line 13; in lines 15, 16, 17, and 27, in each instance, strike the first “**THE**” and substitute “**THE**”; in line 21, strike “**A**” and substitute “**A**”; in the same line, strike “**FIRM’S**” and substitute “**ENTITY’S**”; in line 22, strike “**FOR**” and substitute “**FOR**”; and in the same line, strike “**FIRM**” and substitute “**ENTITY**”.

On page 7, in line 1, strike “**ANY**” and substitute “**ALL**”; in the same line, strike “**NAME**” and substitute “**NAMES**”; and in line 2, strike “**CONDUCTING THE BUSINESS OF MARINE CONTRACTING**” and substitute “**PERFORMING MARINE CONTRACTOR SERVICES**”; in line 4, strike “**AS**” and substitute “**AS**”; in lines 4, 8, 15, 21, 26, 29, and 30, in each instance, strike “**SECRETARY**” and substitute “**BOARD**”; in line 6, strike “**AN**” and substitute “**AN**”; in line 7, strike “**IF**” and substitute “**IF**”; in lines 7 and 13, in each instance, strike “**A FIRM**” and substitute “**AN ENTITY**”; in lines 7 and 16, in each instance, strike “**FIRM**” and substitute “**ENTITY**”; in lines 8, 11, and 17, strike “**(D)**”, “**(E)**”, and “**(F)**”, respectively, and substitute “**(C)**”, “**(D)**”, and “**(E)**”, respectively; in line 10, strike “**§ 22-401**” and substitute “**§ 17-403**”; in line 11, strike “**APPLICATION**” and substitute “**INDIVIDUAL SHALL SIGN THE APPLICATION**”; in line 12, strike “**SHALL BE SIGNED,**”; in the same line, strike “**, BY THE INDIVIDUAL**”; strike beginning with the second “**THE**” in line 13 down through “**AS**” in line 14; in line 15, after “**MEMBER**” insert “**OF THE ENTITY SHALL SIGN THE APPLICATION FORM UNDER OATH**”; in line 18, strike “**§ 22-302(C)(5)**” and substitute “**§ 17-302(C)(4)**”; in lines 20 and 25, strike “**22-304.**” and “**22-305.**”, respectively, and substitute “**17-304.**” and “**17-305.**”, respectively; in line 27, strike “**EACH**” and substitute “**ANY**”; in line 28, strike “**SUBTITLE**” and substitute “**TITLE AND ANY REGULATION ADOPTED UNDER THIS TITLE**”.

On page 8, in lines 1, 3, 4, 5, and 7, in each instance, strike the first “**THE**” and substitute “**THE**”; in line 2, strike “**THE**” and substitute “**THE**”; in lines 4, 8, and 15, in each instance, strike “**A FIRM**” and substitute “**AN ENTITY**”; strike in their entirety lines 9 through 13, inclusive; and in lines 14 and 22, strike “**22-306.**” and “**22-307.**”, respectively, and substitute “**17-306.**” and “**17-307.**”, respectively; in lines 16 and 21, in each instance, strike “**FIRM**” and substitute “**ENTITY**”; in line 17, strike “**EMPLOY**” and substitute “**EMPLOY**”; in line 20, strike “**REPRESENT**” and substitute “**REPRESENT**”; and in line 24, strike “**INCLUDE**” and substitute “**INCLUDE**”.

On page 9, in line 1, strike “**PROMINENTLY**” and substitute “**PROMINENTLY**”; in line 4, strike “**22-308**” and substitute “**17-308**”; in line 5, strike “**BY**”

REGULATION, THE” and substitute “THE”; in the same line, after “SHALL” insert “ADOPT REGULATIONS TO”; in line 7, strike “THE” and substitute “A”; in the same line, after “SETS” insert “, IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION”; in lines 8 and 27, in each instance, strike “SECRETARY” and substitute “BOARD”; in line 8, strike “1 MONTH” and substitute “2 MONTHS”; in line 9, strike “MAIL” and substitute “SEND”; in the same line, strike “AT” and substitute “, BY FIRST-CLASS MAIL OR ELECTRONICALLY, TO”; in lines 11 and 12, in each instance, strike “A” and substitute “A”; in lines 13 and 17, in each instance, strike the first “THE” and substitute “THE”; in line 14, strike “THAT THE SECRETARY” and substitute “THE DATE BY WHICH THE BOARD”; in line 15, strike “AT LEAST 15 DAYS BEFORE THE LICENSE EXPIRATION DATE”; in line 18, strike “A” and substitute “BEFORE A LICENSE EXPIRES, THE”; in line 20, strike “IS” and substitute “IS”; in line 21, strike “(I) PAYS TO THE SECRETARY A” and substitute “PAYS TO THE BOARD”;

(I) THE REQUIRED;

in the same line, strike “OF \$300” and substitute “SET BY THE BOARD”; in line 22, strike “PAYS TO THE SECRETARY ANY” and substitute “ANY”; in the same line, after “FEES;” insert “AND”; in line 23, strike “SUBMITS” and substitute “SUBMITS”; strike beginning with “SECRETARY” in line 23 down through “AND” in line 25 and substitute “BOARD”;

(I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION;

(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE INSURANCE REQUIREMENTS ESTABLISHED UNDER § 17-302 OF THIS SUBTITLE;

(III) SATISFACTORY EVIDENCE OF THE RESOLUTION OF ANY LICENSE VIOLATIONS, SUSPENSIONS, DENIALS, REVOCATIONS, OR OTHER BOARD ACTIONS TAKEN UNDER THIS TITLE; AND;

in line 26, strike “(4) SUBMITS TO THE SECRETARY A” and substitute “**(IV) A**”; and after line 27, insert:

“(E) (1) A LICENSEE SHALL COMPLETE 12 HOURS OF CONTINUING EDUCATION INSTRUCTION COVERING MARINE CONTRACTOR SUBJECT MATTER APPROVED BY THE BOARD.

(2) (I) THE BOARD SHALL APPROVE THE SUBSTANCE AND FORM OF A CONTINUING EDUCATION COURSE IF THE COURSE IS:

1. OFFERED BY A QUALIFIED INSTRUCTOR; OR

2. CONDUCTED BY AN EDUCATIONAL INSTITUTION APPROVED BY THE BOARD.

(II) THE LICENSEE IS RESPONSIBLE FOR THE COST OF ANY CONTINUING EDUCATION COURSE.”.

On page 10, in line 1, strike “(E)” and substitute “(F)”; in lines 1 and 5, in each instance, strike “**SECRETARY**” and substitute “**BOARD**”; in line 3, strike “**22-309.**” and substitute “**17-309.**”; and in line 4, strike “**THAT IS A FIRM**”; in line 6, strike “**THE ADDITION OF A BRANCH OFFICE**” and substitute “**IF THE LICENSEE IS AN INDIVIDUAL OR ENTITY, ANY CHANGE IN THE ADDRESS OR TELEPHONE NUMBER OF AN EXISTING OFFICE OR PRINCIPAL PLACE OF BUSINESS**”; strike beginning with “ANY” in line 7 down through “OFFICE” in line 8 and substitute “**IF THE LICENSEE IS AN ENTITY, THE ADDITION OF A BRANCH OFFICE**”; in line 9, strike “**22-310.**” and substitute “**17-310.**”; in line 12, strike “(B)” and substitute “(C)”; in lines 12, 15, 16, and 22, in each instance, strike “**SECRETARY**” and substitute “**BOARD**”; in line 13, after “**DENY,**” insert “**REFUSE TO RENEW,**”; in line 14, strike “**VIOLATES**” and substitute “**;**”

(1) VIOLATES”;

in the same line, after “**TITLE**” insert “**OR ANY REGULATION ADOPTED UNDER THIS TITLE;**”

(2) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE LICENSEE OR FOR ANOTHER PERSON;

(3) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(4) COMMITS ANY GROSS NEGLIGENCE, INCOMPETENCE, OR MISCONDUCT WHILE PRACTICING MARINE CONTRACTOR SERVICES;

(5) FAILS TO COMPLY WITH THE TERMS OF A TIDAL WETLANDS AUTHORIZATION ISSUED UNDER § 16-202 OR § 16-307 OF THIS ARTICLE;

(6) VIOLATES ANY PROVISION OF, OR REGULATIONS ADOPTED UNDER, § 16-202 OR § 16-307 OF THIS ARTICLE; OR

(7) IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA, AS DEFINED UNDER § 8-1802 OF THE NATURAL RESOURCES ARTICLE, FAILS TO COMPLY WITH:

(I) THE TERMS OF A STATE OR LOCAL PERMIT, LICENSE, OR APPROVAL; OR

(II) ANY STATE OR LOCAL LAW, AN APPROVED PLAN, OR OTHER LEGAL REQUIREMENT”;

in line 15, after “(B)” insert “THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, ESTABLISHED UNDER TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES ARTICLE, SHALL NOTIFY THE BOARD OF ANY LICENSED MARINE CONTRACTOR OR APPLICANT FOR A LICENSE THAT FAILS TO COMPLY WITH ANY REQUIREMENT UNDER SUBSECTION (A)(7) OF THIS SECTION.

(C)”;

strike beginning with “HOLD” in line 18 down through “ARTICLE” in line 19 and substitute “THE OPPORTUNITY FOR A HEARING BEFORE THE BOARD”; after line 19, insert:

“(2) THE BOARD SHALL PROVIDE NOTICE AND HOLD A HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(3) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE SHALL BE:

(I) SERVED PERSONALLY ON THE INDIVIDUAL; OR

(II) SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL OR ENTITY.”;

in line 20, strike “(2)” and substitute “(4)”; after line 22, insert:

“(D) EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD MAY TAKE AN APPEAL AS AUTHORIZED UNDER §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.”;

and in line 23, strike “(C)” and substitute “(E)”.

AMENDMENT NO. 9

On page 10, after line 27, insert:

“17-401.

AN INDIVIDUAL OR ENTITY MAY NOT CONDUCT, ATTEMPT TO CONDUCT, OR OFFER TO CONDUCT MARINE CONTRACTOR SERVICES UNLESS THE INDIVIDUAL OR ENTITY IS LICENSED BY THE BOARD.

17-402.

UNLESS AUTHORIZED TO PERFORM MARINE CONTRACTOR SERVICES UNDER THIS TITLE, AN INDIVIDUAL OR ENTITY MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL OR ENTITY IS AUTHORIZED TO PERFORM MARINE CONTRACTOR SERVICES IN THE STATE.”;

in line 28, strike “**22-401.**” and substitute “**17-403.**”; in line 29, before “**A**” insert “**(A)**”; in the same line, strike “**KNOWINGLY**”; in the same line, after “**TITLE**” insert “**OR ANY REGULATION ADOPTED UNDER THIS TITLE**”; in line 31, strike “**\$1,000**” and substitute “**\$10,000**”; and after line 31, insert:

“(2) EACH DAY THAT A PERSON CONDUCTS MARINE CONTRACTOR SERVICES WITHOUT A LICENSE CONSTITUTES A SEPARATE OFFENSE.

(B) (1) IN ADDITION TO ANY OTHER SANCTION UNDER THIS SUBTITLE, A CIVIL ACTION MAY BE BROUGHT AGAINST A PERSON FOR A VIOLATION OF THIS TITLE, OR ANY REGULATION ADOPTED UNDER THIS TITLE.

(2) A PERSON MAY BE LIABLE FOR A CIVIL PENALTY UNDER THIS SUBSECTION NOT TO EXCEED \$10,000 FOR EACH VIOLATION.

(C) ANY PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE WETLANDS AND WATERWAYS PROGRAM FUND, ESTABLISHED UNDER § 5-203.1 OF THIS ARTICLE, TO BE USED FOR THE ADMINISTRATION OF THE BOARD.

On pages 11 through 19, strike in their entirety the lines beginning with line 1 on page 11 through line 25 on page 19, inclusive.

AMENDMENT NO. 10

On page 19, after line 25, insert:

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

(a) (1) On or before December 31, 2010, all marine contractors performing marine contractor services in the State or soliciting to perform marine contractor services in the State shall:

(i) Register with the Department of the Environment; and

(ii) Pay a \$300 registration fee.

(2) The registration required under paragraph (1) of this subsection shall expire on December 31, 2011, unless extended by an action of the Board.

(b) After December 31, 2010, any marine contractor that fails to register with the Department may not perform or solicit to perform marine contractor services in the State and shall be subject to the penalties established in § 17-403 of the Environment Article, as enacted by Section 1 of this Act.

(c) For the initial three licensed marine contractor members required to be appointed to the Marine Contractors Licensing Board in accordance with § 17-202 of the Environment Article, as enacted by Section 1 of this Act, the Department shall select marine contractors from the list of the registrants compiled under subsection (a) of this section for recommendation to the Governor for appointment to the Board.”;

and in line 26, strike “2.” and substitute “3.”.

The preceding 10 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Impallaria moved to make the Bill a Special Order for later this session.

The motion was adopted.

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

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

AN ACT concerning

Department of Natural Resources – Vessel Noise – Limitation

SB0070/390017/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 70

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 6 down through “violation;” in line 7.

AMENDMENT NO. 2

On page 3, in line 7, after “(1)” insert “A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding:

(i) For the first offense, \$500; and

(ii) For the second offense, \$1,000 or imprisonment of 30 days or both.”;

and strike in their entirety lines 12 through 19, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

**Senate Bill 84 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Natural Resources)**

AN ACT concerning

**Tidal Fisheries Advisory Commission – Sport Fisheries Advisory Commission
– Membership**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

EMERGENCY BILL

AN ACT concerning

Department of Natural Resources – Boating Safety Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 259 – Senators Dyson, Colburn, and Middleton

AN ACT concerning

Calvert, Charles, and St. Mary’s Counties – Deer Hunting

SB0259/550214/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 259

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “conditions” in line 11 and substitute “authorizing, in certain counties, the Department of Natural Resources to allow a person to hunt deer on private property on certain Sundays”; in line 12, strike “Damage” and substitute “Management”; in line 14, strike “defining a certain term” and substitute “stating the intent of the General Assembly that the Department evaluate certain deer hunting opportunities on certain public lands for certain purposes; authorizing, in St. Mary’s County, a person who holds a certain permit to hunt deer with a shotgun on private property during certain months; providing for the termination of certain provisions of this Act”; strike beginning with “in” in line 15 down through “counties” in line 16; after line 16, insert:

“BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 10–410(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)”;

in line 19, strike “10–408.2 and”; and strike lines 22 and 23 in their entirety.

On page 2, strike in their entirety lines 1 through 3, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 7 on page 2 through line 9 on page 3, inclusive.

On page 3, after line 9, insert:

“10–410.

(a) (1) Except as provided in paragraphs (2), [and] (3), AND (5) of this subsection, a person may not hunt any game bird or mammal on Sundays.

(2) The following persons may hunt the specified game birds and mammals on Sundays:

(i) A person using State certified raptors to hunt game birds or mammals during open season;

(ii) An unarmed person participating in an organized fox chase to chase foxes;

(iii) Provided that the provisions of § 10–906(b)(3) of this title are met, a person:

1. Using a regulated shooting ground under § 10–906 of this title to hunt the following pen-reared game birds:

A. Pheasants;

B. Bobwhite quail;

C. Chukar partridge;

D. Hungarian partridge;

E. Tower released flighted mallard ducks; and

F. Turkey on a regulated shooting ground that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays; and

(iv) Subject to the provisions of § 10-411 of this subtitle, in Dorchester, Frederick, [St. Mary's,] Somerset, Washington, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow during open season on the last three Sundays in October and the second Sunday in November.

(3) Provided that the provisions of § 10-415 of this subtitle are met and subject to paragraph (4) of this subsection, the Department may allow a person to hunt deer on private property on the first Sunday of:

(i) The bow hunting season in November; and

(ii) The deer firearms season.

(4) The Sunday deer hunting provisions under paragraph (3) of this subsection do not apply:

(i) In Baltimore, CALVERT, Carroll, CHARLES, Howard, [and] Prince George's, AND ST. MARY'S counties; and

(ii) In Baltimore City.

(5) (I) THIS PARAGRAPH APPLIES ONLY IN CALVERT COUNTY, CHARLES COUNTY, AND ST. MARY'S COUNTY.

(II) SUBJECT TO §§ 10-411 AND 10-415 OF THIS SUBTITLE, THE DEPARTMENT MAY ALLOW A PERSON TO HUNT DEER ON PRIVATE PROPERTY FROM THE FIRST SUNDAY IN OCTOBER THROUGH THE SECOND SUNDAY IN JANUARY OF THE FOLLOWING YEAR, INCLUSIVE."

On page 3, in line 10, strike “(3)” and substitute:

“10–415.

(D) (1);

in line 11, strike “DAMAGE” and substitute “MANAGEMENT”; in line 12, after “COUNTY” insert “, ISSUED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT,”; and after line 13, insert:

“(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT EVALUATE POTENTIAL DEER HUNTING OPPORTUNITIES ON PUBLIC LANDS MANAGED BY THE DEPARTMENT IN CALVERT COUNTY, CHARLES COUNTY, AND ST. MARY’S COUNTY TO:

(I) MINIMIZE THE IMPACT OF CROP DAMAGE CAUSED BY DEER ON AGRICULTURAL LANDS; AND

(II) MAINTAIN A LOCAL DEER POPULATION APPROPRIATE FOR THE NATURAL ENVIRONMENT.”;

and strike in their entirety lines 14 and 15 and substitute:

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

Article – Natural Resources

10–415.

(D) (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ST. MARY’S COUNTY, A PERSON WHO HOLDS A VALID DEER MANAGEMENT PERMIT ISSUED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT MAY HUNT DEER WITH A SHOTGUN ON PRIVATE PROPERTY DURING THE MONTHS OF SEPTEMBER AND OCTOBER.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. Section 2 of this Act shall remain effective for a period of 6 months and, at the end of December 31, 2010, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 315 – Senators Raskin, Peters, Miller, Astle, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Glassman, Harrington, Jones, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Muse, Pinsky, Rosapepe, and Stone

AN ACT concerning

**Public Ethics Laws – Elected Local Officials and Board of Education
Members – Requirements**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 394 – Senators Exum, Conway, Currie, Harrington, Kelley, Peters, Pinsky, Pugh, and Rosapepe

AN ACT concerning

**Municipalities – Authority to Enter into Agreements with Other
Municipalities**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 847 – Senators Kittleman, Astle, Brinkley, Colburn, Harris, and Jacobs

AN ACT concerning

Hunting Licenses – Exemption for Disabled Armed Forces Members

SB0847/700415/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 847

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “license” insert “under certain circumstances”; and in line 5, after “disability,” insert “providing that the exemption applies only to hunting on private property.”.

AMENDMENT NO. 2

On page 2, in line 32, strike “ANY” and substitute “WITH RESPECT TO HUNTING ON PRIVATE PROPERTY, ANY”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #28

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

House Bill 445 – Delegates Weir, Ali, Aumann, Beitzel, Boteler, Carr, Glenn, Holmes, Hucker, Minnick, Myers, Olszewski, Serafini, Shewell, Stein, and Stull

AN ACT concerning

Vehicle Laws – Off-Highway Recreational Vehicles – Titling

HB0445/910313/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 445

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in the sponsor line, strike “Beitzel,”; in the same line, strike “Myers,”; in the same line, strike “Serafini,”; in the same line, strike “Stein, and Stull” and substitute “and Stein”; and in line 17, after “Act;” insert “making this Act an emergency measure;”.

AMENDMENT NO. 2

On page 10, in lines 1 and 2, 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 adopted.Favorable report, as amended, adopted.Read the second time and ordered prepared for Third Reading.

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

House Bill 461 – Delegates Cardin, Bobo, Carr, Feldman, Hammen, Kaiser, Morhaim, and Stein

AN ACT concerning

Vehicle Laws – Bicycles, EPAMDs, and Motor Scooters – Rules of the Road**HB0461/930019/1**

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 461

(First Reading File Bill)

On page 2, in line 8, strike “OR”; and in line 11, after “COURSE” insert “; OR

**(III) THE HIGHWAY ON WHICH THE VEHICLE IS BEING
DRIVEN IS NOT WIDE ENOUGH TO LAWFULLY PASS THE BICYCLE, EPAMD, OR
MOTOR SCOOTER AT A DISTANCE OF AT LEAST 3 FEET**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 51 – ~~Senator Raskin~~ Senators Raskin and Forehand

AN ACT concerning

Vehicle Laws – Bicycles, EPAMDs, and Motor Scooters – Rules of the Road

SB0051/160617/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 51
(Third Reading File Bill)

On page 2, in line 10, strike “OR”; and in line 13, after “COURSE” insert “; OR

**(III) THE HIGHWAY ON WHICH THE VEHICLE IS BEING
DRIVEN IS NOT WIDE ENOUGH TO LAWFULLY PASS THE BICYCLE, EPAMD, OR
MOTOR SCOOTER AT A DISTANCE OF AT LEAST 3 FEET**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 466 – Senator Forehand**EMERGENCY BILL**

AN ACT concerning

Vehicle Laws – Off-Highway Recreational Vehicles – Titling

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #23

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

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)**

SB0309/912519/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 309

(Third Reading File Bill)

AMENDMENT NO. 1

On page 4, in line 12, after “characteristics,” insert “establishing certain requirements for the execution of certain powers of attorney;”.

AMENDMENT NO. 2

On page 47, in line 11, after the first “OR” insert “THE”.

AMENDMENT NO. 3

On page 12, in line 8, strike “UNDER THIS TITLE” and substitute “EXECUTED ON OR AFTER OCTOBER 1, 2010,”.

AMENDMENT NO. 4

On page 19, in line 22, after “BUY,” insert “SELL, CONVEY,”.

AMENDMENT NO. 5

On page 44, in line 15, 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”.

AMENDMENT NO. 6

On page 48, after line 32, insert:

“THE FOLLOWING OPTIONAL FORM MAY BE USED BY AN AGENT TO CERTIFY FACTS CONCERNING A POWER OF ATTORNEY.”

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary and Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 761 – Senators Pugh, Forehand, and Kramer

AN ACT concerning

Mental Health – Local Correctional Facilities – Incarcerated Individuals with Mental Illness

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #20

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

House Bill 476 – Frederick County Delegation**EMERGENCY BILL**

AN ACT concerning

Frederick County – Property Tax Setoff**HB0476/925166/1**

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 476

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “in” in line 4 down through “circumstances” in line 6, and substitute “in certain minimum amounts for certain taxable years”; and in line 7, after “to” insert “a”.

On page 4, in line 23, after “YIELD” insert “TAX”; and in line 28, after “yield” insert “tax”.

AMENDMENT NO. 2

On page 4, in line 17, strike “AND EACH TAXABLE YEAR THEREAFTER,”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1400 – Delegates Stein and Krebs

AN ACT concerning

**Commissioner of Financial Regulation – Financial Education Resources
Clearinghouse**

HB1400/125861/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1400

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “requiring” and substitute “authorizing”; in line 7, strike “develop and maintain a” and substitute “include on the Commissioner’s”; and strike beginning with the second “to” in line 7 down through “public” in line 8 and substitute “certain information on financial education, resources, services, and programs and links to the websites of certain other state or federal agencies and certain nonprofit organizations”.

AMENDMENT NO. 2

On page 2, in line 21, strike “SHALL DEVELOP AND MAINTAIN A” and substitute “MAY INCLUDE ON THE COMMISSIONER’S”; in lines 21 and 22, strike “TO MAKE AVAILABLE TO THE PUBLIC INFORMATION” and substitute “:

(1) INFORMATION”;

in line 23, after “PROGRAMS” insert “THAT IS PROVIDED TO THE COMMISSIONER FROM OTHER STATE AGENCIES”;

(2) LINKS TO THE WEBSITES OF OTHER STATE OR FEDERAL AGENCIES CONTAINING INFORMATION ON FINANCIAL EDUCATION, RESOURCES, SERVICES, AND PROGRAMS; AND

(3) LINKS TO THE WEBSITES OF NONPROFIT ORGANIZATIONS THAT:

(i) PROMOTE FINANCIAL LITERACY; AND

(ii) HAVE PROVIDED TO THE COMMISSIONER WRITTEN CERTIFICATION THAT THE INFORMATION ON, OR AVAILABLE THROUGH, THE NONPROFIT ORGANIZATION’S WEBSITE HAS BEEN REVIEWED AND DETERMINED

BY THE NONPROFIT ORGANIZATION TO BE ACCURATE, TO THE BEST OF THE NONPROFIT ORGANIZATION'S KNOWLEDGE".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1484 – Delegate Love

AN ACT concerning

Base Realignment and Closure – Public Charter Schools Located on a Federal Military Base

HB1484/865564/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1484
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “public” in line 5 down through “circumstances” in line 7 and substitute “the State Board of Education to grant a certain waiver under certain circumstances; requiring certain public charter schools to admit certain students on a certain basis, subject to a certain requirement”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 22 through 25, inclusive; and after line 25, insert:

“(A) THE STATE BOARD MAY GRANT A WAIVER FROM § 9-102(3) OF THIS TITLE TO A PUBLIC CHARTER SCHOOL IF THE PUBLIC CHARTER SCHOOL:

(1) IS LOCATED ON PROPERTY WITHIN A FEDERAL MILITARY BASE IN THE STATE; AND

(2) WILL ADMIT STUDENTS WITH PARENTS WHO ARE NOT ASSIGNED TO THE BASE TO AT LEAST 30% OF ITS TOTAL AVAILABLE SPACE.

(B) IF A PUBLIC CHARTER SCHOOL IS GRANTED A WAIVER UNDER SUBSECTION (A) OF THIS SECTION, SUBJECT TO THE REQUIREMENT SET FORTH IN SUBSECTION (A)(2) OF THIS SECTION, THE PUBLIC CHARTER SCHOOL SHALL ADMIT ALL STUDENTS ON A LOTTERY BASIS.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Griffith moved to make the Bill a Special Order for next session.

The motion was adopted.

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

Senate Bill 275 – The President (By Request – Administration) and Senators Pinsky and King

AN ACT concerning

Education – Maryland Longitudinal Data System

SB0275/945666/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 275

(Third Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with “requiring” in line 24 on page 1 down through “plan;” in line 4 on page 2.

On page 2, in lines 4 and 5, strike “providing for the termination of a certain provision of this Act;”.

AMENDMENT NO. 2

On page 3, in line 10, strike “AND”; in line 11, after “DATA” insert “; AND”

(IX) SUSPENSION AND EXPULSION RECORDS;

in line 14, after the semicolon insert “AND”; and strike beginning with “; AND” in line 15 down through “RECORDS” in line 16.

On page 4, in line 3, after “SYSTEM” insert “THAT SHALL BE FULLY OPERATIONAL BY DECEMBER 31, 2014”.

On page 11, strike in their entirety lines 20 through 22, inclusive.

On page 12, in line 13, strike “and”; in line 16, after “Board” insert “; and”

(3) a data security and safeguarding plan for the Center”;

strike in their entirety lines 17 through 24, inclusive; in lines 26 and 27, strike “federal or other funds that are not from the General Fund of the State be used first for the funding of” and substitute “the State shall make every effort to seek federal funding to support”; strike in their entirety lines 30 through 36, inclusive; in lines 8, 25, and 37, strike “3.”, “5.”, and “8.”, respectively, and substitute “2.”, “3.”, and “4.”, respectively; and in lines 37 and 38, strike “, except as provided in Section 7 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.

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

Senate Bill 286 – The President (By Request – Administration) and Senators Currie and Conway

AN ACT concerning

Governor’s P-20 Leadership Council of Maryland

SB0286/425764/2

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 286

(Third Reading File Bill)

On page 4, in lines 10 and 11, strike “**A REPRESENTATIVE OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS**” and substitute “**TWO MEMBERS OF EMPLOYEE ORGANIZATIONS THAT REPRESENT ELEMENTARY AND SECONDARY SCHOOL PERSONNEL IN THE STATE**”; and in line 29, strike “AND”.

On page 5, in line 2, after “COMMUNITY” insert “**; AND**

(XV) SIX ADDITIONAL MEMBERS WITH EXPERIENCE AND KNOWLEDGE THAT WILL BENEFIT THE WORK OF THE COUNCIL”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 372 – Senator Della

AN ACT concerning

Property Tax – Tax Sales – Notice to Foreclose Right of Redemption

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 373 – Senator Della

EMERGENCY BILL

AN ACT concerning

Property Tax – Tax Sales – Complaint to Foreclose Right of Redemption

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 450 – Senators Brinkley and Mooney

EMERGENCY BILL

AN ACT concerning

Frederick County – Property Tax Setoff

SB0450/855963/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 450

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “in” in line 4 down through “circumstances” in line 6, and substitute “in certain minimum amounts for certain taxable years”; and in line 7, after “to” insert “a”.

On page 4, in line 29, after “YIELD” insert “TAX”.

On page 5, in line 1, after “yield” insert “tax”.

AMENDMENT NO. 2

On page 4, in line 23, strike “AND EACH TAXABLE YEAR THEREAFTER,”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 828 – Senator Madaleno

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 834 – ~~Senator Currie~~ Senators Currie and Miller

AN ACT concerning

**Base Realignment and Closure – Public Charter Schools Located on a
Federal Military Base**

Favorable report adopted.

Delegate Griffith moved to make the Bill a Special Order for next session.

The motion was adopted.

**THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT
#15**

CONSENT CALENDAR #8

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

Senate Bill 604 – Senators Currie, Dyson, Kasemeyer, and Munson

AN ACT concerning

College and Career Readiness Act of 2010

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

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

Senate Bill 865 – Senators Lenett and Zirkin

AN ACT concerning

Education – Student–Athletes – Concussions

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

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

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

AN ACT concerning

Reverse Mortgage Homeowners Protection Act

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

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

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

AN ACT concerning

Correctional Services – State Correctional Officers’ Bill of Rights

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

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

Senate Bill 948 – ~~Senator Raskin~~ Senators Raskin, Brochin, Forehand, Jacobs, Simonaire, and Stone

AN ACT concerning

Child Abuse and Neglect – Disclosure of Information

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

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

Senate Bill 979 – Senator Jones

AN ACT concerning

Public–Private Partnerships – Oversight

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

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

Senate Bill 994 – Senator Pipkin

AN ACT concerning

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

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

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

Senate Bill 1043 – Senators Stoltzfus ~~and Colburn~~, Colburn, and Dyson

AN ACT concerning

Hunting Wild Waterfowl – Dorchester, St. Mary’s, Somerset, and Wicomico Counties

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

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

Senate Bill 1104 – Senator Astle

AN ACT concerning

Environment – Heating Oil – Sulfur Content

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

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

Senate Bill 1117 – Senator Conway

AN ACT concerning

**Environment – Maryland Oil Disaster Containment, Clean-Up and
Contingency Fund and Oil Contaminated Site Environmental Cleanup Fund**

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

AMENDED IN THE SENATE

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**

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

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 not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0122**

SPONSOR: Del Anderson, et al

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

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

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

Delegate Barnes, Chairman
Delegate Schuler, and
Delegate Smigiel.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

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**

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

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 not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0128

SPONSOR: Del Rosenberg, et al

SUBJECT: Criminal Procedure – Petition for Writ of Actual
Innocence – Notice of Filing and Hearing

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 Anderson, Chairman

Delegate Barnes, and

Delegate Carter.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

House Bill 325 – Delegate Donoghue

AN ACT concerning

State Board of Physical Therapy Examiners – Licensure and Regulation

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

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 not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0325

SPONSOR: Del Donoghue

**SUBJECT: State Board of Physical Therapy Examiners –
Licensure and Regulation**

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 Donoghue, Chairman
Delegate Bromwell, and
Delegate McDonough.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

**House Bill 500 – Delegates Waldstreicher, Rosenberg, Anderson, Barnes,
Branch, Dumais, Ivey, Lee, Levi, and Valderrama**

AN ACT concerning

Child Support Guidelines – Revision

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

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:

<u>15050</u>	<u>1949</u>	<u>2857</u>	<u>3390</u>	<u>3797</u>	<u>4200</u>	<u>4584</u>
<u>15100</u>	<u>1955</u>	<u>2866</u>	<u>3402</u>	<u>3809</u>	<u>4214</u>	<u>4599</u>
<u>15150</u>	<u>1962</u>	<u>2876</u>	<u>3413</u>	<u>3822</u>	<u>4228</u>	<u>4614</u>
<u>15200</u>	<u>1968</u>	<u>2885</u>	<u>3424</u>	<u>3835</u>	<u>4241</u>	<u>4630</u>
<u>15250</u>	<u>1974</u>	<u>2895</u>	<u>3435</u>	<u>3847</u>	<u>4255</u>	<u>4645</u>
<u>15300</u>	<u>1981</u>	<u>2904</u>	<u>3447</u>	<u>3860</u>	<u>4269</u>	<u>4660</u>
<u>15350</u>	<u>1987</u>	<u>2914</u>	<u>3458</u>	<u>3872</u>	<u>4283</u>	<u>4675</u>
<u>15400</u>	<u>1994</u>	<u>2923</u>	<u>3469</u>	<u>3885</u>	<u>4297</u>	<u>4691</u>
<u>15450</u>	<u>2000</u>	<u>2933</u>	<u>3480</u>	<u>3898</u>	<u>4311</u>	<u>4706</u>
<u>15500</u>	<u>2007</u>	<u>2942</u>	<u>3492</u>	<u>3910</u>	<u>4325</u>	<u>4721</u>
<u>15550</u>	<u>2013</u>	<u>2952</u>	<u>3503</u>	<u>3923</u>	<u>4339</u>	<u>4736</u>
<u>15600</u>	<u>2020</u>	<u>2961</u>	<u>3514</u>	<u>3935</u>	<u>4353</u>	<u>4752</u>
<u>15650</u>	<u>2026</u>	<u>2971</u>	<u>3526</u>	<u>3948</u>	<u>4367</u>	<u>4767</u>
<u>15700</u>	<u>2033</u>	<u>2980</u>	<u>3537</u>	<u>3961</u>	<u>4381</u>	<u>4782</u>
<u>15750</u>	<u>2039</u>	<u>2990</u>	<u>3548</u>	<u>3973</u>	<u>4395</u>	<u>4797</u>
<u>15800</u>	<u>2046</u>	<u>2999</u>	<u>3559</u>	<u>3986</u>	<u>4409</u>	<u>4812</u>
<u>15850</u>	<u>2052</u>	<u>3009</u>	<u>3571</u>	<u>3999</u>	<u>4423</u>	<u>4828</u>
<u>15900</u>	<u>2059</u>	<u>3018</u>	<u>3582</u>	<u>4011</u>	<u>4437</u>	<u>4843</u>
<u>15950</u>	<u>2065</u>	<u>3028</u>	<u>3593</u>	<u>4024</u>	<u>4451</u>	<u>4858</u>
<u>16000</u>	<u>2072</u>	<u>3037</u>	<u>3604</u>	<u>4036</u>	<u>4465</u>	<u>4873</u>

<u>16050</u>	<u>2078</u>	<u>3047</u>	<u>3616</u>	<u>4049</u>	<u>4479</u>	<u>4889</u>
<u>16100</u>	<u>2085</u>	<u>3056</u>	<u>3627</u>	<u>4062</u>	<u>4493</u>	<u>4904</u>
<u>16150</u>	<u>2091</u>	<u>3066</u>	<u>3638</u>	<u>4074</u>	<u>4507</u>	<u>4919</u>
<u>16200</u>	<u>2097</u>	<u>3075</u>	<u>3649</u>	<u>4087</u>	<u>4521</u>	<u>4934</u>
<u>16250</u>	<u>2104</u>	<u>3085</u>	<u>3661</u>	<u>4099</u>	<u>4534</u>	<u>4950</u>
<u>16300</u>	<u>2110</u>	<u>3094</u>	<u>3672</u>	<u>4112</u>	<u>4548</u>	<u>4965</u>
<u>16350</u>	<u>2117</u>	<u>3104</u>	<u>3683</u>	<u>4125</u>	<u>4562</u>	<u>4980</u>
<u>16400</u>	<u>2123</u>	<u>3113</u>	<u>3694</u>	<u>4137</u>	<u>4576</u>	<u>4995</u>
<u>16450</u>	<u>2130</u>	<u>3123</u>	<u>3706</u>	<u>4150</u>	<u>4590</u>	<u>5010</u>
<u>16500</u>	<u>2136</u>	<u>3132</u>	<u>3717</u>	<u>4163</u>	<u>4604</u>	<u>5026</u>
<u>16550</u>	<u>2143</u>	<u>3141</u>	<u>3728</u>	<u>4175</u>	<u>4618</u>	<u>5041</u>
<u>16600</u>	<u>2149</u>	<u>3151</u>	<u>3740</u>	<u>4188</u>	<u>4632</u>	<u>5056</u>
<u>16650</u>	<u>2156</u>	<u>3160</u>	<u>3751</u>	<u>4200</u>	<u>4646</u>	<u>5071</u>
<u>16700</u>	<u>2162</u>	<u>3170</u>	<u>3762</u>	<u>4213</u>	<u>4660</u>	<u>5087</u>
<u>16750</u>	<u>2169</u>	<u>3179</u>	<u>3773</u>	<u>4226</u>	<u>4674</u>	<u>5102</u>
<u>16800</u>	<u>2175</u>	<u>3189</u>	<u>3785</u>	<u>4238</u>	<u>4688</u>	<u>5117</u>
<u>16850</u>	<u>2182</u>	<u>3198</u>	<u>3796</u>	<u>4251</u>	<u>4702</u>	<u>5132</u>
<u>16900</u>	<u>2188</u>	<u>3208</u>	<u>3807</u>	<u>4263</u>	<u>4716</u>	<u>5148</u>
<u>16950</u>	<u>2195</u>	<u>3217</u>	<u>3818</u>	<u>4276</u>	<u>4730</u>	<u>5163</u>
<u>17000</u>	<u>2201</u>	<u>3227</u>	<u>3830</u>	<u>4289</u>	<u>4744</u>	<u>5178</u>
<u>17050</u>	<u>2208</u>	<u>3236</u>	<u>3841</u>	<u>4301</u>	<u>4758</u>	<u>5193</u>
<u>17100</u>	<u>2214</u>	<u>3246</u>	<u>3852</u>	<u>4314</u>	<u>4772</u>	<u>5208</u>
<u>17150</u>	<u>2220</u>	<u>3255</u>	<u>3863</u>	<u>4327</u>	<u>4786</u>	<u>5224</u>
<u>17200</u>	<u>2227</u>	<u>3265</u>	<u>3875</u>	<u>4339</u>	<u>4800</u>	<u>5239</u>
<u>17250</u>	<u>2233</u>	<u>3274</u>	<u>3886</u>	<u>4352</u>	<u>4814</u>	<u>5254</u>
<u>17300</u>	<u>2240</u>	<u>3284</u>	<u>3897</u>	<u>4364</u>	<u>4827</u>	<u>5269</u>
<u>17350</u>	<u>2246</u>	<u>3293</u>	<u>3908</u>	<u>4377</u>	<u>4841</u>	<u>5285</u>
<u>17400</u>	<u>2253</u>	<u>3303</u>	<u>3920</u>	<u>4390</u>	<u>4855</u>	<u>5300</u>
<u>17450</u>	<u>2259</u>	<u>3312</u>	<u>3931</u>	<u>4402</u>	<u>4869</u>	<u>5315</u>
<u>17500</u>	<u>2266</u>	<u>3322</u>	<u>3942</u>	<u>4415</u>	<u>4883</u>	<u>5330</u>
<u>17550</u>	<u>2272</u>	<u>3331</u>	<u>3954</u>	<u>4427</u>	<u>4897</u>	<u>5345</u>
<u>17600</u>	<u>2279</u>	<u>3341</u>	<u>3965</u>	<u>4440</u>	<u>4911</u>	<u>5361</u>
<u>17650</u>	<u>2285</u>	<u>3350</u>	<u>3976</u>	<u>4453</u>	<u>4925</u>	<u>5376</u>
<u>17700</u>	<u>2292</u>	<u>3360</u>	<u>3987</u>	<u>4465</u>	<u>4939</u>	<u>5391</u>
<u>17750</u>	<u>2298</u>	<u>3369</u>	<u>3999</u>	<u>4478</u>	<u>4953</u>	<u>5406</u>
<u>17800</u>	<u>2305</u>	<u>3379</u>	<u>4010</u>	<u>4490</u>	<u>4967</u>	<u>5422</u>
<u>17850</u>	<u>2311</u>	<u>3388</u>	<u>4021</u>	<u>4503</u>	<u>4981</u>	<u>5437</u>
<u>17900</u>	<u>2318</u>	<u>3398</u>	<u>4032</u>	<u>4516</u>	<u>4995</u>	<u>5452</u>
<u>17950</u>	<u>2324</u>	<u>3407</u>	<u>4044</u>	<u>4528</u>	<u>5009</u>	<u>5467</u>
<u>18000</u>	<u>2331</u>	<u>3417</u>	<u>4055</u>	<u>4541</u>	<u>5023</u>	<u>5483</u>
<u>18050</u>	<u>2337</u>	<u>3426</u>	<u>4066</u>	<u>4554</u>	<u>5037</u>	<u>5498</u>
<u>18100</u>	<u>2344</u>	<u>3436</u>	<u>4077</u>	<u>4566</u>	<u>5051</u>	<u>5513</u>
<u>18150</u>	<u>2350</u>	<u>3445</u>	<u>4089</u>	<u>4579</u>	<u>5065</u>	<u>5528</u>

<u>18200</u>	<u>2356</u>	<u>3455</u>	<u>4100</u>	<u>4591</u>	<u>5079</u>	<u>5543</u>
<u>18250</u>	<u>2363</u>	<u>3464</u>	<u>4111</u>	<u>4604</u>	<u>5093</u>	<u>5559</u>
<u>18300</u>	<u>2369</u>	<u>3474</u>	<u>4122</u>	<u>4617</u>	<u>5107</u>	<u>5574</u>
<u>18350</u>	<u>2376</u>	<u>3483</u>	<u>4134</u>	<u>4629</u>	<u>5120</u>	<u>5589</u>
<u>18400</u>	<u>2382</u>	<u>3493</u>	<u>4145</u>	<u>4642</u>	<u>5134</u>	<u>5604</u>
<u>18450</u>	<u>2389</u>	<u>3502</u>	<u>4156</u>	<u>4654</u>	<u>5148</u>	<u>5620</u>
<u>18500</u>	<u>2395</u>	<u>3512</u>	<u>4168</u>	<u>4667</u>	<u>5162</u>	<u>5635</u>
<u>18550</u>	<u>2402</u>	<u>3521</u>	<u>4179</u>	<u>4680</u>	<u>5176</u>	<u>5650</u>
<u>18600</u>	<u>2408</u>	<u>3531</u>	<u>4190</u>	<u>4692</u>	<u>5190</u>	<u>5665</u>
<u>18650</u>	<u>2415</u>	<u>3540</u>	<u>4201</u>	<u>4705</u>	<u>5204</u>	<u>5681</u>
<u>18700</u>	<u>2421</u>	<u>3550</u>	<u>4213</u>	<u>4718</u>	<u>5218</u>	<u>5696</u>
<u>18750</u>	<u>2428</u>	<u>3559</u>	<u>4224</u>	<u>4730</u>	<u>5232</u>	<u>5711</u>
<u>18800</u>	<u>2434</u>	<u>3569</u>	<u>4235</u>	<u>4743</u>	<u>5246</u>	<u>5726</u>
<u>18850</u>	<u>2441</u>	<u>3578</u>	<u>4246</u>	<u>4755</u>	<u>5260</u>	<u>5741</u>
<u>18900</u>	<u>2447</u>	<u>3588</u>	<u>4258</u>	<u>4768</u>	<u>5274</u>	<u>5757</u>
<u>18950</u>	<u>2454</u>	<u>3597</u>	<u>4269</u>	<u>4781</u>	<u>5288</u>	<u>5772</u>
<u>19000</u>	<u>2460</u>	<u>3607</u>	<u>4280</u>	<u>4793</u>	<u>5302</u>	<u>5787</u>
<u>19050</u>	<u>2467</u>	<u>3616</u>	<u>4291</u>	<u>4806</u>	<u>5316</u>	<u>5802</u>
<u>19100</u>	<u>2473</u>	<u>3626</u>	<u>4303</u>	<u>4818</u>	<u>5330</u>	<u>5818</u>
<u>19150</u>	<u>2479</u>	<u>3635</u>	<u>4314</u>	<u>4831</u>	<u>5344</u>	<u>5833</u>
<u>19200</u>	<u>2486</u>	<u>3645</u>	<u>4325</u>	<u>4844</u>	<u>5358</u>	<u>5848</u>
<u>19250</u>	<u>2492</u>	<u>3654</u>	<u>4337</u>	<u>4856</u>	<u>5372</u>	<u>5863</u>
<u>19300</u>	<u>2499</u>	<u>3663</u>	<u>4348</u>	<u>4869</u>	<u>5386</u>	<u>5879</u>
<u>19350</u>	<u>2505</u>	<u>3673</u>	<u>4359</u>	<u>4882</u>	<u>5400</u>	<u>5894</u>
<u>19400</u>	<u>2512</u>	<u>3682</u>	<u>4370</u>	<u>4894</u>	<u>5413</u>	<u>5909</u>
<u>19450</u>	<u>2518</u>	<u>3692</u>	<u>4382</u>	<u>4907</u>	<u>5427</u>	<u>5924</u>
<u>19500</u>	<u>2525</u>	<u>3701</u>	<u>4393</u>	<u>4919</u>	<u>5441</u>	<u>5939</u>
<u>19550</u>	<u>2531</u>	<u>3711</u>	<u>4404</u>	<u>4932</u>	<u>5455</u>	<u>5955</u>
<u>19600</u>	<u>2538</u>	<u>3720</u>	<u>4415</u>	<u>4945</u>	<u>5469</u>	<u>5970</u>
<u>19650</u>	<u>2544</u>	<u>3730</u>	<u>4427</u>	<u>4957</u>	<u>5483</u>	<u>5985</u>
<u>19700</u>	<u>2551</u>	<u>3739</u>	<u>4438</u>	<u>4970</u>	<u>5497</u>	<u>6000</u>
<u>19750</u>	<u>2557</u>	<u>3749</u>	<u>4449</u>	<u>4982</u>	<u>5511</u>	<u>6016</u>
<u>19800</u>	<u>2564</u>	<u>3758</u>	<u>4460</u>	<u>4995</u>	<u>5525</u>	<u>6031</u>
<u>19850</u>	<u>2570</u>	<u>3768</u>	<u>4472</u>	<u>5008</u>	<u>5539</u>	<u>6046</u>
<u>19900</u>	<u>2577</u>	<u>3777</u>	<u>4483</u>	<u>5020</u>	<u>5553</u>	<u>6061</u>
<u>19950</u>	<u>2583</u>	<u>3787</u>	<u>4494</u>	<u>5033</u>	<u>5567</u>	<u>6076</u>
<u>20000</u>	<u>2590</u>	<u>3796</u>	<u>4505</u>	<u>5045</u>	<u>5581</u>	<u>6092</u>
<u>20050</u>	<u>2596</u>	<u>3806</u>	<u>4517</u>	<u>5058</u>	<u>5595</u>	<u>6107</u>
<u>20100</u>	<u>2602</u>	<u>3815</u>	<u>4528</u>	<u>5071</u>	<u>5609</u>	<u>6122</u>
<u>20150</u>	<u>2609</u>	<u>3825</u>	<u>4539</u>	<u>5083</u>	<u>5623</u>	<u>6137</u>
<u>20200</u>	<u>2615</u>	<u>3834</u>	<u>4551</u>	<u>5096</u>	<u>5637</u>	<u>6153</u>
<u>20250</u>	<u>2622</u>	<u>3844</u>	<u>4562</u>	<u>5109</u>	<u>5651</u>	<u>6168</u>
<u>20300</u>	<u>2628</u>	<u>3853</u>	<u>4573</u>	<u>5121</u>	<u>5665</u>	<u>6183</u>

<u>20350</u>	<u>2635</u>	<u>3863</u>	<u>4584</u>	<u>5134</u>	<u>5679</u>	<u>6198</u>
<u>20400</u>	<u>2641</u>	<u>3872</u>	<u>4596</u>	<u>5146</u>	<u>5693</u>	<u>6214</u>
<u>20450</u>	<u>2648</u>	<u>3882</u>	<u>4607</u>	<u>5159</u>	<u>5706</u>	<u>6229</u>
<u>20500</u>	<u>2654</u>	<u>3891</u>	<u>4618</u>	<u>5172</u>	<u>5720</u>	<u>6244</u>
<u>20550</u>	<u>2661</u>	<u>3901</u>	<u>4629</u>	<u>5184</u>	<u>5734</u>	<u>6259</u>
<u>20600</u>	<u>2667</u>	<u>3910</u>	<u>4641</u>	<u>5197</u>	<u>5748</u>	<u>6274</u>
<u>20650</u>	<u>2674</u>	<u>3920</u>	<u>4652</u>	<u>5209</u>	<u>5762</u>	<u>6290</u>
<u>20700</u>	<u>2680</u>	<u>3929</u>	<u>4663</u>	<u>5222</u>	<u>5776</u>	<u>6305</u>
<u>20750</u>	<u>2687</u>	<u>3939</u>	<u>4674</u>	<u>5235</u>	<u>5790</u>	<u>6320</u>
<u>20800</u>	<u>2693</u>	<u>3948</u>	<u>4686</u>	<u>5247</u>	<u>5804</u>	<u>6335</u>
<u>20850</u>	<u>2700</u>	<u>3958</u>	<u>4697</u>	<u>5260</u>	<u>5818</u>	<u>6351</u>
<u>20900</u>	<u>2706</u>	<u>3967</u>	<u>4708</u>	<u>5273</u>	<u>5832</u>	<u>6366</u>
<u>20950</u>	<u>2713</u>	<u>3977</u>	<u>4719</u>	<u>5285</u>	<u>5846</u>	<u>6381</u>
<u>21000</u>	<u>2719</u>	<u>3986</u>	<u>4731</u>	<u>5298</u>	<u>5860</u>	<u>6396</u>
<u>21050</u>	<u>2725</u>	<u>3996</u>	<u>4742</u>	<u>5310</u>	<u>5874</u>	<u>6412</u>
<u>21100</u>	<u>2732</u>	<u>4005</u>	<u>4753</u>	<u>5323</u>	<u>5888</u>	<u>6427</u>
<u>21150</u>	<u>2738</u>	<u>4015</u>	<u>4765</u>	<u>5336</u>	<u>5902</u>	<u>6442</u>
<u>21200</u>	<u>2745</u>	<u>4024</u>	<u>4776</u>	<u>5348</u>	<u>5916</u>	<u>6457</u>
<u>21250</u>	<u>2751</u>	<u>4034</u>	<u>4787</u>	<u>5361</u>	<u>5930</u>	<u>6472</u>
<u>21300</u>	<u>2758</u>	<u>4043</u>	<u>4798</u>	<u>5373</u>	<u>5944</u>	<u>6488</u>
<u>21350</u>	<u>2764</u>	<u>4053</u>	<u>4810</u>	<u>5386</u>	<u>5958</u>	<u>6503</u>
<u>21400</u>	<u>2771</u>	<u>4062</u>	<u>4821</u>	<u>5399</u>	<u>5972</u>	<u>6518</u>
<u>21450</u>	<u>2777</u>	<u>4072</u>	<u>4832</u>	<u>5411</u>	<u>5986</u>	<u>6533</u>
<u>21500</u>	<u>2784</u>	<u>4081</u>	<u>4843</u>	<u>5424</u>	<u>5999</u>	<u>6549</u>
<u>21550</u>	<u>2790</u>	<u>4091</u>	<u>4855</u>	<u>5437</u>	<u>6013</u>	<u>6564</u>
<u>21600</u>	<u>2797</u>	<u>4100</u>	<u>4866</u>	<u>5449</u>	<u>6027</u>	<u>6579</u>
<u>21650</u>	<u>2803</u>	<u>4110</u>	<u>4877</u>	<u>5462</u>	<u>6041</u>	<u>6594</u>
<u>21700</u>	<u>2810</u>	<u>4119</u>	<u>4888</u>	<u>5474</u>	<u>6055</u>	<u>6610</u>
<u>21750</u>	<u>2816</u>	<u>4129</u>	<u>4900</u>	<u>5487</u>	<u>6069</u>	<u>6625</u>
<u>21800</u>	<u>2823</u>	<u>4138</u>	<u>4911</u>	<u>5500</u>	<u>6083</u>	<u>6640</u>
<u>21850</u>	<u>2829</u>	<u>4148</u>	<u>4922</u>	<u>5512</u>	<u>6097</u>	<u>6655</u>
<u>21900</u>	<u>2836</u>	<u>4157</u>	<u>4933</u>	<u>5525</u>	<u>6111</u>	<u>6670</u>
<u>21950</u>	<u>2842</u>	<u>4167</u>	<u>4945</u>	<u>5537</u>	<u>6125</u>	<u>6686</u>
<u>22000</u>	<u>2848</u>	<u>4176</u>	<u>4956</u>	<u>5550</u>	<u>6139</u>	<u>6701</u>
<u>22050</u>	<u>2855</u>	<u>4185</u>	<u>4967</u>	<u>5563</u>	<u>6153</u>	<u>6716</u>
<u>22100</u>	<u>2861</u>	<u>4195</u>	<u>4979</u>	<u>5575</u>	<u>6167</u>	<u>6731</u>
<u>22150</u>	<u>2868</u>	<u>4204</u>	<u>4990</u>	<u>5588</u>	<u>6181</u>	<u>6747</u>
<u>22200</u>	<u>2874</u>	<u>4214</u>	<u>5001</u>	<u>5601</u>	<u>6195</u>	<u>6762</u>
<u>22250</u>	<u>2881</u>	<u>4223</u>	<u>5012</u>	<u>5613</u>	<u>6209</u>	<u>6777</u>
<u>22300</u>	<u>2887</u>	<u>4233</u>	<u>5024</u>	<u>5626</u>	<u>6223</u>	<u>6792</u>
<u>22350</u>	<u>2894</u>	<u>4242</u>	<u>5035</u>	<u>5638</u>	<u>6237</u>	<u>6807</u>
<u>22400</u>	<u>2900</u>	<u>4252</u>	<u>5046</u>	<u>5651</u>	<u>6251</u>	<u>6823</u>
<u>22450</u>	<u>2907</u>	<u>4261</u>	<u>5057</u>	<u>5664</u>	<u>6265</u>	<u>6838</u>

<u>22500</u>	<u>2913</u>	<u>4271</u>	<u>5069</u>	<u>5676</u>	<u>6279</u>	<u>6853</u>
<u>22550</u>	<u>2920</u>	<u>4280</u>	<u>5080</u>	<u>5689</u>	<u>6292</u>	<u>6868</u>
<u>22600</u>	<u>2926</u>	<u>4290</u>	<u>5091</u>	<u>5701</u>	<u>6306</u>	<u>6884</u>
<u>22650</u>	<u>2933</u>	<u>4299</u>	<u>5102</u>	<u>5714</u>	<u>6320</u>	<u>6899</u>
<u>22700</u>	<u>2939</u>	<u>4309</u>	<u>5114</u>	<u>5727</u>	<u>6334</u>	<u>6914</u>
<u>22750</u>	<u>2946</u>	<u>4318</u>	<u>5125</u>	<u>5739</u>	<u>6348</u>	<u>6929</u>
<u>22800</u>	<u>2952</u>	<u>4328</u>	<u>5136</u>	<u>5752</u>	<u>6362</u>	<u>6945</u>
<u>22850</u>	<u>2959</u>	<u>4337</u>	<u>5147</u>	<u>5764</u>	<u>6376</u>	<u>6960</u>
<u>22900</u>	<u>2965</u>	<u>4347</u>	<u>5159</u>	<u>5777</u>	<u>6390</u>	<u>6975</u>
<u>22950</u>	<u>2971</u>	<u>4356</u>	<u>5170</u>	<u>5790</u>	<u>6404</u>	<u>6990</u>
<u>23000</u>	<u>2978</u>	<u>4366</u>	<u>5181</u>	<u>5802</u>	<u>6418</u>	<u>7005</u>
<u>23050</u>	<u>2984</u>	<u>4375</u>	<u>5193</u>	<u>5815</u>	<u>6432</u>	<u>7021</u>
<u>23100</u>	<u>2991</u>	<u>4385</u>	<u>5204</u>	<u>5828</u>	<u>6446</u>	<u>7036</u>
<u>23150</u>	<u>2997</u>	<u>4394</u>	<u>5215</u>	<u>5840</u>	<u>6460</u>	<u>7051</u>
<u>23200</u>	<u>3004</u>	<u>4404</u>	<u>5226</u>	<u>5853</u>	<u>6474</u>	<u>7066</u>
<u>23250</u>	<u>3010</u>	<u>4413</u>	<u>5238</u>	<u>5865</u>	<u>6488</u>	<u>7082</u>
<u>23300</u>	<u>3017</u>	<u>4423</u>	<u>5249</u>	<u>5878</u>	<u>6502</u>	<u>7097</u>
<u>23350</u>	<u>3023</u>	<u>4432</u>	<u>5260</u>	<u>5891</u>	<u>6516</u>	<u>7112</u>
<u>23400</u>	<u>3030</u>	<u>4442</u>	<u>5271</u>	<u>5903</u>	<u>6530</u>	<u>7127</u>
<u>23450</u>	<u>3036</u>	<u>4451</u>	<u>5283</u>	<u>5916</u>	<u>6544</u>	<u>7143</u>
<u>23500</u>	<u>3043</u>	<u>4461</u>	<u>5294</u>	<u>5928</u>	<u>6558</u>	<u>7158</u>
<u>23550</u>	<u>3049</u>	<u>4470</u>	<u>5305</u>	<u>5941</u>	<u>6572</u>	<u>7173</u>
<u>23600</u>	<u>3056</u>	<u>4480</u>	<u>5316</u>	<u>5954</u>	<u>6585</u>	<u>7188</u>
<u>23650</u>	<u>3062</u>	<u>4489</u>	<u>5328</u>	<u>5966</u>	<u>6599</u>	<u>7203</u>
<u>23700</u>	<u>3069</u>	<u>4499</u>	<u>5339</u>	<u>5979</u>	<u>6613</u>	<u>7219</u>
<u>23750</u>	<u>3075</u>	<u>4508</u>	<u>5350</u>	<u>5992</u>	<u>6627</u>	<u>7234</u>
<u>23800</u>	<u>3082</u>	<u>4518</u>	<u>5361</u>	<u>6004</u>	<u>6641</u>	<u>7249</u>
<u>23850</u>	<u>3088</u>	<u>4527</u>	<u>5373</u>	<u>6017</u>	<u>6655</u>	<u>7264</u>
<u>23900</u>	<u>3094</u>	<u>4537</u>	<u>5384</u>	<u>6029</u>	<u>6669</u>	<u>7280</u>
<u>23950</u>	<u>3101</u>	<u>4546</u>	<u>5395</u>	<u>6042</u>	<u>6683</u>	<u>7295</u>
<u>24000</u>	<u>3107</u>	<u>4556</u>	<u>5407</u>	<u>6055</u>	<u>6697</u>	<u>7310</u>
<u>24050</u>	<u>3114</u>	<u>4565</u>	<u>5418</u>	<u>6067</u>	<u>6711</u>	<u>7325</u>
<u>24100</u>	<u>3120</u>	<u>4575</u>	<u>5429</u>	<u>6080</u>	<u>6725</u>	<u>7341</u>
<u>24150</u>	<u>3127</u>	<u>4584</u>	<u>5440</u>	<u>6092</u>	<u>6739</u>	<u>7356</u>
<u>24200</u>	<u>3133</u>	<u>4594</u>	<u>5452</u>	<u>6105</u>	<u>6753</u>	<u>7371</u>
<u>24250</u>	<u>3140</u>	<u>4603</u>	<u>5463</u>	<u>6118</u>	<u>6767</u>	<u>7386</u>
<u>24300</u>	<u>3146</u>	<u>4613</u>	<u>5474</u>	<u>6130</u>	<u>6781</u>	<u>7401</u>
<u>24350</u>	<u>3153</u>	<u>4622</u>	<u>5485</u>	<u>6143</u>	<u>6795</u>	<u>7417</u>
<u>24400</u>	<u>3159</u>	<u>4632</u>	<u>5497</u>	<u>6156</u>	<u>6809</u>	<u>7432</u>
<u>24450</u>	<u>3166</u>	<u>4641</u>	<u>5508</u>	<u>6168</u>	<u>6823</u>	<u>7447</u>
<u>24500</u>	<u>3172</u>	<u>4651</u>	<u>5519</u>	<u>6181</u>	<u>6837</u>	<u>7462</u>
<u>24550</u>	<u>3179</u>	<u>4660</u>	<u>5530</u>	<u>6193</u>	<u>6851</u>	<u>7478</u>
<u>24600</u>	<u>3185</u>	<u>4670</u>	<u>5542</u>	<u>6206</u>	<u>6865</u>	<u>7493</u>

<u>24650</u>	<u>3192</u>	<u>4679</u>	<u>5553</u>	<u>6219</u>	<u>6878</u>	<u>7508</u>
<u>24700</u>	<u>3198</u>	<u>4689</u>	<u>5564</u>	<u>6231</u>	<u>6892</u>	<u>7523</u>
<u>24750</u>	<u>3205</u>	<u>4698</u>	<u>5576</u>	<u>6244</u>	<u>6906</u>	<u>7539</u>
<u>24800</u>	<u>3211</u>	<u>4707</u>	<u>5587</u>	<u>6256</u>	<u>6920</u>	<u>7554</u>
<u>24850</u>	<u>3217</u>	<u>4717</u>	<u>5598</u>	<u>6269</u>	<u>6934</u>	<u>7569</u>
<u>24900</u>	<u>3224</u>	<u>4726</u>	<u>5609</u>	<u>6282</u>	<u>6948</u>	<u>7584</u>
<u>24950</u>	<u>3230</u>	<u>4736</u>	<u>5621</u>	<u>6294</u>	<u>6962</u>	<u>7599</u>
<u>25000</u>	<u>3237</u>	<u>4745</u>	<u>5632</u>	<u>6307</u>	<u>6976</u>	<u>7615</u>
<u>25050</u>	<u>3243</u>	<u>4755</u>	<u>5643</u>	<u>6319</u>	<u>6990</u>	<u>7630</u>
<u>25100</u>	<u>3250</u>	<u>4764</u>	<u>5654</u>	<u>6332</u>	<u>7004</u>	<u>7645</u>
<u>25150</u>	<u>3256</u>	<u>4774</u>	<u>5666</u>	<u>6345</u>	<u>7018</u>	<u>7660</u>
<u>25200</u>	<u>3263</u>	<u>4783</u>	<u>5677</u>	<u>6357</u>	<u>7032</u>	<u>7676</u>
<u>25250</u>	<u>3269</u>	<u>4793</u>	<u>5688</u>	<u>6370</u>	<u>7046</u>	<u>7691</u>
<u>25300</u>	<u>3276</u>	<u>4802</u>	<u>5699</u>	<u>6383</u>	<u>7060</u>	<u>7706</u>
<u>25350</u>	<u>3282</u>	<u>4812</u>	<u>5711</u>	<u>6395</u>	<u>7074</u>	<u>7721</u>
<u>25400</u>	<u>3289</u>	<u>4821</u>	<u>5722</u>	<u>6408</u>	<u>7088</u>	<u>7736</u>
<u>25450</u>	<u>3295</u>	<u>4831</u>	<u>5733</u>	<u>6420</u>	<u>7102</u>	<u>7752</u>
<u>25500</u>	<u>3302</u>	<u>4840</u>	<u>5744</u>	<u>6433</u>	<u>7116</u>	<u>7767</u>
<u>25550</u>	<u>3308</u>	<u>4850</u>	<u>5756</u>	<u>6446</u>	<u>7130</u>	<u>7782</u>
<u>25600</u>	<u>3315</u>	<u>4859</u>	<u>5767</u>	<u>6458</u>	<u>7144</u>	<u>7797</u>
<u>25650</u>	<u>3321</u>	<u>4869</u>	<u>5778</u>	<u>6471</u>	<u>7158</u>	<u>7813</u>
<u>25700</u>	<u>3328</u>	<u>4878</u>	<u>5790</u>	<u>6483</u>	<u>7171</u>	<u>7828</u>
<u>25750</u>	<u>3334</u>	<u>4888</u>	<u>5801</u>	<u>6496</u>	<u>7185</u>	<u>7843</u>
<u>25800</u>	<u>3340</u>	<u>4897</u>	<u>5812</u>	<u>6509</u>	<u>7199</u>	<u>7858</u>
<u>25850</u>	<u>3347</u>	<u>4907</u>	<u>5823</u>	<u>6521</u>	<u>7213</u>	<u>7874</u>
<u>25900</u>	<u>3353</u>	<u>4916</u>	<u>5835</u>	<u>6534</u>	<u>7227</u>	<u>7889</u>
<u>25950</u>	<u>3360</u>	<u>4926</u>	<u>5846</u>	<u>6547</u>	<u>7241</u>	<u>7904</u>
<u>26000</u>	<u>3366</u>	<u>4935</u>	<u>5857</u>	<u>6559</u>	<u>7255</u>	<u>7919</u>
<u>26050</u>	<u>3373</u>	<u>4945</u>	<u>5868</u>	<u>6572</u>	<u>7269</u>	<u>7934</u>
<u>26100</u>	<u>3379</u>	<u>4954</u>	<u>5880</u>	<u>6584</u>	<u>7283</u>	<u>7950</u>
<u>26150</u>	<u>3386</u>	<u>4964</u>	<u>5891</u>	<u>6597</u>	<u>7297</u>	<u>7965</u>
<u>26200</u>	<u>3392</u>	<u>4973</u>	<u>5902</u>	<u>6610</u>	<u>7311</u>	<u>7980</u>
<u>26250</u>	<u>3399</u>	<u>4983</u>	<u>5913</u>	<u>6622</u>	<u>7325</u>	<u>7995</u>
<u>26300</u>	<u>3405</u>	<u>4992</u>	<u>5925</u>	<u>6635</u>	<u>7339</u>	<u>8011</u>
<u>26350</u>	<u>3412</u>	<u>5002</u>	<u>5936</u>	<u>6647</u>	<u>7353</u>	<u>8026</u>
<u>26400</u>	<u>3418</u>	<u>5011</u>	<u>5947</u>	<u>6660</u>	<u>7367</u>	<u>8041</u>
<u>26450</u>	<u>3425</u>	<u>5021</u>	<u>5958</u>	<u>6673</u>	<u>7381</u>	<u>8056</u>
<u>26500</u>	<u>3431</u>	<u>5030</u>	<u>5970</u>	<u>6685</u>	<u>7395</u>	<u>8072</u>
<u>26550</u>	<u>3438</u>	<u>5040</u>	<u>5981</u>	<u>6698</u>	<u>7409</u>	<u>8087</u>
<u>26600</u>	<u>3444</u>	<u>5049</u>	<u>5992</u>	<u>6711</u>	<u>7423</u>	<u>8102</u>
<u>26650</u>	<u>3451</u>	<u>5059</u>	<u>6004</u>	<u>6723</u>	<u>7437</u>	<u>8117</u>
<u>26700</u>	<u>3457</u>	<u>5068</u>	<u>6015</u>	<u>6736</u>	<u>7451</u>	<u>8132</u>
<u>26750</u>	<u>3463</u>	<u>5078</u>	<u>6026</u>	<u>6748</u>	<u>7464</u>	<u>8148</u>

<u>26800</u>	<u>3470</u>	<u>5087</u>	<u>6037</u>	<u>6761</u>	<u>7478</u>	<u>8163</u>
<u>26850</u>	<u>3476</u>	<u>5097</u>	<u>6049</u>	<u>6774</u>	<u>7492</u>	<u>8178</u>
<u>26900</u>	<u>3483</u>	<u>5106</u>	<u>6060</u>	<u>6786</u>	<u>7506</u>	<u>8193</u>
<u>26950</u>	<u>3489</u>	<u>5116</u>	<u>6071</u>	<u>6799</u>	<u>7520</u>	<u>8209</u>
<u>27000</u>	<u>3496</u>	<u>5125</u>	<u>6082</u>	<u>6811</u>	<u>7534</u>	<u>8224</u>
<u>27050</u>	<u>3502</u>	<u>5135</u>	<u>6094</u>	<u>6824</u>	<u>7548</u>	<u>8239</u>
<u>27100</u>	<u>3509</u>	<u>5144</u>	<u>6105</u>	<u>6837</u>	<u>7562</u>	<u>8254</u>
<u>27150</u>	<u>3515</u>	<u>5154</u>	<u>6116</u>	<u>6849</u>	<u>7576</u>	<u>8270</u>
<u>27200</u>	<u>3522</u>	<u>5163</u>	<u>6127</u>	<u>6862</u>	<u>7590</u>	<u>8285</u>
<u>27250</u>	<u>3528</u>	<u>5173</u>	<u>6139</u>	<u>6874</u>	<u>7604</u>	<u>8300</u>
<u>27300</u>	<u>3535</u>	<u>5182</u>	<u>6150</u>	<u>6887</u>	<u>7618</u>	<u>8315</u>
<u>27350</u>	<u>3541</u>	<u>5192</u>	<u>6161</u>	<u>6900</u>	<u>7632</u>	<u>8330</u>
<u>27400</u>	<u>3548</u>	<u>5201</u>	<u>6172</u>	<u>6912</u>	<u>7646</u>	<u>8346</u>
<u>27450</u>	<u>3554</u>	<u>5211</u>	<u>6184</u>	<u>6925</u>	<u>7660</u>	<u>8361</u>
<u>27500</u>	<u>3561</u>	<u>5220</u>	<u>6195</u>	<u>6938</u>	<u>7674</u>	<u>8376</u>
<u>27550</u>	<u>3567</u>	<u>5229</u>	<u>6206</u>	<u>6950</u>	<u>7688</u>	<u>8391</u>
<u>27600</u>	<u>3574</u>	<u>5239</u>	<u>6218</u>	<u>6963</u>	<u>7702</u>	<u>8407</u>
<u>27650</u>	<u>3580</u>	<u>5248</u>	<u>6229</u>	<u>6975</u>	<u>7716</u>	<u>8422</u>
<u>27700</u>	<u>3586</u>	<u>5258</u>	<u>6240</u>	<u>6988</u>	<u>7730</u>	<u>8437</u>
<u>27750</u>	<u>3593</u>	<u>5267</u>	<u>6251</u>	<u>7001</u>	<u>7744</u>	<u>8452</u>
<u>27800</u>	<u>3599</u>	<u>5277</u>	<u>6263</u>	<u>7013</u>	<u>7757</u>	<u>8467</u>
<u>27850</u>	<u>3606</u>	<u>5286</u>	<u>6274</u>	<u>7026</u>	<u>7771</u>	<u>8483</u>
<u>27900</u>	<u>3612</u>	<u>5296</u>	<u>6285</u>	<u>7038</u>	<u>7785</u>	<u>8498</u>
<u>27950</u>	<u>3619</u>	<u>5305</u>	<u>6296</u>	<u>7051</u>	<u>7799</u>	<u>8513</u>
<u>28000</u>	<u>3625</u>	<u>5315</u>	<u>6308</u>	<u>7064</u>	<u>7813</u>	<u>8528</u>
<u>28050</u>	<u>3632</u>	<u>5324</u>	<u>6319</u>	<u>7076</u>	<u>7827</u>	<u>8544</u>
<u>28100</u>	<u>3638</u>	<u>5334</u>	<u>6330</u>	<u>7089</u>	<u>7841</u>	<u>8559</u>
<u>28150</u>	<u>3645</u>	<u>5343</u>	<u>6341</u>	<u>7102</u>	<u>7855</u>	<u>8574</u>
<u>28200</u>	<u>3651</u>	<u>5353</u>	<u>6353</u>	<u>7114</u>	<u>7869</u>	<u>8589</u>
<u>28250</u>	<u>3658</u>	<u>5362</u>	<u>6364</u>	<u>7127</u>	<u>7883</u>	<u>8605</u>
<u>28300</u>	<u>3664</u>	<u>5372</u>	<u>6375</u>	<u>7139</u>	<u>7897</u>	<u>8620</u>
<u>28350</u>	<u>3671</u>	<u>5381</u>	<u>6386</u>	<u>7152</u>	<u>7911</u>	<u>8635</u>
<u>28400</u>	<u>3677</u>	<u>5391</u>	<u>6398</u>	<u>7165</u>	<u>7925</u>	<u>8650</u>
<u>28450</u>	<u>3684</u>	<u>5400</u>	<u>6409</u>	<u>7177</u>	<u>7939</u>	<u>8665</u>
<u>28500</u>	<u>3690</u>	<u>5410</u>	<u>6420</u>	<u>7190</u>	<u>7953</u>	<u>8681</u>
<u>28550</u>	<u>3697</u>	<u>5419</u>	<u>6432</u>	<u>7202</u>	<u>7967</u>	<u>8696</u>
<u>28600</u>	<u>3703</u>	<u>5429</u>	<u>6443</u>	<u>7215</u>	<u>7981</u>	<u>8711</u>
<u>28650</u>	<u>3709</u>	<u>5438</u>	<u>6454</u>	<u>7228</u>	<u>7995</u>	<u>8726</u>
<u>28700</u>	<u>3716</u>	<u>5448</u>	<u>6465</u>	<u>7240</u>	<u>8009</u>	<u>8742</u>
<u>28750</u>	<u>3722</u>	<u>5457</u>	<u>6477</u>	<u>7253</u>	<u>8023</u>	<u>8757</u>
<u>28800</u>	<u>3729</u>	<u>5467</u>	<u>6488</u>	<u>7266</u>	<u>8037</u>	<u>8772</u>
<u>28850</u>	<u>3735</u>	<u>5476</u>	<u>6499</u>	<u>7278</u>	<u>8050</u>	<u>8787</u>
<u>28900</u>	<u>3742</u>	<u>5486</u>	<u>6510</u>	<u>7291</u>	<u>8064</u>	<u>8803</u>

<u>28950</u>	<u>3748</u>	<u>5495</u>	<u>6522</u>	<u>7303</u>	<u>8078</u>	<u>8818</u>
<u>29000</u>	<u>3755</u>	<u>5505</u>	<u>6533</u>	<u>7316</u>	<u>8092</u>	<u>8833</u>
<u>29050</u>	<u>3761</u>	<u>5514</u>	<u>6544</u>	<u>7329</u>	<u>8106</u>	<u>8848</u>
<u>29100</u>	<u>3768</u>	<u>5524</u>	<u>6555</u>	<u>7341</u>	<u>8120</u>	<u>8863</u>
<u>29150</u>	<u>3774</u>	<u>5533</u>	<u>6567</u>	<u>7354</u>	<u>8134</u>	<u>8879</u>
<u>29200</u>	<u>3781</u>	<u>5543</u>	<u>6578</u>	<u>7366</u>	<u>8148</u>	<u>8894</u>
<u>29250</u>	<u>3787</u>	<u>5552</u>	<u>6589</u>	<u>7379</u>	<u>8162</u>	<u>8909</u>
<u>29300</u>	<u>3794</u>	<u>5562</u>	<u>6600</u>	<u>7392</u>	<u>8176</u>	<u>8924</u>
<u>29350</u>	<u>3800</u>	<u>5571</u>	<u>6612</u>	<u>7404</u>	<u>8190</u>	<u>8940</u>
<u>29400</u>	<u>3807</u>	<u>5581</u>	<u>6623</u>	<u>7417</u>	<u>8204</u>	<u>8955</u>
<u>29450</u>	<u>3813</u>	<u>5590</u>	<u>6634</u>	<u>7429</u>	<u>8218</u>	<u>8970</u>
<u>29500</u>	<u>3820</u>	<u>5600</u>	<u>6646</u>	<u>7442</u>	<u>8232</u>	<u>8985</u>
<u>29550</u>	<u>3826</u>	<u>5609</u>	<u>6657</u>	<u>7455</u>	<u>8246</u>	<u>9001</u>
<u>29600</u>	<u>3832</u>	<u>5619</u>	<u>6668</u>	<u>7467</u>	<u>8260</u>	<u>9016</u>
<u>29650</u>	<u>3839</u>	<u>5628</u>	<u>6679</u>	<u>7480</u>	<u>8274</u>	<u>9031</u>
<u>29700</u>	<u>3845</u>	<u>5638</u>	<u>6691</u>	<u>7493</u>	<u>8288</u>	<u>9046</u>
<u>29750</u>	<u>3852</u>	<u>5647</u>	<u>6702</u>	<u>7505</u>	<u>8302</u>	<u>9061</u>
<u>29800</u>	<u>3858</u>	<u>5657</u>	<u>6713</u>	<u>7518</u>	<u>8316</u>	<u>9077</u>
<u>29850</u>	<u>3865</u>	<u>5666</u>	<u>6724</u>	<u>7530</u>	<u>8330</u>	<u>9092</u>
<u>29900</u>	<u>3871</u>	<u>5676</u>	<u>6736</u>	<u>7543</u>	<u>8343</u>	<u>9107</u>
<u>29950</u>	<u>3878</u>	<u>5685</u>	<u>6747</u>	<u>7556</u>	<u>8357</u>	<u>9122</u>
<u>30000</u>	<u>3884</u>	<u>5695</u>	<u>6758</u>	<u>7568</u>	<u>8371</u>	<u>9138</u> ".

AMENDMENT NO. 4

On page 23, in line 7, strike "2011" and substitute "2010".

The preceding 4 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0500

SPONSOR: Del Waldstreicher, et al

SUBJECT: Child Support Guidelines – Revision

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

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

Delegate Simmons, Chairman
Delegate Dumais, and
Delegate Levi.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

**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

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

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 not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0931

SPONSOR: The Spkr (Admin), et al

SUBJECT: Public Safety – Sexual Offender Advisory Board

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

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

Delegate Dumais, Chairman
Delegate Waldstreicher, and
Delegate Frank.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB 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 ordered journalized.

MESSAGE TO THE SENATE

BILL: SB 0235

SPONSOR: Sen Robey, et al

SUBJECT: Real Property – Mobile Home Parks – Plans for Dislocated Residents

By the Majority Leader:

Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed: Senator Raskin, Chair
Senator Gladden
Senator Muse

The House appoints: Delegate Holmes, Chairman
Delegate Glenn, and
Delegate Sossi.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB 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 ordered journalized.

MESSAGE TO THE SENATE

BILL: SB 0856

SPONSOR: The Pres (Admin), et al

SUBJECT: Public Safety – Sexual Offender Advisory Board

By the Majority Leader:

Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed: Senator Brochin, Chair

Senator Raskin

Senator Haines

The House appoints: Delegate Dumais, Chairman

Delegate Waldstreicher, and

Delegate Frank.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB 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 ordered journalized.

MESSAGE TO THE SENATE

BILL: SB 0886

SPONSOR: Sens Klausmeier and Middleton

SUBJECT: Financial Instns – Credit Unions and Depository
Instns – Auth to Conduct Savings Promotion Raffles

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

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed: Senator Klausmeier, Chair
Senator Della
Senator Kittleman

The House appoints: Delegate Feldman, Chairman
Delegate Miller, and
Delegate Vaughn.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

CONFERENCE COMMITTEE REPORT

Senate Bill 140 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2011)

REPORT OF THE CONFERENCE COMMITTEE ON SENATE BILL 140 – THE BUDGET BILL

(See Exhibit Q of Appendix II)

CONFERENCE COMMITTEE REPORT ON SENATE BILL 140 – THE BUDGET BILL AND
SENATE BILL 141 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit R of Appendix II)

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 105 Negative – 34 (See Roll Call No. 1128)

The Bill was then returned to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: SB 141 SPONSOR: The President

SUBJECT: Budget Reconciliation and Financing Act of 2010

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 140 – THE BUDGET BILL AND
SENATE BILL 141 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit R of Appendix II)

THIRD READING CALENDAR HOUSE NO. 12 SENATE NO. 52

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

- (1) That the Appropriations Committee Amendments (SB0141/284264/1) be rejected.
- (2) That Delegate Bohanan's Amendments (SB0141/993421/1) be rejected.
- (3) That Delegate Levy's Amendments (SB0141/223725/1) be rejected.
- (4) That Delegate O'Donnell's Amendments (SB0141/243220/1) be rejected.
- (5) That the attached Conference Committee Amendments (SB0141/443424/1) be adopted.

SB0141/443424/1

BY: Conference Committee

(To be offered in the Conference Committee)

AMENDMENTS TO SENATE BILL 141

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “authorizing” in line 7 down through “website;” in line 15; in line 17, after “funding;” insert “altering a certain requirement for reimbursement of certain volunteer firefighters and ambulance or rescue squad members under a certain tuition reimbursement program; requiring certain funds to be used for certain purposes for a certain fiscal year;”; and in line 20, after “bill” insert “to specify how certain savings will be achieved and”.

On page 2, in line 2, after “funds;” insert “altering certain requirements governing expenditures from a certain fund;”; in the same line, after “altering” insert “for a certain fiscal year”; strike beginning with “requiring” in line 10 down through “System;” in line 18; strike beginning with “requiring” in line 20 down through “circumstances;” in line 23; in line 25, after “distribution” insert “from a certain account”; in line 27, after “distribution” insert “from a certain account”; and strike beginning with “altering” in line 29 down through “years;” in line 30.

On pages 2 and 3, strike beginning with “limiting” in line 47 on page 2 down through “funding;” in line 2 on page 3 and substitute “requiring a certain residential boarding program and the State Department of Education to negotiate a certain modification to a certain contract and to submit a certain report to the budget committees of the General Assembly by a certain date;”.

On page 3, in line 17, after “circumstances;” insert “repealing a requirement that the Comptroller include a certain tax add-on system that allows contributions to the Fair Campaign Financing Fund; authorizing the transfer of certain funds in the Fair Campaign Finance Fund for certain purposes; requiring that certain funds transferred from the Fair Campaign Finance Fund not used for certain purposes shall revert to the Fund; providing for a study and report by a certain date by an independent consultant regarding certain issues relating to certain voting systems;”; strike beginning with “reducing” in line 18 down through “year;” in line 19; and in line 21, after “contingency;” insert “authorizing the transfer of certain amounts from certain special funds to the General Fund to support a certain business licensing project; establishing a certain commission to study and make recommendations relating to State funded benefits and pensions provided to State and public education employees and retirees; requiring the commission to submit certain reports to a certain commission and certain committees on or before certain dates; stating certain intent of the General Assembly;”.

AMENDMENT NO. 2

On page 3, in line 26, after “9–1101” insert “(a)”; and strike in their entirety lines 29 through 38, inclusive.

On page 4, in line 8, strike “and 10–523(a)(3)(i)” and substitute “, and 4–801(g)”; in line 14, after “17–104(a),” insert “18–603,”; in line 15, strike “and (d)”; after line 17, insert:

“BY repealing and reenacting, with amendments,

Article – Election Law

Section 15–103

Annotated Code of Maryland

(2003 Volume and 2009 Supplement)”;

after line 33, insert:

“BY repealing and reenacting, with amendments,

Article – Human Services

Section 8–504

Annotated Code of Maryland

(2007 Volume and 2009 Supplement)”;

and strike in their entirety lines 34 through 38, inclusive.

On page 5, in line 22, strike “21–304(a) and (b),”; in the same line, strike “, 21–308(a)(1) and (d)(1),”; strike in their entirety lines 26 through 30, inclusive; in line 33, after “2–1104,” insert “and”; and in the same line, strike “, and 2–1302.2”.

On page 7, in line 20, after “35,” insert “38.”

AMENDMENT NO. 3

On pages 8 and 9, strike in their entirety the lines beginning with line 1 on page 8 through line 17 on page 9, inclusive.

AMENDMENT NO. 4

On page 9, strike in their entirety lines 18 through 31, inclusive.

AMENDMENT NO. 5

On pages 10 through 12, strike in their entirety the lines beginning with line 1 on page 10 through line 20 on page 12, inclusive.

AMENDMENT NO. 6

On page 13, in line 21, strike “**PARAGRAPH (2) OR (4)**” and substitute “**ANY OTHER PROVISION**”; and in line 22, strike “**AND FISCAL YEAR 2011**”.

AMENDMENT NO. 7

On page 14, in line 24, strike “**\$2,000,000**” and substitute “**\$2,350,000**”; strike beginning with “**EACH**” in line 24 down through “**2012**” in line 25 and substitute “**FISCAL YEAR 2011**”; in line 26, strike “**2013**” and substitute “**2012**”; and in line 31, strike “**\$4,000,000**” and substitute “**\$5,000,000**”.

AMENDMENT NO. 8

On page 15, strike in their entirety lines 4 through 16, inclusive.

AMENDMENT NO. 9

On page 23, in line 16, strike “**AND**”; after line 16, insert:

“(IX) IN FISCAL YEAR 2017, NOT LESS THAN AN AMOUNT EQUAL TO 65.5% OF THE STATE’S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

(X) IN FISCAL YEAR 2018, NOT LESS THAN AN AMOUNT EQUAL TO 66% OF THE STATE’S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

(XI) IN FISCAL YEAR 2019, NOT LESS THAN AN AMOUNT EQUAL TO 66.5% OF THE STATE’S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

(XII) IN FISCAL YEAR 2020, NOT LESS THAN AN AMOUNT EQUAL TO 67.5% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; AND;

in line 17, strike “(IX)” and substitute “(XIII)”; in the same line, strike “2017” and substitute “2021”; in line 18, strike the brackets; in the same line, strike “66%”; and in line 29, after “COLLEGE” insert “UNDER THIS SECTION”.

AMENDMENT NO. 10

On page 21, in line 29, strike “AND”; strike beginning with “AND” in line 30 down through “THEREAFTER” in line 31; and in line 36, after “YEAR” insert “;”

10. IN FISCAL YEAR 2018, NOT LESS THAN AN AMOUNT EQUAL TO 26% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

11. IN FISCAL YEAR 2019, NOT LESS THAN AN AMOUNT EQUAL TO 27% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

12. IN FISCAL YEAR 2020, NOT LESS THAN AN AMOUNT EQUAL TO 28% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; AND

13. IN FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, NOT LESS THAN AN AMOUNT EQUAL TO 29% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR".

AMENDMENT NO. 11

On page 24, in line 27, strike "AND"; after line 27, insert:

"(IX) IN FISCAL YEAR 2017, AN AMOUNT NOT LESS THAN 12% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE SAME FISCAL YEAR;

(X) IN FISCAL YEAR 2018, AN AMOUNT NOT LESS THAN 13% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE SAME FISCAL YEAR;

(XI) IN FISCAL YEAR 2019, AN AMOUNT NOT LESS THAN 14% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE SAME FISCAL YEAR;

(XII) IN FISCAL YEAR 2020, AN AMOUNT NOT LESS THAN 15% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE SAME FISCAL YEAR; AND";

in line 28, strike "(IX)" and substitute "(XIII)"; in line 28, strike "**2017**" and substitute "2021"; and in line 29, strike "12%" and substitute "15.5%".

AMENDMENT NO. 12

On page 25, in line 14, strike "AND"; strike beginning with "AND" in line 15 down through "THEREAFTER" in line 16; in line 16, strike the bracket; in the same

line, after the semicolon insert “AND”; in line 17, after “2012” insert “AND EACH FISCAL YEAR THEREAFTER”; strike beginning with “; and” in line 18 down through “served” in line 20; and strike in their entirety lines 21 through 29.

On page 26, in line 1, strike the brackets; in the same line, strike “FOR EACH FISCAL YEAR, EACH”; strike beginning with “AN” in line 2 down through “\$14.00” in line 3; in line 4, strike the bracket; in line 7, after the semicolon, insert “AND”; in line 8, after “2012” insert “AND EACH FISCAL YEAR THEREAFTER”; and strike beginning with “; and” in line 8 down through “\$16.00” in line 10.

AMENDMENT NO. 13

On page 29, strike beginning with “FOR” in line 22 down through “(C)” in line 25; in line 25, strike “2014” and substitute “2013”; in line 26, strike the brackets; and in line 27, strike “\$13,000,000”.

AMENDMENT NO. 14

On page 47, in line 1, strike “\$9,100,000” and substitute “\$5,000,000”.

On page 48, in line 1, strike “\$23,000,000” and substitute “\$17,101,428”.

AMENDMENT NO. 15

On page 31, after line 32, insert:

“Article – Human Services

8–504.

Expenditures from the Fund shall be made:

(1) in accordance with the [budget amendment procedure in § 7–209 of the] State Finance and Procurement Article; AND

(2) [to each county through the county’s local management board to support a locally–driven interagency effort to maximize all available resources for children and family services; and

(3) to reflect the priorities, policies, and procedures that the Children’s Cabinet adopts.”.

On page 72, after line 2, insert:

“SECTION 49. AND BE IT FURTHER ENACTED, That § 8–504 of the Human Services Article as enacted by this Act shall be construed to apply retroactively to July 1, 2009, and shall be applied to and interpreted to affect any contract invoices submitted on or after July 1, 2009.”.

AMENDMENT NO. 16

On pages 31 through 33, strike in their entirety the lines beginning with line 33 on page 31 through line 30 on page 33, inclusive.

On page 71, after line 29, insert:

“SECTION 42. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 19–2201(e) of the Health – General Article or any other provision of law, in fiscal year 2011, the Governor may transfer by budget amendment up to \$10,500,000 from the Community Health Resources Commission Fund to the Kidney Disease Treatment Program (M00Q01.06) in the Medical Care Programs Administration.”.

AMENDMENT NO. 17

On page 45, in line 24, strike “INCOME TAX”; and in line 32, strike “\$389,000,000” and substitute “\$200,000,000”.

On page 46, in line 4, strike “INCOME TAX”; in the same line, strike “\$63,833,333” and substitute “\$33,333,333”; and in line 5, strike “\$389,000,000” and substitute “\$200,000,000”.

AMENDMENT NO. 18

On pages 37 through 40, strike in their entirety the lines beginning with line 5 on page 37 through line 9 on page 40, inclusive.

On pages 41 through 43, strike in their entirety the lines beginning with line 1 on page 41 through line 28 on page 43, inclusive.

AMENDMENT NO. 19

On page 15, after line 3, insert:

“4-801.

(g) **(1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE Fund may be used only for preventing the closure, [or] termination, OR FINANCIAL DISTRESS of cultural arts organizations, including museums, or similar entities in the State.**

(2) FOR FISCAL YEAR 2011:

(i) \$450,000 FROM THE FUND SHALL BE USED TO PROVIDE A GRANT TO THE BALTIMORE SYMPHONY ORCHESTRA; AND

(ii) \$50,000 FROM THE FUND SHALL BE USED TO PROVIDE A GRANT TO THE NATIONAL PHILHARMONIC.”.

AMENDMENT NO. 20

On page 48, strike in their entirety lines 5 through 12, inclusive.

AMENDMENT NO. 21

On page 48, in line 27, strike “**\$81,900,000**” and substitute “**AT LEAST \$80,000,000**”; and in line 29, strike “**\$75,013,000**” and substitute “**THE REMAINING BALANCE**”.

AMENDMENT NO. 22

On page 49, in line 9, strike “**19%**” and substitute “**19.3%**”; in lines 22, 23, 24, and 28, strike “**19.6%**”, “**22.5%**”, “**20.1%**”, and “**68.6%**”, respectively, and substitute “**19.5%**”, “**23%**”, “**20.4%**”, and “**68.5%**”, respectively; and in line 22, after “**FISCAL**” insert “**YEAR**”.

On page 50, in lines 10, 13, 17, 21, and 30, strike “**8.8%**”, “**0.6%**”, “**0.1%**”, “**8.5%**”, and “**8.2%**”, respectively, and substitute “**7.5%**”, “**1.4%**”, “**0.3%**”, “**8.6%**”, and “**7.9%**”, respectively; strike beginning with “**SHALL**” in line 9 down through “**MONTHLY**” in line 10; and in line 10, after “**REVENUES**” insert “**SHALL BE DISTRIBUTED TO BALTIMORE CITY IN MONTHLY INSTALLMENTS**”.

On page 51, in lines 2 and 8, strike “**0.6%**” and “**7.8%**”, respectively, and substitute “**0.5%**” and “**7.5%**”, respectively; in line 28, strike “**AN ELIGIBLE**”.

MUNICIPALITY” and substitute “ELIGIBLE MUNICIPALITIES IN THE COUNTY”; and in line 30, strike “AN ELIGIBLE MUNICIPALITY” and substitute “ELIGIBLE MUNICIPALITIES IN THE STATE”.

On page 52, in lines 1 and 2, strike “AN OWNER HAVING AN ADDRESS IN AN ELIGIBLE MUNICIPALITY” and substitute “OWNERS HAVING ADDRESSES IN ELIGIBLE MUNICIPALITIES IN THE COUNTY”; in lines 4 and 5, strike “AN OWNER HAVING AN ADDRESS IN AN ELIGIBLE MUNICIPALITY” and substitute “OWNERS HAVING ADDRESSES IN ELIGIBLE MUNICIPALITIES IN THE STATE”; in lines 14 and 17, in each instance, strike the bracket; strike beginning with “Any” in line 14 down through “roads” in line 15 and substitute “AN ELIGIBLE MUNICIPALITY”; and in lines 18 and 24, strike “(A)” and “(b)”, respectively, and substitute “(B)” and “(C)”, respectively.

On page 53, in line 6, strike “(c)” and substitute “(D)”.

AMENDMENT NO. 23

On page 25, after line 5, insert:

“18–603.

(a) There is a Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program under this section.

(b) [Any] AS PROVIDED IN THE STATE BUDGET, ANY career or volunteer firefighter or ambulance or rescue squad member who is a resident of Maryland shall receive PARTIAL OR full and complete reimbursement by the Office for tuition costs not to exceed the resident tuition rates at the 4–year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full–time resident undergraduate, for courses credited toward a degree in fire service technology or emergency medical technology.

(c) (1) The tuition reimbursement application shall be filed with the Office no later than July 1 immediately following the academic year for which tuition reimbursement is sought.

(2) Payment shall be made 1 year after successful completion of each academic year.

(3) Payment may be made only if the applicant is still employed or actively engaged as a career or volunteer firefighter or ambulance or rescue squad member in an organized fire department or ambulance or rescue squad in this State.”.

On page 71, in line 31, after “repealed.” insert:

“SECTION 44. AND BE IT FURTHER ENACTED, That, notwithstanding § 18–107 of the Education Article or any other provision of law, for fiscal year 2011 only, carry-forward funds available from scholarship programs under Title 18 of the Education Article shall first be allocated to fully fund the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program. It is the intent of the General Assembly that carry-forward funds from non-need based scholarships be used before carry-forward funds from need-based scholarship funds are used.”.

AMENDMENT NO. 24

On page 54, in line 26, strike “\$85,051,173” and substitute “\$133,319,852”.

On page 55, in line 29, strike “\$1,664,227” and substitute “\$2,113,653”.

On page 57, in line 7, strike “\$150,000” and substitute “\$500,000”; and in line 11, strike “\$96,541” and substitute “\$1,374,254”.

On page 59, in line 10, strike “\$55,532,294” and substitute “\$11,731,321”; in line 18, strike “\$1,783,395” and substitute “\$822,287”; in line 20, strike “\$1,051,307” and substitute “\$750,574”; and in line 31, strike “\$602,800” and substitute “\$500,000”.

AMENDMENT NO. 25

On page 71, after line 31, insert:

“SECTION 45. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2011, up to \$479,196 in special funds from the following agencies may be transferred to the General Fund to support the Central Business Licensing Project as follows:

Department of Health and Mental Hygiene:

State Acupuncture Board Fund

\$969

<u>State Board of Dietetic Practice Fund</u>	<u>796</u>
<u>State Board of Professional Counselors and Therapists Fund</u>	<u>5,540</u>
<u>State Board of Chiropractic and Massage Therapy Examiners Fund</u>	<u>5,319</u>
<u>State Board of Dental Examiners Fund</u>	<u>16,892</u>
<u>State Board for Morticians and Funeral Directors Fund</u>	<u>922</u>
<u>State Board of Occupational Therapy Practice Fund</u>	<u>3,341</u>
<u>State Board of Examiners in Optometry Fund</u>	<u>1,534</u>
<u>State Board of Pharmacy Fund</u>	<u>32,821</u>
<u>State Board of Physical Therapy Examiners Fund</u>	<u>15,311</u>
<u>State Board of Podiatric Medical Examiners Fund</u>	<u>1,647</u>
<u>State Board of Examiners of Psychologists Fund</u>	<u>3,724</u>
<u>State Board of Social Work Examiners Fund</u>	<u>6,766</u>
<u>State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech Language Pathologists Fund</u>	<u>1,954</u>
<u>Kidney Disease Fund</u>	<u>134</u>
<u>Board of Nursing Fund</u>	<u>289,754</u>
<u>Board of Physicians Fund</u>	<u>40,829</u>
<u>Department of Labor, Licensing, and Regulation:</u>	
<u>State Occupational and Professional Licensing Design Boards' Fund</u>	<u>13,043</u>
<u>Department of Agriculture:</u>	
<u>Registration and Inspection Fees</u>	<u>4,018</u>
<u>Department of the Environment:</u>	
<u>Special Indirect Cost Recoveries</u>	<u>21,951</u>
<u>Department of Transportation:</u>	
<u>Transportation Trust Fund</u>	<u>9,725</u>

Department of Natural Resources:Waterway Improvement Fund788Maryland Insurance Administration:Insurance Regulation Fund1,418”.AMENDMENT NO. 26

On page 62, strike beginning with “, the” in line 24 down through “students.” in line 26 and substitute “:

(a) The SEED School of Maryland and the Maryland State Department of Education shall negotiate a modification to their contract to extend from five to six years the time by which the SEED School reaches the State-supported maximum of 400 students, as authorized in § 8–710 of the Education Article and to limit the total student population at the SEED School to less than 320 students in the fall of 2011 and to less than 400 students in the fall of 2012, in a manner so that the required appropriation in the State budget for support of the school is less than \$8,000,000 in fiscal year 2012 and less than \$10,000,000 in fiscal year 2013.

(b) On or before October 1, 2010, the SEED School and the Department shall report on the renegotiated contract and provide a copy of the proposed new contract to the budget committees of the General Assembly. The budget committees shall have 45 days from the date of receipt of the report to review and comment on the proposed new contract before it is executed.”.

AMENDMENT NO. 27

On page 62, in line 35, after “section” insert “and except as otherwise provided in this Act”.

AMENDMENT NO. 28

On page 26, after line 10, insert:

“Article – Election Law

- (a) There is a Fair Campaign Financing Fund.
- (b) The Comptroller shall administer the Fund in accordance with this section.
- (c) [For each taxable year, the Comptroller shall establish a tax add-on system that allows contributions to the Fund:
 - (1) by an individual, other than a nonresident alien, filing a personal State income tax return; and
 - (2) in an amount not to exceed \$500.
- (d) In accordance with this title, the Comptroller shall:
 - (1) credit to the Fund all money collected under this title;
 - (2) subject to the usual investing procedures for State funds, invest the money in the Fund; and
 - (3) make distributions from the Fund promptly on authorization by the State Board.
- [(e)] (D)** The Comptroller shall distribute public contributions:
 - (1) only on authorization of the State Board; and
 - (2) as to each eligible gubernatorial ticket, to the same campaign account of a single campaign finance entity established under Title 13, Subtitle 2 of this article.

[(f)] (E) The Comptroller shall submit a statement of the Fund's balance to the State Board at the State Board's request and on May 15 of each year."

On page 70, after line 30, insert:

"SECTION 38. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) The General Assembly finds that the Fair Campaign Financing Fund established under § 15–103 of the Election Law Article cannot operate as originally contemplated.

(b) Subject to subsection (c) of this section, up to \$2,000,000 of the balance in the Fund may be transferred to the Maryland Information Technology Development Project Fund (program F50A01.01) for the purpose of funding the purchase of a new Optical Scan Voting System.

(c) A transfer under this section may not reduce the balance in the Fund below \$1,000,000.

(d) Any funds transferred from the Fair Campaign Financing Fund to the Major Information Technology Development Project Fund as authorized under this section that are not used to purchase a new Optical Scan Voting System may not be retained by the Major Information Technology Development Project Fund and [may only be transferred to the Maryland Election Modernization Fund established under § 2–107 of the Election Law Article] SHALL REVERT TO THE FAIR CAMPAIGN FINANCING FUND.

(E) SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR FISCAL YEAR 2011, AN AMOUNT UP TO \$150,000 OF THE BALANCE IN THE FUND MAY BE TRANSFERRED TO THE DEPARTMENT OF LEGISLATIVE SERVICES FOR THE PURPOSE OF PAYING THE COST OF A CONTRACT WITH AN INDEPENDENT CONSULTANT TO CONDUCT A STUDY OF THE ISSUES ENUMERATED IN SUBSECTION (G) OF THIS SECTION.

(F) ANY FUNDS TRANSFERRED FROM THE FAIR CAMPAIGN FINANCING FUND TO THE DEPARTMENT OF LEGISLATIVE SERVICES UNDER SUBSECTION (E) OF THIS SECTION THAT ARE NOT USED TO PAY THE COST OF THE CONTRACT REQUIRED UNDER SUBSECTION (G) OF THIS SECTION MAY NOT BE RETAINED BY THE DEPARTMENT OF LEGISLATIVE SERVICES AND SHALL REVERT TO THE FAIR CAMPAIGN FINANCING FUND.

(G) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL CONTRACT WITH AN INDEPENDENT CONSULTANT TO COMPLETE A STUDY OF THE FOLLOWING ISSUES:

(1) WHETHER THE STATE BOARD OF ELECTIONS VOTING SYSTEM SUPPORT SERVICES CONTRACT APPROVED BY THE BOARD OF PUBLIC WORKS ON FEBRUARY 24, 2010, IS MAXIMALLY COST-EFFECTIVE AND INCLUDES ONLY SERVICES THAT ARE CLEARLY NECESSARY FOR THE CONDUCT OF ELECTIONS;

(2) WHETHER THE STATE BOARD OF ELECTIONS PROPOSED PROCUREMENT OF AN OPTICAL SCAN VOTING SYSTEM FOR DEPLOYMENT IN THE 2010 ELECTIONS WAS MAXIMALLY COST-EFFECTIVE AND INCLUDED ONLY EQUIPMENT THAT IS CLEARLY NECESSARY FOR THE CONDUCT OF ELECTIONS;

(3) THE NECESSITY OF THE STATE BOARD'S PROPOSED PROCUREMENT OF VOTING BOOTHS AND SUPPLY CARTS TO IMPLEMENT AN OPTICAL SCAN VOTING SYSTEM FOR THE 2010 ELECTIONS;

(4) THE AMOUNT, IF ANY, BY WHICH VOTING SYSTEM OPERATIONS AND MAINTENANCE COSTS WOULD BE REDUCED IF AN OPTICAL SCAN VOTING SYSTEM IS IMPLEMENTED;

(5) CURRENT AND PROJECTED OPERATIONS AND MAINTENANCE COSTS FOR THE STATE'S CURRENT VOTING SYSTEM;

(6) THE PROJECTED LIFE SPAN OF THE STATE'S CURRENT VOTING SYSTEM;

(7) A COMPARISON OF THE OVERALL COST OF CONTINUING TO USE THE STATE'S CURRENT VOTING SYSTEM AS OPPOSED TO IMPLEMENTING AN OPTICAL SCAN VOTING SYSTEM; AND

(8) RECOMMENDATIONS FOR PROCURING AND IMPLEMENTING AN OPTICAL SCAN VOTING SYSTEM IN A COST-EFFECTIVE MANNER.

(H) THE INDEPENDENT CONSULTANT SHALL CONSULT WITH VOTING SYSTEM EXPERTS AND REVIEW THE VOTING SYSTEM CONTRACTS AND POLICIES OF OTHER JURISDICTIONS IN MAKING FINDINGS AND RECOMMENDATIONS CONCERNING THE ISSUES ENUMERATED IN SUBSECTION (G) OF THIS SECTION.

(I) ON OR BEFORE DECEMBER 1, 2010, THE INDEPENDENT CONSULTANT SHALL SUBMIT A FINAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(J) SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR FISCAL YEAR 2011, AN AMOUNT UP TO \$500,000 OF THE BALANCE IN THE FUND MAY BE TRANSFERRED TO THE STATE BOARD OF ELECTIONS FOR THE PURPOSE OF IMPLEMENTING AN ONLINE CAMPAIGN FINANCE REPORTING SYSTEM.

(K) ANY FUNDS TRANSFERRED FROM THE FAIR CAMPAIGN FINANCING FUND TO THE STATE BOARD OF ELECTIONS UNDER SUBSECTION (J) OF THIS SECTION THAT ARE NOT USED TO PAY THE COST OF IMPLEMENTING AN ONLINE CAMPAIGN FINANCE REPORTING SYSTEM MAY NOT BE RETAINED BY THE STATE BOARD OF ELECTIONS AND SHALL REVERT TO THE FAIR CAMPAIGN FINANCING FUND.”.

AMENDMENT NO. 29

On page 71, strike in their entirety lines 22 through 29, inclusive.

AMENDMENT NO. 30

On page 36, in line 3 after “SHALL” insert “SPECIFY HOW THE SAVINGS WILL BE ACHIEVED AND WITH THE EXCEPTION OF POSITION ABOLITIONS AND ITEMS REQUIRING COLLECTIVE BARGAINING SHALL”; and in line 5, strike “SOURCE” and substitute “TYPE”.

AMENDMENT NO. 31

On page 71, before line 32, insert:

“SECTION 46. AND BE IT FURTHER ENACTED, That:

(a) There is a Public Employees’ and Retirees’ Benefit Sustainability Commission.

(b) (1) Subject to the provisions of paragraph (2) of this subsection, the Commission consists of the following members:

- (i) the State Treasurer, ex officio;
- (ii) three members appointed by the Governor;
- (iii) two members appointed by the President of the Senate; and
- (iv) two members appointed by the Speaker of the House.

(2) (i) In the appointment of members to the Commission, special consideration shall be given to individuals who have knowledge of public or private compensation practices, benefits, and financial matters.

(ii) Except as provided in paragraph (1)(i) of this subsection, the following individuals may not be members of the Commission:

- 1. a member of the General Assembly;
- 2. a member of the Board of Trustees for the State Retirement and Pension System;
- 3. an employee of the State Retirement Agency; or
- 4. an individual that is employed by an organization
that represents:
 - A. a governmental entity; or
 - B. employees of a governmental entity.

(c) The Governor shall designate the chair of the Commission.

(d) (1) The Department of Legislative Services shall provide staff for the Commission.

(2) The Department of Legislative Services' consulting actuary shall provide pension analysis for the Commission.

(3) The Department of Budget and Management's consulting actuary shall provide analysis of postemployment benefits for the Commission.

(4) At the request of the Commission, the Department of Budget and Management and the State Retirement Agency shall provide information necessary to assist in the work of the Commission.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) The costs of the Commission relating to the evaluation of pensions shall be paid by the State Retirement Agency.

(2) The costs of the Commission relating to the Retiree Health Benefits evaluation shall be paid by the Department of Budget and Management.

(g) (1) The Commission shall study and make recommendations with respect to all aspects of State funded benefits and pensions provided to State and public education employees and retirees in the State.

(2) The Commission shall review and evaluate the recruitment practices, retention incentives, actuarial liabilities, actuarial funding method, cost drivers, employee contribution rates, and the comparability and affordability of benefit levels of:

(i) the State Employees' Retirement and Pension Systems;

(ii) the State Employee and Retiree Health Benefit Program;

and

(iii) the Teachers' Retirement and Pension Systems.

(3) The review of the Commission shall include:

(i) long-term estimated increases in the annual required contributions for the State and evaluation of the sustainability of State-only funding of the long-term contribution levels for the current benefit structure; and

(ii) an evaluation of the appropriate levels of contribution for the direct employer of public education employees in the State, including an evaluation of the related provisions of Senate Bill 141 of the 2010 Regular Session of the General Assembly as it passed the Senate of Maryland.

(h) (1) On or before December 15, 2010, the Commission shall issue a report of its findings and recommendations that are specific and actionable to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee, the House Appropriations Committee, the Joint Committee on Pensions, and the Blue Ribbon Commission to Study Retiree Health Care Funding Options.

(2) On or before June 30, 2011, the Commission shall issue a final report of its findings and recommendations that are specific and actionable to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee, the House Appropriations Committee, the Joint Committee on Pensions, and the Blue Ribbon Commission to Study Retiree Health Care Funding Options.

(i) It is the intent of the General Assembly that the recommendations of the Commission begin to be implemented no later than fiscal year 2013.

(j) The Commission shall terminate on June 30, 2012.”.

AMENDMENT NO. 32

On page 68, in line 30, after “Maryland.” insert “This provision does not affect financial incentives disbursed in accordance with § 21-118.1 of the State Personnel and Pensions Article, provided that any financial incentives disbursed in fiscal year 2011 in accordance with that section may not exceed 10% of the recipient’s annual salary.”.

AMENDMENT NO. 33

On page 30, in line 7, strike “**JOHN**” and substitute “**JOHNS**”.

On page 36, in line 2, strike “EXECUTIVE BRANCH” and substitute “EXECUTIVE BRANCH”.

On page 68, in line 36, after “38” insert a period.

On page 69, in line 29, after “furloughs” insert “and temporary salary reductions”.

On page 71, in lines 32 and 38, strike “44.” and “45.”, respectively, and substitute “47.” and “48.”, respectively.

On page 72, in lines 3, 14, and 17, strike “46.”, “47.”, and “48.”, respectively, and substitute “50.”, “51.”, and “52.”, respectively; and in line 10, strike “5A” and substitute “6 of”.

Senate Members:

House Members:

Chair, **Ulysses Currie**

Chair, **Norman H. Conway**

Edward J. Kasemeyer

Tawanna P. Gaines

James E. DeGrange, Sr.

John L. Bohanan, Jr.

Richard S. Madaleno, Jr.

Sheila E. Hixson

did not sign
David R. Brinkley

Wendell R. Beitzel

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

() Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 105 Negative – 34 (See Roll Call No. 1129)

The Bill was then returned to the Senate.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #16**

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

House Bill 638 – Prince George’s County Delegation and Montgomery County Delegation

AN ACT concerning

**Washington Suburban Sanitary Commission – Procurement and Minority
Business Enterprises – WSSC Procurement Oversight Committee**

PG/MC 109–10

HB0638/636685/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 638

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “, terms,”; in lines 9 and 10, strike “stating the findings of the General Assembly,” and substitute “requiring the Committee to submit a certain report to the General Assembly under certain circumstances;”; in line 11, after “date,” insert “providing for the termination of this Act;”; and strike in their entirety lines 15 through 19, inclusive, and substitute:

“BY adding to

Article – Public Utility Companies

Section 20–207.1

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

(As enacted by Chapter _____ (S.B. 96) of the Acts of the General Assembly of 2010)”.

AMENDMENT NO. 2

On page 1, strike in their entirety lines 22 and 23, inclusive, and substitute:

“Article – Public Utility Companies

20–207.1.”

AMENDMENT NO. 3

On page 2, strike beginning with “**THE**” in line 1 down through “**(B)**” in line 4; in lines 7, 9, 11, and 13, in each instance, strike “**ONE**” and substitute “ONE”; in lines 7 and 8, strike “**PRESIDENT OF THE SENATE**” and substitute “COUNTY COUNCIL OF MONTGOMERY COUNTY”; in lines 9 and 10, strike “**SPEAKER OF THE HOUSE OF DELEGATES**” and substitute “COUNTY COUNCIL OF PRINCE GEORGE’S COUNTY”; in line 16, strike “**BE**” and substitute “BE”; in line 17, strike “**HAVE**” and substitute “HAVE”; strike in their entirety lines 21 through 24; in line 25, strike “**(C)**” and substitute “**(B)**”; in line 26, strike “**§ 3–109 OF**”; in line 27, strike “**NOTWITHSTANDING ANY OTHER LAW, IF**” and substitute “IF”; strike beginning with “**§**” in line 28 down through “**OF**” in line 29; in line 30, strike “**(D)**” and substitute “**(C)**”; and in lines 30 and 31, strike “**HAVE SOLE AUTHORITY OVER ANY PROCUREMENT ACTIVITIES OF THE COMMISSION**” and substitute “IMMEDIATELY REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE REGARDING THE FAILURE OF THE COMMISSION TO COMPLY WITH THIS SUBTITLE”.

AMENDMENT NO. 4

On page 3, in line 1, strike “**(D)**” and substitute “**(C)**”; in line 3, strike “**§ 3–109 OF**”; and in line 11, after the period, insert “It shall remain effective for a period of 4 years and, at the end of May 31, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 478 – Senators Kelley, Della, King, Klausmeier, McFadden, Muse, Stone, and Zirkin

AN ACT concerning

Residential Child Care Facilities – Incident Reporting – Interagency Workgroup

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 576 – Senator Zirkin

AN ACT concerning

Residential Child and Youth Care Practitioners – Certification Requirement – Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 633 – Senators Middleton, Astle, Kasemeyer, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, Raskin, ~~and Robey~~ Robey, Exum, Garagiola, Glassman, Pugh, Currie, Jones, McFadden, and Peters

AN ACT concerning

Community Services Reimbursement Rate Commission – Developmental Disabilities and Community Mental Health Services – Rate Adjustments

SB0633/546085/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 633
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “develop” in line 5 down through “providers” in line 7 and substitute “determine a weighted average cost structure of certain developmental disabilities service providers and community mental health services providers in a certain manner”; in line 8, strike “update formula” and substitute “annual inflationary cost adjustment”; in line 11, strike “using a certain update formula”; in line 12, after “year;” insert “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;”; in line 15, strike “a”; and in the same line, strike “date” and substitute “dates; providing for the termination of this Act”.

AMENDMENT NO. 2

On page 2, strike beginning with “Develop” in line 23 down through “BY” in line 28 and substitute “**DETERMINE A WEIGHTED AVERAGE COST STRUCTURE OF PROVIDERS BY**”; and in line 31, after the semicolon insert “**AND**”.

On page 3, strike beginning with the second “AND” in line 3 down through the semicolon in line 7; in line 23, strike “UPDATE FORMULA” and substitute “**ANNUAL INFLATIONARY COST ADJUSTMENT**”; in line 24, strike “13-806” and substitute “**16-201.2 (C)**”; in the same line, strike “SUBTITLE” and substitute “**ARTICLE**”; and strike beginning with “methodologies” in line 32 down through the comma in line 33 and substitute “**WEIGHTED AVERAGE COST STRUCTURE OF PROVIDERS**”.

AMENDMENT NO. 3

On page 4, strike beginning with “using” in line 30 down through “Commission” in line 32; and after line 32, insert:

“(2) THE DEPARTMENT SHALL ESTABLISH AN ANNUAL INFLATIONARY COST ADJUSTMENT FOR PROVIDERS THAT SHALL BE ALIGNED WITH THE ANNUAL COST ADJUSTMENTS FOR UNITS OF STATE GOVERNMENT IN THE GOVERNOR’S PROPOSED BUDGET.

“(3) SUBJECT TO PARAGRAPHS (4) AND (5) OF THIS SUBSECTION, THE DEPARTMENT SHALL ENSURE THAT THE ANNUAL INFLATIONARY COST

ADJUSTMENT FOR PROVIDERS IS EQUIVALENT TO THE ANNUAL INFLATIONARY COST ADJUSTMENTS FOR CATEGORIES OF COSTS FOR UNITS OF STATE GOVERNMENT IN THE GOVERNOR'S PROPOSED BUDGET BY USING THE WEIGHTED AVERAGE COST STRUCTURE SET FORTH IN § 13-806(B)(1) OF THIS ARTICLE.

(4) THE ANNUAL INFLATIONARY COST ADJUSTMENTS FOR CATEGORIES OF COSTS FOR UNITS OF STATE GOVERNMENT USED TO ESTABLISH THE ANNUAL INFLATIONARY COST ADJUSTMENT FOR PROVIDERS MAY NOT BE LESS THAN 0%.

(5) THE ANNUAL INFLATIONARY COST ADJUSTMENT FOR PROVIDERS MAY NOT EXCEED A MAXIMUM ADJUSTMENT OF 4%.”.

On pages 4 and 5, strike in their entirety the lines beginning with line 33 on page 4 through line 2 on page 5.

AMENDMENT NO. 4

On page 5, in line 3, strike “(3)” and substitute “(6)”; in line 9, after “(a)” insert “(1)”; strike beginning with “to” in line 11 down through “and” in line 14 and substitute “for purposes of recommending a plan to develop, and a timeline to implement, a rate-setting methodology for community developmental disabilities and mental health services providers that would:”

(i) promote the fiscally sound and efficient operation of community services providers; and

(ii) promote the highest level of quality of care for individuals with developmental disabilities and mental illness;

(2) include in the study an analysis of:

(i) the operating costs of community services providers;

(ii) the ability of community services providers to attract and retain a high quality work force;

(iii) any appropriate and feasible incentives for high quality performance of community services providers;

(iv) any capital infrastructure needs of community services providers;

(v) transportation costs of community services providers;

(vi) the appropriate future role of the Community Services Reimbursement Rate Commission and other entities involved in State rate-setting processes; and

(vii) any other issues related to the efficient and effective provision of community services; and

(b) (1) on or before December 1, 2012, report its preliminary findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article; and”;

in line 15, strike “(b)” and substitute “(2)”; in the same line, strike “2011” and substitute “2013”; and in line 18, after “2010.” insert “It shall remain effective for a period of 5 years and 9 months and, at the end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 693 – Senators Raskin, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Green Maryland Act of 2010

SB0693/316880/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 693

(Third Reading File Bill)

On page 7, in line 22, after “**PLASTICS**” insert “**OR RECYCLABLE PRODUCTS THAT MAY CONTAIN POST CONSUMER RECYCLED CONTENTS**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1031 – Senator Middleton

AN ACT concerning

Health Insurance – Surgical Treatment of Morbid Obesity – Repeal of Reporting Requirement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1033 – Senator Harrington

AN ACT concerning

Veterans Affairs – Military Health Care Provider Transition Plan

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1086 – Senator Munson

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.

SPECIAL ORDERS

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

House Bill 35 – Delegate Hubbard

AN ACT concerning

**Environment – Brominated Flame Retardants – Decabrominated Diphenyl
Ether – Prohibition**

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

FLOOR AMENDMENT**HB0035/120419/1**

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 35

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike “providing for a delayed effective date;”.

AMENDMENT NO. 2

On page 2, in line 27, strike “2011” and substitute “2010”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 987 – Delegates George, Beidle, Carr, V. Clagett, Frush, Holmes, Hucker, Lafferty, Niemann, Norman, Serafini, Shewell, Sossi, and Stein

AN ACT concerning

Marine Contractors – Licensure and Regulation – Wetland Permits and Authorizations

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

FLOOR AMENDMENT

HB0987/673726/1

BY: Delegate Impallaria

AMENDMENTS TO HOUSE BILL 987

AMENDMENT NO. 1

On page 1, of the Environmental Matters Committee Amendments (HB0987/220512/1), in line 13 of Amendment No. 1, before “establishing” insert “establishing a certain exception to a certain licensing requirement;”.

AMENDMENT NO. 2

On page 6 of the Environmental Matters Committee Amendments, in line 17 of Amendment No. 3, strike “HOMEOWNER” and substitute “RESIDENTIAL OR COMMERCIAL PROPERTY OWNER”; in line 19, strike “HOMEOWNER” and substitute “PROPERTY OWNER”; and in line 20, strike “HOMEOWNER’S” and substitute “PROPERTY OWNER’S OWN”.

On page 7 of the Environmental Matters Committee Amendments, in line 1 of Amendment No. 3, strike “HOMEOWNER” and substitute “PROPERTY OWNER”.

On page 19 of the Environmental Matters Committee Amendments, in line 12 of Amendment No. 7, after the period insert:

“(D) A RESIDENTIAL OR COMMERCIAL PROPERTY OWNER MAY PERFORM MARINE CONTRACTOR SERVICES ON THE PROPERTY OWNER’S OWN PROPERTY WITHOUT HAVING TO OBTAIN A LICENSE FROM THE BOARD UNDER THIS TITLE”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 1130)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #71

House Bill 243 – Delegates Hixson, Barve, Howard, Hucker, Ivey, Kaiser, Mizeur, Olszewski, Rice, Ross, Stukes, and F. Turner

AN ACT concerning

Fairness in Negotiations Act

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

Affirmative – 104 Negative – 34 (See Roll Call No. 1131)

The Bill was then sent to the Senate.

House Bill 266 – Delegates Rosenberg and Cardin

AN ACT concerning

Voter's Rights Protection Act of 2010

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

Affirmative – 105 Negative – 34 (See Roll Call No. 1132)

The Bill was then sent to the Senate.

House Bill 579 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – Customer Notices**PG/MC 104–10**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1133)

The Bill was then sent to the Senate.

House Bill 699 – Delegates Reznik, Ali, Barkley, Barve, Benson, Costa, Dumais, Eckardt, Elliott, Feldman, Gilchrist, Haddaway, Hubbard, Kaiser, Kullen, Manno, Montgomery, Nathan–Pulliam, Pena–Melnik, Rice, Simmons, Smigiel, Sossi, ~~and Taylor~~ Taylor, Donoghue, Jenkins, Morhaim, Kach, Krebs, Oaks, Riley, and V. Turner

AN ACT concerning

Health Facilities – Freestanding Medical Facilities – Rates

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1134)

The Bill was then sent to the Senate.

House Bill 1183 – Delegate Oaks

AN ACT concerning

Motor Vehicles – Access to ~~and Removal of~~ Towed Vehicles

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

Affirmative – 125 Negative – 15 (See Roll Call No. 1135)

The Bill was then sent to the Senate.

House Bill 1187 – Delegates Anderson, Branch, Harrison, Krysiak, Love, McIntosh, Oaks, Robinson, Rosenberg, and Tarrant

AN ACT concerning

Baltimore City – Marriage License Fee – Increase – The Carole Alexander Act

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

Affirmative – 136 Negative – 3 (See Roll Call No. 1136)

The Bill was then sent to the Senate.

House Bill 1465 – ~~Delegate Beitzel~~ Delegates Beitzel, Hammen, Pendergrass, Bromwell, Costa, Donoghue, Elliott, Jenkins, Kach, Kipke, Krebs, Kullen, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Procurement – Employee Uniforms and Equipment – Place of Manufacture

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

Affirmative – 137 Negative – 2 (See Roll Call No. 1137)

The Bill was then sent to the Senate.

House Bill 1555 – Delegate Conway

EMERGENCY BILL

AN ACT concerning

**Fire, Rescue, and Ambulance Funds – Distribution of Money to Companies
Outside the State**

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1138)

The Bill was then sent to the Senate.

House Bill 1568 – Delegates Conway and Mathias

EMERGENCY BILL

AN ACT concerning

**Board of Public Works – Licenses to Dredge and Fill on State Wetlands –
Working Marinas**

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

Affirmative – 137 Negative – 3 (See Roll Call No. 1139)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #32

Senate Bill 34 – Senator Middleton (Joint Committee on Unemployment Insurance Oversight) and Senators Kelley and Exum

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 – 139 Negative – 0 (See Roll Call No. 1140)

The Bill was then returned to the Senate.

Senate Bill 194 – Senator Colburn

AN ACT concerning

~~Dorchester and Wicomico Counties~~ County – Alcoholic Beverages – Pub-Brewery and Micro-Brewery Licenses

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1141)

The Bill was then returned to the Senate.

Senate Bill 690 – Senators Raskin and Frosh

AN ACT concerning

Corporations – ~~B (For-Benefit)~~ Benefit Corporation

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

Affirmative – 125 Negative – 13 (See Roll Call No. 1142)

The Bill was then returned to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 1143)

The Bill was then returned to the Senate.

Senate Bill 904 – Senator Dyson

AN ACT concerning

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

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

Affirmative – 136 Negative – 1 (See Roll Call No. 1144)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #35

Senate Bill 307 – Senator Stoltzfus

AN ACT concerning

Worcester County – Real Property – Recording

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1145)

The Bill was then returned to the Senate.

Senate Bill 347 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

Political Subdivisions – Financial Reports

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1146)

The Bill was then returned to the Senate.

Senate Bill 416 – Senators Lenett ~~and Kittleman~~, Kittleman, and Forehand

AN ACT concerning

**Maryland Condominium Act and Maryland Homeowners Association Act –
Proposed Budget – Notice, Information, and Adoption**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1147)

The Bill was then returned to the Senate.

Senate Bill 443 – Senator Raskin

AN ACT concerning

Real Property – Wrongful Detainer

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1148)

The Bill was then returned to the Senate.

Senate Bill 562 – Senator Raskin

AN ACT concerning

**Real Property – Mortgages and Deeds of Trust – Authority to Exercise a
Power of Sale**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1149)

The Bill was then returned to the Senate.

Senate Bill 597 – Senator Rosapepe

AN ACT concerning

**Condominiums and Homeowners Associations – Common Elements and
Common Areas – Implied Warranties**

Delegate Frush moved to reconsider the vote by which **Senate Bill 597** was ordered prepared for Third Reading.

The motion was adopted.

Delegate Frush moved to reconsider the vote by which the Favorable Report as Amended was adopted.

The motion was adopted.

Committee amendment #720314/1 was withdrawn.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Frush moved to put **Senate Bill 597** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 137 Negative – 2 (See Roll Call No. 1150)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 597** was placed on Third Reading.

Senate Bill 597 – Senator Rosapepe

AN ACT concerning

**Condominiums and Homeowners Associations – Common Elements and
Common Areas – Implied Warranties**

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1151)

The Bill was then returned to the Senate.

Senate Bill 615 – Senator Edwards

AN ACT concerning

**Garrett County – Volunteer Fire Departments and Rescue Squads –
Emergency Services Board**

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

Affirmative – 138 Negative – 2 (See Roll Call No. 1152)

The Bill was then returned to the Senate.

Senate Bill 654 – Senators Lenett, Gladden, Muse, and Raskin

~~**EMERGENCY BILL**~~

AN ACT concerning

Real Property – Tenants in Foreclosure – Conforming to Federal Law

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

Affirmative – 106 Negative – 33 (See Roll Call No. 1153)

The Bill was then returned to the Senate.

Senate Bill 729 – Cecil County Senators

AN ACT concerning

Cecil County – Regulation of Domestic Animals

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

Affirmative – 139 Negative – 1 (See Roll Call No. 1154)

The Bill was then returned to the Senate.

Senate Bill 733 – Cecil County Senators

AN ACT concerning

Cecil County – Budget and Taxes

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

Affirmative – 139 Negative – 1 (See Roll Call No. 1155)

The Bill was then returned to the Senate.

Senate Bill 780 – ~~Senator Raskin~~ Senators Raskin, Frosh, Gladden, Forehand, Jacobs, Muse, Simonaire, and Stone

AN ACT concerning

Real Property – Affordable Housing Land Trusts

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1156)

The Bill was then returned to the Senate.

Senate Bill 800 – Senator Klausmeier

AN ACT concerning

Common Ownership Communities – Fidelity Insurance – Exemption

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1157)

The Bill was then returned to the Senate.

Senate Bill 1019 – Senator Kelley

AN ACT concerning

Real Property – Residential Real Estate Settlements – Disclosures

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1158)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #36

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 – 109 Negative – 31 (See Roll Call No. 1159)

The Bill was then returned to the Senate.

**Senate Bill 1067 – Senators Rosapepe, Currie, Exum, Harrington, Miller,
Muse, Peters, and Pinsky**

AN ACT concerning

Task Force on Solar Hot Water Systems in Prince George’s County

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1160)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #37

Senate Bill 13 – Senator Raskin

AN ACT concerning

**Civil Proceedings – Foreign Defamation Judgments – Enforceability and
Bases of Personal Jurisdiction**

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1161)

The Bill was then returned to the Senate.

Senate Bill 25 – Senators Forehand and Frosh

AN ACT concerning

**Estates and Trusts – Property Held as Tenants by the Entireties – Transfer to
Trust**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1162)

The Bill was then returned to the Senate.

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 – 121 Negative – 18 (See Roll Call No. 1163)

The Bill was then returned to the Senate.

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 – 140 Negative – 0 (See Roll Call No. 1164)

The Bill was then returned to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

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

FOR the purpose of ~~providing that, as to any local church in Frederick County that is or formerly was affiliated with the Sunnyside United Methodist Church and that withdraws from the United Methodist Conference, certain provisions of law do not prevent the local church from retaining title to any assets controlled by the local church~~ 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.

BY repealing

Article – Corporations and Associations
Section 5–326, 5–327, and 5–328
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

~~BY adding to~~

~~Article – Corporations and Associations~~
~~Section 5–328.1~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2009 Supplement)~~

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

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0193

SPONSOR: Del Rosenberg

SUBJECT: Civil Prcdngs – Forgn Dfmtn Judgts – Recognition,
Enforceability, and Bases of Prsnl Jurisd

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:

Delegate Waldstreicher, Chair

Delegate Conaway

Delegate McConkey

The Senate appoints:

Senator Raskin, Chairman

Senator Muse

Senator Simonaire.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: HB 0283
SPONSOR: Del Waldstreicher, et al
SUBJECT: Criminal Law – Human Trafficking – Prohibitions

The Senate recedes from its position on HB 0283.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: HB 0304
SPONSOR: Del Jones, et al
SUBJECT: Education – Maintenance of Effort Requirement –
Process and Factors

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 Olszewski, Chair
Delegate Rice
Delegate Kaiser

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 ordered journalized.

AMENDED IN THE SENATE

**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

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

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 not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0465

SPONSOR: The Spkr (Admin), et al

SUBJECT: Collective Negotiations by Family Child Care Providers

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 Davis, Chairman
Delegate Braveboy, and
Delegate Manno.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

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

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

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 not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0474**

SPONSOR: The Spkr (Admin), et al

SUBJECT: Smart, Green, and Growing – Maryland Sustainable Growth Commission

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 Frush, Chairman
Delegate Stein, and
Delegate O'Donnell.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

**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**

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

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 not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0899

SPONSOR: Del Hubbard, et al

SUBJECT: Nursing Facility Residents – Home–Based and
Community Services – Access Assistance

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 Hubbard, Chairman
Delegate Nathan–Pulliam, and
Delegate Jenkins.

Said Bill is returned herewith.

By Order,

Mary Monahan

Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

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

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

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 not concurred in.

MESSAGE TO THE SENATE

BILL: HB 1174

SPONSOR: Del Kullen, et al

SUBJECT: Junk Dealers and Scrap Metal Processors – Required Records

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

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

Delegate Vaughn, Chairman
Delegate King, and
Delegate McHale.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

CONCURRENCE CALENDAR #3

AMENDED IN THE SENATE

House Bill 250 – Delegates Morhaim, Bobo, Cane, Glenn, Hecht, Heller, Hixson, Hubbard, Lafferty, Lee, Levi, Montgomery, Nathan–Pulliam, Oaks, Reznik, Shewell, Stocksdales, Tarrant, V. Turner, ~~and Walker~~ Walker, and Kramer

AN ACT concerning

**Procurement – Minority Business Enterprises – ~~Reciprocal~~ Certification
Process**

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

HB0250/834231/1

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 concurred in.

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1165)

AMENDED IN THE SENATE

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, Stocksdales, Tarrant, V. Turner, ~~and Walker~~ Walker, Kramer, Pendergrass, Benson, Kullen, and Pena-Melnyk

AN ACT concerning

State Procurement – Minority Business Enterprises – Electronic Certification Process

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

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 concurred in.

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1166)

AMENDED IN THE SENATE

**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**

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

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 concurred in.

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1167)

AMENDED IN THE SENATE

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

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

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 concurred in.

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1168)

AMENDED IN THE SENATE

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**

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

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 concurred in.

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1169)

CONCURRENCE CALENDAR #4

AMENDED IN THE SENATE

**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

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

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 ORIGATION 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 concurred in.

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1170)

AMENDED IN THE SENATE

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

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

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 concurred in.

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1171)

AMENDED IN THE SENATE**House Bill 1138 – Delegate Davis**

AN ACT concerning

Residential Multiple Occupancy Buildings and Shopping Centers – Master Meters

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

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 concurred in.

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

Affirmative – 137 Negative – 2 (See Roll Call No. 1172)

AMENDED IN THE SENATE

House Bill 1151 – Chair, Economic Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Commercial Motor Vehicles – Minimum Security Requirements

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1173)

AMENDED IN THE SENATE

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

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

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 concurred in.

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

Affirmative – 96 Negative – 44 (See Roll Call No. 1174)

AMENDED IN THE SENATE

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

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

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 concurred in.

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1175)

AMENDED IN THE SENATE

**House Bill 420 – Chair, Environmental Matters Committee (By Request –
Departmental – Agriculture)**

AN ACT concerning

Secretary of Agriculture – Mosquito Control – Enforcement Authority

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

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 concurred in.

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

Affirmative – 136 Negative – 4 (See Roll Call No. 1176)

AMENDED IN THE SENATE

**House Bill 499 – ~~Delegate Malone~~ Delegates Malone, Bates, Conaway,
Anderson, and Norman**

AN ACT concerning

Motor Vehicles – Approaching Emergency Vehicles and Personnel

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

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 concurred in.

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

Affirmative – 140 Negative – 0 (See Roll Call No. 1177)

AMENDED IN THE SENATE

House Bill 685 – Delegates Stein, Cardin, Carr, Hucker, and Morhaim

AN ACT concerning

**Environment – Fluorescent and Compact Fluorescent Light Recycling –
County Plans**

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

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 concurred in.

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

Affirmative – 138 Negative – 2 (See Roll Call No. 1178)

AMENDED IN THE SENATE

**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

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

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 concurred in.

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1179)

AMENDED IN THE SENATE

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

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

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 concurred in.

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1180)

AMENDED IN THE SENATE

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

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

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 concurred in.

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

Affirmative – 139 Negative – 0 (See Roll Call No. 1181)

INTRODUCTION OF BILLS

Delegate Conway moved the Bill be introduced.

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

The roll call vote resulted as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 1182)

In compliance with the rules, the Bill was introduced.

Delegate Conway moved to suspend the rules and assign the Bill to the committee of jurisdiction.

The motion was adopted by roll call vote as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 1183)

House Bill 1571 – Delegates Conway, Bohanan, Cane, DeBoy, Eckardt, Elliott, Elmore, Haddaway, Jameson, Krebs, Kullen, Levy, Malone, Mathias, McDonough, Murphy, Rudolph, Shewell, Smigiel, Sossi, Stocksdales, Stull, Walkup, and Wood

AN ACT concerning

**Maryland Estate Tax – Pilot Program for Payment Deferral for Qualified
Agricultural Property**

FOR the purpose of providing for a certain payment deferral under certain circumstances for certain Maryland estate tax imposed on certain agricultural property; providing that Maryland estate tax subject to a payment deferral shall become due immediately under certain circumstances; providing that certain Maryland estate tax subject to a payment deferral shall be paid without interest in accordance with a certain schedule over a certain period; requiring the Comptroller to submit a certain report to the General Assembly and the Maryland Agricultural Land Preservation Foundation by a certain date; providing for the application of this Act; providing for the termination of this Act; defining certain terms; and generally relating to a pilot program for a payment deferral under certain circumstances for certain Maryland estate tax imposed on certain agricultural property.

BY adding to

Article – Tax – General

Section 7–307(e)

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 1184)

ADJOURNMENT

At 1:30 P.M. on motion of Delegate Barve the House adjourned until 3:30 P.M., on Legislative Day April 4, 2010, Calendar Day Saturday, April 10, 2010.

Annapolis, Maryland
Legislative Day: April 4, 2010
Calendar Day: Saturday, April 10, 2010

The House met at 4:14 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Carolyn J. Krysiak of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 119 Members present.

(See Roll Call No. 1185)

The Journal of April 3, 2010 was read and approved.

EXCUSES:

Del. Gutierrez – late – NCSL business

Del. King – business

Del. Myers – personal

Del. Reznik – sister-in-law's wedding

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 627 – Senators Brinkley, Raskin, Colburn, Garagiola, Jacobs, Kittleman, Kramer, Madaleno, Miller, and Zirkin

AN ACT concerning

Public Health – Medical Marijuana

FOR the purpose of making marijuana a Schedule II controlled dangerous substance; requiring the Department of Health and Mental Hygiene (DHMH) to issue a certain request for proposals to select authorized growers of marijuana for medical use; providing for certain requirements of authorized growers; 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; requiring DHMH, jointly with the Department of Agriculture, to adopt certain regulations; requiring DHMH to establish a certain registration program to authorize certain entities to distribute marijuana for medical

purposes; authorizing DHMH to charge a certain fee for the issuance of a certain permit; requiring certain entities and individuals to apply for a certain criminal history records check; requiring the Department to assign a certain identification number to certain permit holders for certain purposes; requiring certain permit holders to display a certain permit at certain times; requiring certain permit holders to report certain changes to DHMH within a certain time period; authorizing a patient or primary caregiver to provide certain reimbursement to certain entities; ~~authorizing the same entity to grow and dispense marijuana~~ 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; requiring DHMH to establish a registry of qualifying patients and primary caregivers and to issue a certain registry identification card to certain individuals under certain circumstances; requiring DHMH to approve or deny an application or renewal for a registry identification card within a certain time period and in a certain manner; requiring a registry identification card to include certain information; requiring an individual who has been issued a registry identification card to provide a certain notification to DHMH under certain circumstances; 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; requiring DHMH to maintain a confidential list of the individuals to whom DHMH has issued registry identification cards; providing that certain individuals and entities may not be subject to certain penalties or denied certain rights for the medical use of marijuana; providing that the possession of a registry identification card does not constitute probable cause to conduct a certain search by a government agency; providing that an individual may not be subject to arrest or prosecution for certain offenses for being in the presence of the medical use of marijuana; ~~requiring a physician to provide certain written instructions for a qualifying patient or caregiver; authorizing a physician to issue multiple written instructions for a qualifying patient or caregiver if certain conditions are met~~; 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; requiring qualifying patients, primary caregivers, and certain pharmacies and dispensing centers to follow certain procedures; providing that a patient may be registered at only one pharmacy or dispensing

center at a time; establishing procedures for a patient to change an authorized pharmacy or dispensing center; requiring the Secretary of Health and Mental Hygiene to establish a system to monitor the dispensation of marijuana for medical use in the State; requiring certain physicians, pharmacies, and dispensing centers to provide certain information to the Secretary; providing ~~that for the construction of this Act may not be construed to permit any individual to operate, navigate, or be in actual physical control of certain modes of transportation while under the influence of marijuana or to smoke marijuana in any public place~~; providing that this Act may not be construed to require certain insurance reimbursement; requiring DHMH to submit certain reports to the Governor and General Assembly on or before certain dates; requiring DHMH to adopt certain regulations on or before a certain date; authorizing DHMH to accept certain funds; requiring DHMH to use certain fees in a certain manner; requiring DHMH to distribute certain funds to ~~the General Fund of~~ drug rehabilitation programs throughout the State; defining certain terms; and generally relating to marijuana for medical use.

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)

BY adding to

Article – Health – General

Section 13–3001 through 13–3012 to be under the new subtitle “Subtitle 30.
Medical Marijuana”

Annotated Code of Maryland

(2009 Replacement Volume)

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

YEAS AND NAYS**HOUSE BILLS PASSED IN THE SENATE**

<u>NUMBER</u>	<u>SPONSOR</u>
HB 282	Del. Pena–Melnik
HB 283	Del. Waldstreicher
HB 582	PG/Montgomery Co. Del.

Read and ordered journalized.

THE COMMITTEE ON APPROPRIATIONS REPORT #14

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

Senate Bill 1123 – Senator Frosh**EMERGENCY BILL**

AN ACT concerning

Political Subdivisions – Collective Bargaining Agreements – Binding Arbitration

Favorable report adopted.

Delegate Haddaway moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

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

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

A Senate Joint Resolution concerning

General Assembly Compensation Commission – Recommendations

SJ0005/854361/2

BY: Appropriations Committee

AMENDMENTS TO SENATE JOINT RESOLUTION 5

(Third Reading File Joint Resolution)

AMENDMENT NO. 1

On page 2, in line 7, strike “committed” and substitute “is convicted of”; in line 12, after the semicolon insert “providing that the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, be amended to provide that certain payable benefits shall be restored if certain actions occur; making technical corrections to the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010;”.

AMENDMENT NO. 2

On page 2, in line 25, strike “2A” and substitute “2D”; after line 40, insert:

“(d) Section 1(o) of Item 3A of the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, shall be amended to read as follows:

1. (o) “Resolution” means the Resolution of the General Assembly Compensation Commission effective January 12, 2011.

(e) Section 4(a) of Item 3A of the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, shall be amended to read as follows:

4. (a) Membership in the Legislative Pension Plan is optional for each member of the General Assembly during the 2011–2014 term of office.”;

and in line 41, strike “(d)” and substitute “(f)”.

On page 3, in line 12, after the first “that” insert “is committed during the member’s term of office and”; in line 23, strike “; and” and substitute a period; after line 23, insert:

“(d) If the conviction of the member is reversed or overturned, the member’s benefits that are payable under Item 3A of this Resolution shall be restored; and”;

and in lines 3 and 24, strike “(e)” and “(f)”, respectively, and substitute “(g)” and “(h)”, respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 1484 – Delegate Love

AN ACT concerning

Base Realignment and Closure – Public Charter Schools Located on a Federal Military Base

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

FLOOR AMENDMENT

HB1484/203325/3

BY: Delegate Griffith

AMENDMENT TO HOUSE BILL 1484, AS AMENDED

In the Committee on Ways and Means Amendments (HB1484/865564/1), in line 8 of Amendment No. 2, strike “**30%**” and substitute “**35%**”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 834 – ~~Senator Currie~~ Senators Currie and Miller

AN ACT concerning

Base Realignment and Closure – Public Charter Schools Located on a Federal Military Base

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

Read the second time and ordered prepared for Third Reading.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 280** SPONSOR: **The President**

SUBJECT: **Criminal Procedure - Sexual Offenders - Lifetime Supervision**

THIRD READING CALENDAR HOUSE NO. **17** SENATE NO. **57**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the House Judiciary Committee Amendments (SB0280/612011/1) be rejected.

(2) That the attached Conference Committee Amendments (SB0280/733423/1) be adopted.

SB0280/733423/1

BY: Conference Committee

AMENDMENTS TO SENATE BILL 280 (Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after “crime” insert “or act”; and in lines 15, 17, and 19, in each instance, after “court” insert “or juvenile court”.

On page 2, strike beginning with “requiring” in line 3 down through “petitions,” in line 4.

AMENDMENT NO. 2

On page 9, strike beginning with “FOR” in line 22 down through the first “OF” in line 23 and substitute “INVOLVING”; in line 23, strike “AND” and substitute:

“(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 32, strike “The” and substitute “(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE”; and in line 34, strike “August 1, 2006” and substitute “OCTOBER 1, 2010”.

On page 10, in lines 1 and 2, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; after line 3, insert:

“(2) FOR A PERSON WHO IS REQUIRED TO REGISTER UNDER § 11-704(C) OF THIS SUBTITLE, THE TERM OF LIFETIME SEXUAL OFFENDER SUPERVISION IMPOSED FOR AN ACT COMMITTED ON OR AFTER OCTOBER 1, 2010, SHALL:

(I) COMMENCE WHEN THE PERSON’S OBLIGATION TO REGISTER COMMENCES; AND

(II) EXPIRE WHEN THE PERSON’S OBLIGATION TO REGISTER EXPIRES, UNLESS THE JUVENILE COURT:

1. FINDS AFTER A HEARING THAT THERE IS A COMPELLING REASON FOR THE SUPERVISION TO CONTINUE; AND

2. ORDERS THE SUPERVISION TO CONTINUE FOR A SPECIFIED PERIOD OF TIME.”;

in line 5, after “COURT” insert “, OR JUVENILE COURT IN THE CASE OF A PERSON WHO IS REQUIRED TO REGISTER UNDER § 11-704(C) OF THIS SUBTITLE,”; in line 7, after “SENTENCING” insert “, OR IMPOSITION OF THE REGISTRATION REQUIREMENT IN JUVENILE COURT,”; in line 10, after “COURT” insert “OR JUVENILE COURT”; and in line 27, strike “CERTIFIED”.

On page 11, in lines 9 and 10, in each instance, after “COURT” insert “OR JUVENILE COURT”.

On page 12, in line 30, strike “(G)” and substitute “(F)”.

On page 13, strike beginning with “ON” in line 1 down through “(2)” in line 9; 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 OTHERS”.

On page 15, in line 12, after “COURT” insert “, OR JUVENILE COURT IN THE CASE OF A PERSON WHO IS REQUIRED TO REGISTER UNDER § 11-704(C) OF THIS SUBTITLE,”.

Senate Members:

House Members:

Chair, **James Brochin**

Chair, **Kathleen M. Dumais**

Larry E. Haines

Jeff Waldstreicher

Jamie Raskin

William J. Frank

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

() Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 1186)

The Bill was then returned to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: SB 1018 SPONSOR: Senator DeGrange

SUBJECT: Prior Authorizations of State Debt to Fund Capital Projects - Alterations

THIRD READING CALENDAR HOUSE NO. 22 SENATE NO. 64

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the attached Appropriations Committee Amendments (SB1018/174861/1) be adopted.

(2) That the attached Conference Committee Amendments (SB 1018/523621/1) be adopted.

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”.

Senate Members:

House Members:

Chair, **James E. DeGrange, Sr.**

Chair, **Adrienne A. Jones**

Ulysses Currie

Melony G. Griffith

Nathaniel J. McFadden

James E. Proctor, Jr.

Edward J. Kasemeyer

Norman H. Conway

Donald F. Munson

Wendell R. Beitzel

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

() Chief Clerk

(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 130 Negative – 7 (See Roll Call No. 1187)

The Bill was then returned to the Senate.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0128

SPONSOR: Del Rosenberg, et al

SUBJECT: Criminal Procedure – Petition for Writ of Actual Innocence – Notice of Filing and Hearing

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 Anderson, Chair

Delegate Barnes

Delegate Carter

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 ordered journalized.

AMENDED IN THE SENATE

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

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

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 not concurred in.

MESSAGE TO THE SENATE**BILL: HB 0473****SPONSOR:** The Spkr (Admin), et al**SUBJECT:** Criminal Procedure – Sexual Offenders – Lifetime Supervision

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

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

Delegate Dumais, Chairman
Delegate Waldstreicher, and
Delegate Frank.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.**MESSAGE TO THE HOUSE OF DELEGATES**

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0931**SPONSOR:** The Spkr (Admin), et al**SUBJECT:** Public Safety – Sexual Offender Advisory Board

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:

Delegate Dumais, Chair
Delegate Waldstreicher
Delegate Frank

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 ordered journalized.

AMENDED IN THE SENATE

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

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

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 not concurred in.

HB0936/153023/1

BY: Senators Colburn and Stoltzfus

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 notation in a code known to law enforcement 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 certain 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 OF A TIER II SEX OFFENDER OR A TIER III SEX OFFENDER 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 AS A TIER II SEX OFFENDER OR A TIER III SEX OFFENDER, THE ADMINISTRATION SHALL PLACE ON A DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED OR REISSUED TO THE INDIVIDUAL, A NOTATION IN A CODE KNOWN TO LAW ENFORCEMENT 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 and not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0936

SPONSOR: The Spkr (Admin), et al

SUBJECT: Criminal Procedure – Sex Offenders – Notification and Registration

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

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

Delegate Dumais, Chairman
Delegate Waldstreicher, and
Delegate Frank.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

QUORUM CALL

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

(See Roll Call No. 1188)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #72

House Bill 125 – Delegates Anderson, Branch, Conaway, Hammen, Kirk, Krysiak, Oaks, Robinson, Rosenberg, and Stukes

AN ACT concerning

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1189)

The Bill was then sent to the Senate.

House Bill 392 – Delegates Vaughn, Barkley, Bobo, Bronrott, Gutierrez, Hecht, Heller, Hucker, James, Jameson, Kaiser, Kirk, Kramer, Krysiak, Kullen, Lee, Levy, Manno, Minnick, Reznik, and Waldstreicher

AN ACT concerning

Commercial Law – Debt Settlement Services – Study

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

Affirmative – 133 Negative – 4 (See Roll Call No. 1190)

The Bill was then sent to the Senate.

House Bill 445 – Delegates Weir, Ali, Aumann, ~~Beitzel~~, Boteler, Carr, Glenn, Holmes, Hucker, Minnick, ~~Myers~~, Olszewski, ~~Serafini~~, Shewell, ~~Stein~~, ~~and Stull~~ and Stein

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Off-Highway Recreational Vehicles – Titling

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

Affirmative – 102 Negative – 35 (See Roll Call No. 1191)

The Bill was then sent to the Senate.

House Bill 461 – Delegates Cardin, Bobo, Carr, Feldman, Hammen, Kaiser, Morhaim, and Stein

AN ACT concerning

Vehicle Laws – Bicycles, EPAMDs, and Motor Scooters – Rules of the Road

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

Affirmative – 120 Negative – 16 (See Roll Call No. 1192)

The Bill was then sent to the Senate.

House Bill 470 – The Speaker (By Request – Administration) and Delegates Bohanan, Conway, Doory, Beidle, Bobo, Hecht, Levy, Mathias, Reznik, and Shewell

AN ACT concerning

Higher Education Investment Fund – Tuition Stabilization and Funding

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

Affirmative – 114 Negative – 23 (See Roll Call No. 1193)

The Bill was then sent to the Senate.

House Bill 476 – Frederick County Delegation

EMERGENCY BILL

AN ACT concerning

Frederick County – Property Tax Setoff

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

Affirmative – 134 Negative – 1 (See Roll Call No. 1194)

The Bill was then sent to the Senate.

House Bill 502 – Delegates Bohanan, Jameson, Kullen, O'Donnell, and Wood

AN ACT concerning

Calvert, Charles, and St. Mary's Counties – Deer Hunting

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

Affirmative – 124 Negative – 11 (See Roll Call No. 1195)

The Bill was then sent to the Senate.

House Bill 729 – Cecil County Delegation

AN ACT concerning

Cecil County – Regulation of Domestic Animals

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

Affirmative – 134 Negative – 1 (See Roll Call No. 1196)

The Bill was then sent to the Senate.

House Bill 934 – Delegates McIntosh, G. Clagett, Conaway, Barkley, Beidle, Bobo, Bronrott, Cane, Carr, V. Clagett, ~~Conaway~~, Donoghue, Dumais, Frick, Frush, Glenn, Healey, Hecht, Howard, Hucker, Kullen, Love, Manno, Minnick, Montgomery, Morhaim, Niemann, Olszewski, Pendergrass, Reznik, Rice, Riley, Stein, ~~and Weir~~ Weir, Holmes, Norman, Serafini, Shewell, Sossi, and Stull

AN ACT concerning

~~**Vehicle Laws – Use of Wireless Telephone While Driving – Prohibitions**~~
Vehicle Laws – Commercial Vehicles – Handheld Telephones Utilizing Push-to-Talk Technology

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

Affirmative – 135 Negative – 2 (See Roll Call No. 1197)

The Bill was then sent to the Senate.

House Bill 1400 – Delegates Stein and Krebs

AN ACT concerning

**Commissioner of Financial Regulation – Financial Education Resources
Clearinghouse**

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

Affirmative – 136 Negative – 1 (See Roll Call No. 1198)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #38

**Senate Bill 93 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Agriculture)**

AN ACT concerning

Agriculture – Pest Control – Fees and Registration

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

Affirmative – 110 Negative – 27 (See Roll Call No. 1199)

The Bill was then returned to the Senate.

**Senate Bill 278 – The President (By Request – Administration) and Senators
Astle, Della, Exum, Forehand, Gladden, Harrington, King, Klausmeier,
Kramer, Lenett, Madaleno, Middleton, Miller, Peters, Pinsky, Pugh, and
Stone**

AN ACT concerning

Smart, Green, and Growing – Maryland Sustainable Growth Commission

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

Affirmative – 116 Negative – 20 (See Roll Call No. 1200)

The Bill was then returned to the Senate.

Senate Bill 322 – Senator Stone

AN ACT concerning

Motor Vehicles – Use of Video Display Equipment

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1201)

The Bill was then returned to the Senate.

Senate Bill 344 – Senator Glassman

AN ACT concerning

Motor Vehicles – ~~Medium~~ Limited Speed Vehicles – Requirements and Prohibitions

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1202)

The Bill was then returned to the Senate.

Senate Bill 361 – Senator Astle

AN ACT concerning

Natural Resources – Local Forest Conservation Funds – Use of Money

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1203)

The Bill was then returned to the Senate.

Senate Bill 422 – Senator Colburn

AN ACT concerning

Dorchester County – Choptank River – Soft-Shell Clam Harvesting

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

Affirmative – 135 Negative – 1 (See Roll Call No. 1204)

The Bill was then returned to the Senate.

Senate Bill 664 – Senators Klausmeier, Dyson, and Harris

AN ACT concerning

Environment – Dental Radiation Machines – Inspections

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

Affirmative – 134 Negative – 3 (See Roll Call No. 1205)

The Bill was then returned to the Senate.

Senate Bill 958 – Senator Miller

AN ACT concerning

Calvert County – Noise Control Ordinance

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1206)

The Bill was then returned to the Senate.

Senate Bill 978 – Senator Colburn

AN ACT concerning

Talbot County – Deer Hunting on Private Property – Sundays

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

Affirmative – 120 Negative – 14 (See Roll Call No. 1207)

The Bill was then returned to the Senate.

Senate Bill 1020 – Senator Dyson

EMERGENCY BILL

AN ACT concerning

Natural Resources – Incidental Taking Permit for Endangered Puritan Tiger Beetle – Requirements

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

Affirmative – 133 Negative – 3 (See Roll Call No. 1208)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #41

**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 – 137 Negative – 0 (See Roll Call No. 1209)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #42

**Senate Bill 91 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Higher Education
Commission)**

AN ACT concerning

Maryland Higher Education Commission – Exempt Institutions

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1210)

The Bill was then returned to the Senate.

Senate Bill 179 – Senator McFadden

AN ACT concerning

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

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

Affirmative – 136 Negative – 1 (See Roll Call No. 1211)

The Bill was then returned to the Senate.

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 – 107 Negative – 29 (See Roll Call No. 1212)

The Bill was then returned to the Senate.

Senate Bill 368 – Senator Della

AN ACT concerning

Department of Transportation – Repeal of Secretary’s Authority to Abolish Employee Positions

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

Affirmative – 135 Negative – 2 (See Roll Call No. 1213)

The Bill was then returned to the Senate.

Senate Bill 709 – Senator Kasemeyer

AN ACT concerning

State Retirement and Pension System – Disability Retirement Application – Surviving Beneficiary

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1214)

The Bill was then returned to the Senate.

Senate Bill 731 – Cecil County Senators

AN ACT concerning

Cecil County – Emergency Medical Services – Collective Bargaining

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

Affirmative – 110 Negative – 27 (See Roll Call No. 1215)

The Bill was then returned to the Senate.

Senate Bill 793 – Senators Garagiola, Forehand, King, and Pugh

AN ACT concerning

**State Retirement and Pension System – Investments – Qualified Information
Technology, Green Technology, Medical Device Technology, or Bioscience
Businesses – Reporting**

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

Affirmative – 135 Negative – 2 (See Roll Call No. 1216)

The Bill was then returned to the Senate.

Senate Bill 829 – Senator Madaleno

AN ACT concerning

**Teachers' Retirement and Pension Systems – Reemployment of Retirees –
Retired Higher Education Faculty**

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

Affirmative – 136 Negative – 1 (See Roll Call No. 1217)

The Bill was then returned to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 1218)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #43

Senate Bill 53 – Chair, Finance Committee (By Request – Departmental – Military) and Senators Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Middleton, Pipkin, ~~and Pugh~~ Pugh, and Harris

AN ACT concerning

Workers' Compensation – Average Weekly Wage – Militia

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1219)

The Bill was then returned to the Senate.

Senate Bill 58 – Chair, Finance Committee (By Request – Departmental – Education)

AN ACT concerning

Workers' Compensation – Division of Rehabilitation Services – Unpaid Work-Based Learning Experiences

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1220)

The Bill was then returned to the Senate.

Senate Bill 195 – Senator Colburn

AN ACT concerning

Wicomico County – Alcoholic Beverages – Micro-Brewery Licenses

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1221)

The Bill was then returned to the Senate.

Senate Bill 196 – Senator Colburn

AN ACT concerning

Wicomico County – Alcoholic Beverages Act of 2010

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

Affirmative – 135 Negative – 0 (See Roll Call No. 1222)

The Bill was then returned to the Senate.

Senate Bill 449 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Alcoholic Beverages – Sales Hours

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

Affirmative – 136 Negative – 1 (See Roll Call No. 1223)

The Bill was then returned to the Senate.

Senate Bill 542 – Senators Harrington and Colburn

AN ACT concerning

**~~Health~~ Business Regulation – Lodging Establishments – National Human
Trafficking Resource Center Hotline – ~~Posting of~~ Information**

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

Affirmative – 137 Negative – 1 (See Roll Call No. 1224)

The Bill was then returned to the Senate.

**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 – 134 Negative – 3 (See Roll Call No. 1225)

The Bill was then returned to the Senate.

Senate Bill 893 – Senator Garagiola

AN ACT concerning

Maryland Clean Energy Center – Miscellaneous Provisions

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

Affirmative – 130 Negative – 6 (See Roll Call No. 1226)

The Bill was then returned to the Senate.

Senate Bill 926 – Carroll County Senators

AN ACT concerning

**Carroll County – Alcoholic Beverages – Sale of Wine for Off-Premises
Consumption**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1227)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #44

**Senate Bill 275 – The President (By Request – Administration) and Senators
Pinsky and King**

AN ACT concerning

Education – Maryland Longitudinal Data System

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

Affirmative – 115 Negative – 22 (See Roll Call No. 1228)

The Bill was then returned to the Senate.

**Senate Bill 286 – The President (By Request – Administration) and Senators
Currie and Conway**

AN ACT concerning

Governor’s P-20 Leadership Council of Maryland

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

Affirmative – 127 Negative – 10 (See Roll Call No. 1229)

The Bill was then returned to the Senate.

Senate Bill 372 – Senator Della

AN ACT concerning

Property Tax – Tax Sales – Notice to Foreclose Right of Redemption

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

Affirmative – 137 Negative – 1 (See Roll Call No. 1230)

The Bill was then returned to the Senate.

Senate Bill 373 – Senator Della

EMERGENCY BILL

AN ACT concerning

Property Tax – Tax Sales – Complaint to Foreclose Right of Redemption

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1231)

The Bill was then returned to the Senate.

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 – 135 Negative – 2 (See Roll Call No. 1232)

The Bill was then returned to the Senate.

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 – 107 Negative – 29 (See Roll Call No. 1233)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #39

Senate Bill 176 – Senator McFadden

AN ACT concerning

Family Law – Family Day Care Homes and Child Care Centers – Inspections

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

Affirmative – 136 Negative – 1 (See Roll Call No. 1234)

The Bill was then returned to the Senate.

**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 – 137 Negative – 1 (See Roll Call No. 1235)

The Bill was then returned to the Senate.

**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 – 132 Negative – 0 (See Roll Call No. 1236)

The Bill was then returned to the Senate.

**Senate Bill 593 – Senators Garagiola, King, Pipkin, Colburn, Della, Exum,
Forehand, Glassman, Kelley, Kittleman, Klausmeier, and Pugh**

AN ACT concerning

Health Facilities – Freestanding Medical Facilities – Rates

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1237)

The Bill was then returned to the Senate.

**Senate Bill 637 – Senators Pipkin ~~and Astle~~, Astle, Klausmeier, Exum, and
Garagiola**

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1238)

The Bill was then returned to the Senate.

**Senate Bill 704 – Senators Garagiola ~~and Frosh~~, Frosh, Exum, Kelley,
Middleton, and Pugh**

AN ACT concerning

**Insurance – Coordination of Benefits – Health Insurance and Personal Injury
Protection**

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1239)

The Bill was then returned to the Senate.

Senate Bill 719 – Senator Middleton

AN ACT concerning

**Health Occupations – Dental Hygienists – Practice in Long-Term Care
Facilities**

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1240)

The Bill was then returned to the Senate.

Senate Bill 723 – Senator Munson

AN ACT concerning

Health Insurance – Clinically Integrated Organizations

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1241)

The Bill was then returned to the Senate.

Senate Bill 791 – Senator Garagiola

AN ACT concerning

**Procurement – Multi-Year Contracts for Renewable Energy – Termination
Clauses**

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

Affirmative – 126 Negative – 12 (See Roll Call No. 1242)

The Bill was then returned to the Senate.

Senate Bill 849 – Senator Harrington

AN ACT concerning

**Procurement – Minority Business Enterprise ~~Directory~~ Program – ~~List of~~
~~Contracts~~ Directory and Report**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1243)

The Bill was then returned to the Senate.

**Senate Bill 855 – The President (By Request – Administration) and Senators
Astle, Conway, Forehand, Frosh, Harrington, Kelley, King, Kramer,
Lenett, Madaleno, Middleton, Muse, Peters, Pinsky, Raskin, ~~and~~
~~Rosapepe~~ Rosapepe, Della, Exum, Garagiola, Glassman, Klausmeier,
and Pugh**

AN ACT concerning

Patient Centered Medical Home Program

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1244)

The Bill was then returned to the Senate.

Senate Bill 885 – Senators Klausmeier and Astle

AN ACT concerning

**Health – Administrative Service Provider Contracts – Contracting Provider
Definition**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1245)

The Bill was then returned to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 1246)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #40

**Senate Bill 59 – Chair, Budget and Taxation Committee (By Request –
Departmental – Agriculture)**

AN ACT concerning

Agricultural Land Transfer Tax – Distribution and Use of Revenue

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1247)

The Bill was then returned to the Senate.

Senate Bill 221 – Senator Currie

AN ACT concerning

**Tax Credits for Qualifying Employees with Disabilities – Sunset ~~Repeal~~
Extension**

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

Affirmative – 137 Negative – 0 (See Roll Call No. 1248)

The Bill was then returned to the Senate.

**Senate Bill 229 – Senators Garagiola, Astle, Colburn, Conway, Currie,
DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Glassman,
Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman,
Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller,
Mooney, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey,
Rosapepe, Simonaire, and Stone**

AN ACT concerning

Blue Ribbon Commission on Maryland Transportation Funding

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

Affirmative – 111 Negative – 27 (See Roll Call No. 1249)

The Bill was then returned to the Senate.

Senate Bill 390 – Senator McFadden

AN ACT concerning

Baltimore City – Marriage License Fee – Increase – The Carole Alexander Act

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

Affirmative – 132 Negative – 5 (See Roll Call No. 1250)

The Bill was then returned to the Senate.

**Senate Bill 412 – Senators Pugh, Forehand, Harrington, Harris, Lenett,
Madaleno, Miller, Muse, Peters, and Raskin**

AN ACT concerning

Teacher Certification – Career Professionals

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1251)

The Bill was then returned to the Senate.

**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 – 137 Negative – 0 (See Roll Call No. 1252)

The Bill was then returned to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 1253)

The Bill was then returned to the Senate.

**Senate Bill 778 – Senators Raskin, Lenett, ~~and Pinsky~~ Pinsky, and
Harrington**

AN ACT concerning

Public Schools – Student Information – Availability to Military Recruiters

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

Affirmative – 95 Negative – 42 (See Roll Call No. 1254)

The Bill was then returned to the Senate.

Senate Bill 957 – Senator Miller

AN ACT concerning

Calvert County – Special Taxing Districts

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

Affirmative – 132 Negative – 3 (See Roll Call No. 1255)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #45

**Senate Bill 478 – Senators Kelley, Della, King, Klausmeier, McFadden, Muse,
Stone, and Zirkin**

AN ACT concerning

**Residential Child Care Facilities – Incident Reporting – Interagency
Workgroup**

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

Affirmative – 136 Negative – 2 (See Roll Call No. 1256)

The Bill was then returned to the Senate.

Senate Bill 576 – Senator Zirkin

AN ACT concerning

**Residential Child and Youth Care Practitioners – Certification Requirement
– Extension**

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

Affirmative – 136 Negative – 2 (See Roll Call No. 1257)

The Bill was then returned to the Senate.

**Senate Bill 633 – Senators Middleton, Astle, Kasemeyer, Kelley, King,
Klausmeier, Kramer, Lenett, Madaleno, Raskin, ~~and Robey~~ Robey,
Exum, Garagiola, Glassman, Pugh, Currie, Jones, McFadden, and
Peters**

AN ACT concerning

**Community Services Reimbursement Rate Commission – Developmental
Disabilities and Community Mental Health Services – Rate Adjustments**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1258)

The Bill was then returned to the Senate.

Senate Bill 693 – Senators Raskin, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Green Maryland Act of 2010

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

Affirmative – 133 Negative – 5 (See Roll Call No. 1259)

The Bill was then returned to the Senate.

Senate Bill 1031 – Senator Middleton

AN ACT concerning

Health Insurance – Surgical Treatment of Morbid Obesity – Repeal of Reporting Requirement

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1260)

The Bill was then returned to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 1261)

The Bill was then returned to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 1262)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #46

Senate Bill 51 – ~~Senator Raskin~~ Senators Raskin and Forehand

AN ACT concerning

Vehicle Laws – Bicycles, EPAMDs, and Motor Scooters – Rules of the Road

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

Affirmative – 120 Negative – 18 (See Roll Call No. 1263)

The Bill was then returned to the Senate.

Senate Bill 66 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Length of Vehicles – Saddle-Mount and Full-Mount Combinations

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

Affirmative – 137 Negative – 1 (See Roll Call No. 1264)

The Bill was then returned to the Senate.

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

AN ACT concerning

Department of Natural Resources – Vessel Noise – Limitation

FLOOR AMENDMENT

SB0070/423727/1

BY: Delegate Haddaway

AMENDMENTS TO SENATE BILL 70

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “suppression;” insert “authorizing the Department to grant certain exemptions;”.

AMENDMENT NO. 2

On page 2, in line 27, after “(d)” insert “**(1)**”; and in lines 29, 30, and 32, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “**(I)**”, “**(II)**”, and “**(III)**”, respectively.

On page 3, in line 1, strike “(4)” and substitute “**(IV)**”; and after line 3, insert:

“(2) THE DEPARTMENT MAY GRANT AN EXEMPTION FROM THE PROVISIONS OF THIS SECTION ON A CASE BY CASE BASIS FOR EXTENUATING CIRCUMSTANCES.”.

The preceding 2 amendments were read and adopted.

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

Affirmative – 133 Negative – 5 (See Roll Call No. 1265)

The Bill was then returned to the Senate.

**Senate Bill 84 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Natural Resources)**

AN ACT concerning

**Tidal Fisheries Advisory Commission – Sport Fisheries Advisory Commission
– Membership**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1266)

The Bill was then returned to the Senate.

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

EMERGENCY BILL

AN ACT concerning

Department of Natural Resources – Boating Safety Requirements

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

Affirmative – 136 Negative – 2 (See Roll Call No. 1267)

The Bill was then returned to the Senate.

Senate Bill 259 – Senators Dyson, Colburn, and Middleton

AN ACT concerning

Calvert, Charles, and St. Mary’s Counties – Deer Hunting

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

Affirmative – 126 Negative – 10 (See Roll Call No. 1268)

The Bill was then returned to the Senate.

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 – 137 Negative – 1 (See Roll Call No. 1269)

The Bill was then returned to the Senate.

Senate Bill 315 – Senators Raskin, Peters, Miller, Astle, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Glassman, Harrington, Jones, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Muse, Pinsky, Rosapepe, and Stone

AN ACT concerning

**Public Ethics Laws – Elected Local Officials and Board of Education
Members – Requirements**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1270)

The Bill was then returned to the Senate.

Senate Bill 324 – ~~Senator Glassman~~ Senators Glassman, Jacobs, Forehand, and Colburn

AN ACT concerning

Motor Vehicles – Approaching Emergency Vehicles and Personnel

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

Affirmative – 136 Negative – 0 (See Roll Call No. 1271)

The Bill was then returned to the Senate.

**Senate Bill 394 – Senators Exum, Conway, Currie, Harrington, Kelley, Peters,
Pinsky, Pugh, and Rosapepe**

AN ACT concerning

**Municipalities – Authority to Enter into Agreements with Other
Municipalities**

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

Affirmative – 134 Negative – 0 (See Roll Call No. 1272)

The Bill was then returned to the Senate.

Senate Bill 466 – Senator Forehand

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Off-Highway Recreational Vehicles – Titling

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

Affirmative – 98 Negative – 39 (See Roll Call No. 1273)

The Bill was then returned to the Senate.

Senate Bill 761 – Senators Pugh, Forehand, and Kramer

AN ACT concerning

**Mental Health – Local Correctional Facilities – Incarcerated Individuals with
Mental Illness**

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

Affirmative – 134 Negative – 3 (See Roll Call No. 1274)

The Bill was then returned to the Senate.

Senate Bill 847 – Senators Kittleman, Astle, Brinkley, Colburn, Harris, and Jacobs

AN ACT concerning

Hunting Licenses – Exemption for Disabled Armed Forces Members

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

Affirmative – 136 Negative – 1 (See Roll Call No. 1275)

The Bill was then returned to the Senate.

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 – 136 Negative – 1 (See Roll Call No. 1276)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #29

**Senate Bill 69 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Natural Resources)**

AN ACT concerning

**Woodland Incentives Program – Prohibition on Use of Federal Funds –
Repeal**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 1277)

The Bill was then returned to the Senate.

**Senate Bill 83 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Housing and Community
Development)**

AN ACT concerning

**Department of Housing and Community Development – Group Home
Financing Program – Refinancing**

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 1278)

The Bill was then returned to the Senate.

**Senate Bill 96 – The President (By Request – Department of Legislative
Services – Code Revision)**

AN ACT concerning

Washington Suburban Sanitary Commission

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 1279)

The Bill was then returned to the Senate.

Senate Bill 174 – Senator Glassman

AN ACT concerning

~~Charter~~ Counties – Local Laws – Digital Copies

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 1 (See Roll Call No. 1280)

The Bill was then returned to the Senate.

**Senate Bill 249 – The President (By Request – Department of Legislative
Services – Code Revision)**

AN ACT concerning

**Public Utilities and Washington Suburban Sanitary Commission –
Cross-References**

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 1 (See Roll Call No. 1281)

The Bill was then returned to the Senate.

Senate Bill 288 – Senator Edwards

AN ACT concerning

Maryland Dormant Mineral Interests Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 1282)

The Bill was then returned to the Senate.

Senate Bill 311 – Senators Miller, Klausmeier, Astle, Brochin, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, King, Kramer, Lenett, Madaleno, McFadden, Middleton, Peters, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Chesapeake Conservation Corps Program

Read the third time and passed by yeas and nays as follows:

Affirmative – 110 Negative – 27 (See Roll Call No. 1283)

The Bill was then returned to the Senate.

Senate Bill 541 – Senator Harrington

AN ACT concerning

Natural Resources – Park Advisory Commission – Membership

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 1284)

The Bill was then returned to the Senate.

Senate Bill 775 – Senators Kramer, Conway, Currie, Forehand, Harrington, Kelley, Lenett, Muse, Pinsky, Raskin, Rosapepe, and Stone

AN ACT concerning

Environment Transportation – Road Salt Management Programs – Best Practices Guidance

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 1285)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #33

Senate Bill 22 – Senator Muse

AN ACT concerning

**Criminal Law – Prohibitions on Wearing, Carrying, or Transporting
Firearms – Exceptions**

Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 3 (See Roll Call No. 1286)

The Bill was then returned to the Senate.

**Senate Bill 80 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Higher Education
Commission)**

AN ACT concerning

**Maryland Higher Education Commission – Office of Student Financial
Assistance**

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 1287)

The Bill was then returned to the Senate.

Senate Bill 97 – ~~Senator Mooney~~ Senators Mooney, Muse, Frosh, and Raskin

AN ACT concerning

Office of the Public Defender – Board of Trustees – ~~Composition~~ Membership

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 4 (See Roll Call No. 1288)

The Bill was then returned to the Senate.

Senate Bill 139 – Senators Madaleno ~~and Miller~~, Miller, and Jones

AN ACT concerning

**~~Property Tax – Exemption for Disabled Veterans and Surviving Spouses –~~
~~Definition~~ Public Health Service and NOAA Officers and Surviving Spouses**

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 1289)

The Bill was then returned to the Senate.

**Senate Bill 400 – Senators Pugh, Raskin, Conway, Currie, Forehand,
Harrington, Jones, Kelley, Madaleno, McFadden, Miller, Muse, and
Peters**

AN ACT concerning

No Representation Without Population Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 101 Negative – 35 (See Roll Call No. 1290)

The Bill was then returned to the Senate.

**Senate Bill 467 – Senators Conway, Madaleno, Colburn, Dyson, Exum,
Forehand, Garagiola, Glassman, Harrington, King, Klausmeier,
Kramer, Lenett, McFadden, Muse, Pinsky, Raskin, Rosapepe, and
Zirkin**

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**

Delegate Simmons moved to make the Bill a Special Order for Monday.

The motion was adopted.

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 – 138 Negative – 0 (See Roll Call No. 1291)

The Bill was then returned to the Senate.

Senate Bill 758 – Senators King, Dyson, Forehand, Harrington, Kramer, Lenett, Madaleno, Peters, Pinsky, and Stone

AN ACT concerning

Education – Early Learning Challenge Fund – Application for Grants

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 1 (See Roll Call No. 1292)

The Bill was then returned to the Senate.

Senate Bill 966 – Senators Pugh, Harrington, Lenett, Madaleno, McFadden, Muse, and Raskin

AN ACT concerning

Education – High School Diploma by Examination

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 2 (See Roll Call No. 1293)

The Bill was then returned to the Senate.

CONCURRENCE CALENDAR #5**AMENDED IN THE SENATE****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

Delegate Conway moved that the House concur in the Senate amendments.

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 concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and
nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 1294)

AMENDED IN THE SENATE

**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**

Delegate Davis moved that the House concur in the Senate amendments.

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 concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 1295)

AMENDED IN THE SENATE

House Bill 551 – Wicomico County Delegation

AN ACT concerning

Wicomico County – Alcoholic Beverages – Beer Tasting – Workers in Licensed Establishments

Delegate Davis moved that the House concur in the Senate amendments.

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 concurred in.

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 concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 1296)

AMENDED IN THE SENATE

House Bill 966 – Washington County Delegation

AN ACT concerning

Washington County – Salary Study Process

Delegate McIntosh moved that the House concur in the Senate amendments.

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 concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 1297)

AMENDED IN THE SENATE

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”**

Delegate Hixson moved that the House concur in the Senate amendments.

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 yeas and nays 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 concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 137 Negative – 1 (See Roll Call No. 1298)

CONFERENCE COMMITTEE REPORT

BILL NO.: HB 768 SPONSOR: Delegate Griffith

SUBJECT: Employees' Ret and Pension Systems - Md School for the Deaf Retirees - Overpayment of Benefits

THIRD READING CALENDAR HOUSE NO. 45 SENATE NO. 15

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached Budget and Taxation Committee Amendments (HB0768/849030/1) be adopted.

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.

Senate Members:

House Members:

Chair, **Nathaniel J. McFadden**

Chair, **Melony G. Griffith**

Edward J. Kasemeyer

Norman H. Conway

Donald F. Munson

Susan L. M. Aumann

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk
() Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 129 Negative – 7 (See Roll Call No. 1299)

The Bill was then sent to the Senate.

CONFERENCE COMMITTEE REPORT**BILL NO.: SB 856 SPONSOR: The President****SUBJECT: Public Safety - Sexual Offender Advisory Board****THIRD READING CALENDAR HOUSE NO. 25 SENATE NO. 59**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the House Judiciary Committee Amendment (SB0856/652314/1) be rejected.

(2) That the attached Conference Committee Amendment (SB0856/653928/1) be adopted.

SB0856/653928/1**BY: Conference Committee****AMENDMENT TO SENATE BILL 856****(Third Reading File Bill)**

On page 4, after line 24, insert:

“(II) CIVIL COMMITMENT OF SEXUAL OFFENDERS;”;

and in lines 25 and 27, strike **“(II)”** and **“(III)”**, respectively, and substitute **“(III)”** and **“(IV)”**, respectively.

On page 5, in line 4, after “teams;” insert **“AND”**; and strike beginning with the semicolon in line 6 down through **“CONGREGATE”** in line 9.

Senate Members:

House Members:

Chair, **James Brochin**

Chair, **Kathleen M. Dumais**

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: HB 0439

SPONSOR: Del Kaiser, et al

SUBJECT: Education – Innovative School Scheduling Models – Low–Performing and At–Risk Public Schools

The Senate recedes from its position on HB 0439.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: HB 1263

SPONSOR: The Spkr (Admin), et al

SUBJECT: Education Reform Act of 2010

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 Kaiser, Chair
Delegate Olszewski
Delegate Rice

The Senate appoints:
Senator Pinsky, Chairman

Senator Conway
Senator Rosapepe.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: SB 0099

SPONSOR: Sens DeGrange and Astle

SUBJECT: Junk Dealers and Scrap Metal Processors – Required Records

The Senate still does not concur in the House amendments and suggests 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 ordered journalized.

MESSAGE TO THE SENATE

BILL: SB 0099

SPONSOR: Sens DeGrange and Astle

SUBJECT: Junk Dealers and Scrap Metal Processors – Required Records

By the Majority Leader:

Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Astle, Chair
Senator Garagiola
Senator Glassman

The House appoints:
Delegate Vaughn, Chairman
Delegate King, and
Delegate McHale.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: SB 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 ordered journalized.

MESSAGE TO THE SENATE

BILL: SB 0310

SPONSOR: Sen Kasemeyer, et al

SUBJECT: Education – Maintenance of Effort Requirement – Process and Factors

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 Kasemeyer, Chair

Senator Robey

Senator Brinkley

The House appoints:

Delegate Rice, Chairman

Delegate Olszewski, and

Delegate Kaiser.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 1123 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

Political Subdivisions – Collective Bargaining Agreements – Binding Arbitration

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT ADOPTED.

Delegate Haddaway moved to make the Bill a Special Order for Monday.

The motion was adopted.

THE COMMITTEE ON JUDICIARY REPORT #24

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 1285 – Delegates Kramer, Hucker, and Mizeur

AN ACT concerning

Real Property – Abatement of Nuisance – Prostitution

HB1285/402817/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1285

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “abatement;” insert “providing that certain relief is not available in certain actions for abatement of nuisance that alleges the use of a property for prostitution;”.

AMENDMENT NO. 2

On page 5, in line 28, after “(2)” insert “**(I) THIS PARAGRAPH DOES NOT APPLY TO AN ACTION BROUGHT UNDER THIS SECTION ALLEGING THE USE OF A PROPERTY FOR PROSTITUTION.**

(II)”.

On page 5 in line 31 and on page 6 in line 1, strike “(i)” and “(ii)”, respectively, and substitute “1.” and “2.”, respectively.

AMENDMENT NO. 3

On page 6, after line 3, insert:

“(3) (I) THIS PARAGRAPH APPLIES ONLY TO AN ACTION BROUGHT UNDER THIS SECTION ALLEGING THE USE OF A PROPERTY FOR PROSTITUTION.

“(II) IF AN OWNER, INCLUDING AN OWNER-OCCUPANT, FAILS TO COMPLY WITH AN ORDER UNDER SUBSECTION (G) OF THIS SECTION, AFTER A HEARING, THE COURT MAY ISSUE A CONTEMPT ORDER.”;

and in line 4, strike “(3)” and substitute “(4)”.

AMENDMENT NO. 4

On page 6, in line 22, after “(k)” insert “(1) THIS SUBSECTION DOES NOT APPLY TO AN ACTION AGAINST AN OWNER, OTHER THAN AN OWNER-OCCUPANT, BROUGHT UNDER THIS SECTION ALLEGING THE USE OF A PROPERTY FOR PROSTITUTION.

(2)”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

Senate Bill 189 – Senators Simonaire, Haines, Jacobs, Kittleman, Reilly, Stoltzfus, and Stone

AN ACT concerning

Vehicle Laws – Reckless and Negligent Driving – Penalties for Death or Serious Bodily Injury

SB0189/852816/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 189

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike lines 2 and 3 in their entirety and substitute:

“Victims’ Rights – Fatal Vehicular Accident – Suspension of License”;

strike beginning with “establishing” in line 4 down through “injury” in line 11 and substitute “authorizing a victim’s representative to be present at a certain administrative hearing concerning a fatal vehicular accident; authorizing a victim’s representative to make an oral statement or submit a written statement for consideration at a certain administrative hearing concerning a fatal vehicular accident; requiring a law enforcement officer, during the investigation of a fatal vehicular accident, to inform a victim’s representative of the right to file a certain request with the Motor Vehicle Administration; requiring certain notice to a victim’s representative under certain circumstances; authorizing the Administration to suspend a license of a person who is convicted of a moving violation that contributed to an accident resulting in the death of an individual; providing for certain procedures; defining certain terms; and generally relating to victims’ rights and license suspensions concerning certain fatal vehicular accidents”;

and strike in their entirety lines 12 through 21, inclusive, and substitute:

“BY adding toArticle – TransportationSection 12–206.1 and 16–206(a)(5) and (f)Annotated Code of Maryland(2009 Replacement Volume and 2009 Supplement)”.AMENDMENT NO. 2

On page 2, strike in their entirety lines 4 through 22, inclusive, and substitute:

“12–206.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “VICTIM” MEANS A PERSON WHO DIES AS THE RESULT OF THE COMMISSION OF A MOVING VIOLATION BY ANOTHER PERSON.

(3) “VICTIM’S REPRESENTATIVE” MEANS A MEMBER OF THE FAMILY OF A VICTIM OR A GUARDIAN OR PERSONAL REPRESENTATIVE OF A VICTIM.

(B) (1) DURING THE INVESTIGATION OF A MOVING VIOLATION, A LAW ENFORCEMENT OFFICER SHALL INFORM A VICTIM’S REPRESENTATIVE OF THE RIGHT TO FILE A VICTIM’S REPRESENTATION NOTIFICATION FORM WITH THE ADMINISTRATION TO REQUEST TO BE NOTIFIED OF A HEARING UNDER § 16–206(F) OF THIS ARTICLE.

(2) A VICTIM’S REPRESENTATION NOTIFICATION FORM UNDER THIS SUBSECTION MAY ONLY BE FILED WITHIN 20 DAYS AFTER THE CONVICTION OF THE MOVING VIOLATION.

(C) (1) IF A VICTIM’S REPRESENTATIVE FILES A VICTIM’S REPRESENTATION NOTIFICATION FORM UNDER SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATION SHALL GIVE THE VICTIM’S REPRESENTATIVE NOTICE IN ACCORDANCE WITH § 12–114 OF THIS TITLE AT LEAST 21 DAYS BEFORE A HEARING UNDER § 16–206(F) OF THIS ARTICLE.

(2) NOTICE PROVIDED UNDER THIS SUBSECTION SHALL STATE:

(i) THE DATE, TIME, PLACE, AND NATURE OF THE HEARING;

(ii) THE LEGAL AUTHORITY AND JURISDICTION OF THE ADMINISTRATION TO HEAR THE MATTER;

(iii) THE NATURE OF THE PROPOSED ACTION THAT THE ADMINISTRATION IS TO CONSIDER;

(IV) THAT A COPY OF THE HEARING PROCEDURES IS AVAILABLE ON REQUEST AND THE COST TO OBTAIN A COPY;

(V) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO BE PRESENT AT THE HEARING;

(VI) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO SUBMIT A WRITTEN STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT THE HEARING; AND

(VII) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO MAKE AN ORAL STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT THE HEARING.

(3) (I) IF A VICTIM'S REPRESENTATIVE INTENDS TO MAKE AN ORAL STATEMENT, THE VICTIM'S REPRESENTATIVE SHALL NOTIFY THE ADMINISTRATION AT LEAST 10 DAYS BEFORE THE HEARING.

(II) IF A VICTIM'S REPRESENTATIVE INTENDS TO SUBMIT A WRITTEN STATEMENT, THE STATEMENT SHALL BE SUBMITTED TO THE ADMINISTRATION AT LEAST 10 DAYS BEFORE THE HEARING.

(D) (1) IF A VICTIM'S REPRESENTATIVE PROVIDES NOTICE IN ACCORDANCE WITH SUBSECTION (C)(3)(I) OF THIS SECTION, THE ADMINISTRATION SHALL ALLOW THE VICTIM'S REPRESENTATIVE TO MAKE AN ORAL STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT THE HEARING.

(2) IF A VICTIM'S REPRESENTATIVE SUBMITS A WRITTEN STATEMENT IN ACCORDANCE WITH SUBSECTION (C)(3)(II) OF THIS SECTION, THE ADMINISTRATION SHALL:

(I) PROVIDE A COPY OF THE WRITTEN STATEMENT TO THE LICENSEE BEFORE THE HEARING BEGINS; AND

(II) CONSIDER THE WRITTEN STATEMENT AT THE HEARING.

16–206.

(a) (5) (I) THE ADMINISTRATION MAY SUSPEND THE LICENSE OF A PERSON WHO IS CONVICTED OF A MOVING VIOLATION THAT CONTRIBUTED TO AN ACCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON.

(II) A SUSPENSION UNDER THIS PARAGRAPH MAY NOT EXCEED 6 MONTHS.

(III) THIS PARAGRAPH DOES NOT LIMIT THE AUTHORITY OF THE ADMINISTRATION TO SUSPEND, REVOKE, OR REFUSE TO ISSUE OR RENEW A LICENSE UNDER ANY OTHER PROVISION OF LAW.

(F) IN ACCORDANCE WITH TITLE 12, SUBTITLE 2 OF THIS ARTICLE, THE ADMINISTRATION SHALL PROVIDE NOTICE OF A SUSPENSION UNDER SUBSECTION (A)(5) OF THIS SECTION AND THE LICENSEE MAY REQUEST A HEARING.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

Senate Bill 399 – Senators Raskin, Forehand, ~~and Pugh~~ Pugh, Gladden, Jacobs, Simonaire, and Stone

AN ACT concerning

Real Property – Abatement of Nuisance – Prostitution

SB0399/332515/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 399

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “abatement;” insert “providing that certain relief is not available in certain actions for abatement of nuisance that alleges the use of a property for prostitution;”.

AMENDMENT NO. 2

On page 6, in line 3, after “(2)” insert “**(I) THIS PARAGRAPH DOES NOT APPLY TO AN ACTION BROUGHT UNDER THIS SECTION ALLEGING THE USE OF A PROPERTY FOR PROSTITUTION.**

(II)”;

and in lines 6 and 8, strike “(i)” and “(ii)”, respectively, and substitute “**1.**” and “**2.**”, respectively.

AMENDMENT NO. 3

On page 6, after line 10, insert:

“(3) (I) THIS PARAGRAPH APPLIES ONLY TO AN ACTION BROUGHT UNDER THIS SECTION ALLEGING THE USE OF A PROPERTY FOR PROSTITUTION.

(II) IF AN OWNER, INCLUDING AN OWNER-OCCUPANT, FAILS TO COMPLY WITH AN ORDER UNDER SUBSECTION (G) OF THIS SECTION, AFTER A HEARING, THE COURT MAY ISSUE A CONTEMPT ORDER.”;

and in line 11, strike “(3)” and substitute “**(4)**”.

AMENDMENT NO. 4

On page 6, in line 29, after “(k)” insert “**(1) THIS SUBSECTION DOES NOT APPLY TO AN ACTION AGAINST AN OWNER, OTHER THAN AN OWNER-OCCUPANT, BROUGHT UNDER THIS SECTION ALLEGING THE USE OF A PROPERTY FOR PROSTITUTION.**

(2)”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

Senate Bill 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

SB0622/822219/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 622
(Third Reading File Bill)

On page 2 in lines 17, 19, and 25, and on page 3 in lines 11, 13, and 19, in each instance, strike “20” and substitute “15”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate O'Donnell moved to put **Senate Bill 622** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 1301)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 622** was placed on Third Reading.

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

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 1302)

The Bill was then returned to the Senate.

Delegate Vallario, Chair, for the Committee on Judiciary 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

SB0776/172716/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 776

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after “procedures.” insert “impacts.”; in line 19, strike the first “the”; and in the same line, strike “convicted”.

AMENDMENT NO. 2

On page 6, in lines 25 and 29, in each instance, strike “CONVICTED”.

On page 7, in line 8, strike the second “AND” and substitute:

“(III) REVIEW AND REPORT ON THE POTENTIAL IMPACT ON HEALTH CARE PROVIDERS OF RECOMMENDED CHANGES IN POLICIES AND

PROCEDURES CONCERNING SEXUAL OFFENDERS IN NURSING HOMES AND ASSISTED LIVING FACILITIES; AND;

in line 9, strike “**(III)**” and substitute “**(IV)**”; in line 11, strike “**CONVICTED**”; and in line 17, strike “**convicted**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

Senate Bill 782 – Senator Raskin

AN ACT concerning

**~~Mortgage Foreclosure Bankruptcy Exemption~~
Homestead Exemption – Bankruptcy**

SB0782/682314/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 782

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike “**authorizing**” and substitute “**prohibiting**”; and in the same line, strike “**to claim**” and substitute “**from claiming**”.

AMENDMENT NO. 2

On page 3, in line 14, strike “**\$20,200**” and substitute “**THE AMOUNT UNDER 11 U.S.C. § 522(D)(1), ADJUSTED IN ACCORDANCE WITH 11 U.S.C. § 104**”.

AMENDMENT NO. 3

On page 3, in lines 21 and 26, in each instance, strike “**THE PRIOR**”; and in the same lines, in each instance, after “**YEARS**” insert “**PRIOR TO THE FILING OF THE BANKRUPTCY PROCEEDING IN WHICH THE EXEMPTION UNDER THIS SUBSECTION IS CLAIMED**”.

AMENDMENT NO. 4

On page 3, in line 31, after “MAY” insert “NOT”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 948 – ~~Senator Raskin~~ Senators Raskin, Brochin, Forehand, Jacobs, Simonaire, and Stone

AN ACT concerning

Child Abuse and Neglect – Disclosure of Information

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 1303)

ADJOURNMENT

At 6:04 P.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day April 5, 2010, Calendar Day Monday, April 12, 2010.

Annapolis, Maryland
Legislative Day: April 5, 2010
Calendar Day: Monday, April 12, 2010

The House met at 11:08 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Curtis S. Anderson of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 128 Members present.

(See Roll Call No. 1304)

The Journal of April 4, 2010 was read and approved.

EXCUSES:

Del. Shank – late – personal

CONFERENCE COMMITTEE REPORT

BILL NO.: HB 103 **SPONSOR: Delegate Lafferty**

SUBJECT: Real Property – Mobile Home Parks – Plans for Dislocated Residents

THIRD READING CALENDAR **HOUSE NO. 32** **SENATE NO. 8**

Hon. Thomas V. Mike Miller, Jr., President of the Senate

Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the attached Judicial Proceedings Committee Amendment (HB0103/258271/1) be adopted.

(2) That the attached Conference Committee Amendments (HB0103/473423/2) be adopted.

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.

HB0103/473423/2

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 103

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after “closed” insert “under certain circumstances”.

AMENDMENT NO. 2

On page 3, in line 3, strike the second “**THE**” and substitute “**A**”; and in the same line, after “**PARK**” insert “**WITH MORE THAN 38 SITES**”.

On page 4, in line 13, after “**PARK**” insert “**WITH MORE THAN 38 SITES**”.

Senate Members:

House Members:

Chair, **Jamie Raskin**

Chair, **Marvin E. Holmes, Jr.**

Lisa A. Gladden

Cheryl D. Glenn

C. Anthony Muse

Richard A. Sossi

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk
() Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 102 Negative – 27 (See Roll Call No. 1305)

The Bill was then sent to the Senate.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0122

SPONSOR: Del Anderson, et al

SUBJECT: Criminal Procedure – Board of Trustees of the
Office of the Public Defender – Modification

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 Barnes, Chair

Delegate Schuler

Delegate Smigiel

The Senate appoints:

Senator Frosh, Chairman

Senator Mooney

Senator Forehand.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

THE COMMITTEE ON APPROPRIATIONS REPORT #15

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 887 – Senators Munson, Astle, Edwards, Exum, Kelley, Klausmeier, and Robey

AN ACT concerning

Correctional Services – State Correctional Officers’ Bill of Rights

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #30

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 451 – Senators Conway, Currie, Della, Exum, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kelley, King, Lenett, Madaleno, McFadden, Middleton, Muse, Peters, Pugh, Raskin, Rosapepe, and Stone

AN ACT concerning

Prevailing Wage Rates – Public Works Contracts – Suits by Employees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 878 – Senators Kramer, Astle, DeGrange, Della, Forehand, Garagiola, Harrington, Kelley, King, Klausmeier, Madaleno, Peters, and Pugh

AN ACT concerning

Reverse Mortgage Homeowners Protection Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 666 – Senators Muse, Forehand, Haines, ~~and Stone~~ Stone, Frosh, and Jacobs

EMERGENCY BILL

AN ACT concerning

Real Property – Transfer Fees – Prohibition

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT NOT ADOPTED.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 867 – Senators Muse, Conway, Exum, Forehand, King, Lenett, Peters, Pugh, Raskin, Robey, and Rosapepe

AN ACT concerning

Domestic Violence – Protective Order – Extension

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT NOT ADOPTED.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 1013 – Senator Jacobs

AN ACT concerning

**Harford County Property Tax Credit – Homes near a Refuse Disposal System
– Extension to Additional Properties**

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT NOT ADOPTED.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 1123 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

**Political Subdivisions – Collective Bargaining Agreements – Binding
Arbitration**

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT ADOPTED.

Read the second time and ordered prepared for Third Reading.

**Senate Bill 198 – Senators Glassman, Garagiola, Gladden, Harris, Jacobs,
Kasemeyer, Klausmeier, Kramer, Middleton, Mooney, Raskin,
Rosapepe, Stoltzfus, and Stone**

AN ACT concerning

**Farmer's Markets – ~~Raw~~ Agricultural Product Sales – Producer Mobile
Farmer's Market License**

STATUS OF BILL: BILL ON 3RD READING.

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 2 (See Roll Call No. 1306)

The Bill was then returned to the Senate.

**Senate Bill 199 – Senators Glassman, Garagiola, Kasemeyer, Klausmeier,
Kramer, Mooney, Raskin, Rosapepe, Stoltzfus, and Stone**

AN ACT concerning

Seasonal Farmer's Market Producer Sampling License

STATUS OF BILL: BILL ON 3RD READING.

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 3 (See Roll Call No. 1307)

The Bill was then returned to the Senate.

Senate Bill 415 – Senators Mooney, Raskin, Madaleno, Colburn, Currie, Della, Dyson, Forehand, Frosh, Garagiola, Haines, Harrington, Jacobs, Kelley, King, Kittleman, Lenett, Middleton, Munson, Muse, Peters, Pugh, Rosapepe, Simonaire, ~~and Zirkin~~ Zirkin, Conway, Harris, and Reilly

AN ACT concerning

State Government – Commemorative Month – Hispanic Heritage Month

STATUS OF BILL: BILL ON 3RD READING.

Read the third time and passed by yeas and nays as follows:

Affirmative – 125 Negative – 13 (See Roll Call No. 1308)

The Bill was then returned to the Senate.

Senate Bill 467 – Senators Conway, Madaleno, Colburn, Dyson, Exum, Forehand, Garagiola, Glassman, Harrington, King, Klausmeier, Kramer, Lenett, McFadden, Muse, Pinsky, Raskin, Rosapepe, and Zirkin

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

STATUS OF BILL: BILL ON 3RD READING.

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 1309)

The Bill was then returned to the Senate.

Senate Bill 924 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

STATUS OF BILL: BILL ON 3RD READING.

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 1310)

The Bill was then returned to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 990** SPONSOR: **Delegate Olszewski**

SUBJECT: Financial Institutions – Credit Unions – Authority to Conduct Savings Promotion Raffles

THIRD READING CALENDAR HOUSE NO. **36** SENATE NO. **12**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached Finance Committee Amendments (HB0990/617679/1) be adopted.

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.”.

Senate Members:

House Members:

Chair, Katherine Klausmeier George W. Della, Jr. Allan H. Kittleman	<u>did not sign</u> Chair, Brian J. Feldman <u>did not sign</u> Warren E. Miller Michael L. Vaughn

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:	(X) Chief Clerk
	() Secretary, Senate

Conference Committee Report read and adopted.Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 134 Negative – 2 (See Roll Call No. 1311)

The Bill was then sent to the Senate.**CONFERENCE COMMITTEE REPORT**BILL NO.: **SB 886** SPONSOR: **Senator Klausmeier****SUBJECT: Financial Instns – Credit Unions and Depository Instns – Auth to Conduct Savings Promotion Raffles****THIRD READING CALENDAR HOUSE NO. 23 SENATE NO. 55**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the Economic Matters Committee Amendments (SB0886/333999/1) be rejected.

Senate Members:

House Members:

Chair,	<u>Katherine Klausmeier</u>	Chair,	<u>did not sign</u> Brian J. Feldman
	<u>George W. Della, Jr.</u>		<u>did not sign</u> Warren E. Miller
	<u>Allan H. Kittleman</u>		<u>Michael L. Vaughn</u>

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to: () Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 135 Negative – 2 (See Roll Call No. 1312)

The Bill was then returned to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 1313)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #73

House Bill 35 – Delegate Hubbard

AN ACT concerning

**Environment – Brominated Flame Retardants – Decabrominated Diphenyl
Ether – Prohibition**

Delegate McIntosh moved the Bill be recommitted.

The motion was adopted.

House Bill 638 – Prince George’s County Delegation and Montgomery County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – Procurement and Minority Business Enterprises – WSSC Procurement Oversight Committee

PG/MC 109–10

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 1314)

The Bill was then sent to the Senate.

House Bill 987 – Delegates George, Beidle, Carr, V. Clagett, Frush, Holmes, Hucker, Lafferty, Niemann, Norman, Serafini, Shewell, Sossi, and Stein

AN ACT concerning

Marine Contractors – Licensure and Regulation – ~~Wetland Permits and Authorizations~~ – Tidal Wetlands Licenses

Read the third time and passed by yeas and nays as follows:

Affirmative – 127 Negative – 10 (See Roll Call No. 1315)

The Bill was then sent to the Senate.

House Bill 1285 – Delegates Kramer, Hucker, and Mizeur

AN ACT concerning

Real Property – Abatement of Nuisance – Prostitution

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1316)

The Bill was then sent to the Senate.

House Bill 1484 – Delegate Love

AN ACT concerning

**Base Realignment and Closure – Public Charter Schools Located on a
Federal Military Base**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 1 (See Roll Call No. 1317)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #47

Senate Bill 834 – ~~Senator Currie~~ Senators Currie and Miller

AN ACT concerning

**Base Realignment and Closure – Public Charter Schools Located on a
Federal Military Base**

FLOOR AMENDMENT

SB0834/433823/1

BY: Delegate Griffith

AMENDMENT TO SENATE BILL 834
(Third Reading File Bill)

On page 3, in line 8, strike “**30%**” and substitute “**35%**”.

The preceding amendment was read and adopted.

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 1 (See Roll Call No. 1318)

The Bill was then returned to the Senate.

**Senate Joint Resolution 5 – The President (~~By Request – General Assembly~~
~~Compensation Commission~~)**

A Senate Joint Resolution concerning

General Assembly Compensation Commission – Recommendations

Read the third time and passed by yeas and nays as follows:

Affirmative – 141 Negative – 0 (See Roll Call No. 1319)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #48

Senate Bill 189 – Senators Simonaire, Haines, Jacobs, Kittleman, Reilly, Stoltzfus, and Stone

AN ACT concerning

Vehicle Laws – Reckless and Negligent Driving – Penalties for Death or Serious Bodily Injury

Read the third time and passed by yeas and nays as follows:

Affirmative – 141 Negative – 0 (See Roll Call No. 1320)

The Bill was then returned to the Senate.

Senate Bill 399 – Senators Raskin, Forehand, ~~and Pugh~~ Pugh, Gladden, Jacobs, Simonaire, and Stone

AN ACT concerning

Real Property – Abatement of Nuisance – Prostitution

Read the third time and passed by yeas and nays as follows:

Affirmative – 141 Negative – 0 (See Roll Call No. 1321)

The Bill was then returned to the Senate.

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 – 141 Negative – 0 (See Roll Call No. 1322)

The Bill was then returned to the Senate.

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 – 141 Negative – 0 (See Roll Call No. 1323)

The Bill was then returned to the Senate.

**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 – 141 Negative – 0 (See Roll Call No. 1324)

The Bill was then returned to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 141 Members present.

(See Roll Call No. 1325)

ADJOURNMENT

At 11:37 A.M. on motion of Delegate Barve the House adjourned until 1:30 P.M., on Legislative Day April 6, 2010, Calendar Day Monday, April 12, 2010.

Annapolis, Maryland
Legislative Day: April 6, 2010
Calendar Day: Monday, April 12, 2010

The House met at 1:57 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate William A. Bronrott of Montgomery County.

QUORUM CALL

The presiding officer announced a quorum call, showing 122 Members present.

(See Roll Call No. 1326)

The Journal of April 5, 2010 was read and approved.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 292 – Senators Raskin, Brochin, Conway, Forehand, Garagiola, Glassman, Kramer, Lenett, Madaleno, Muse, Peters, Pinsky, Pugh, Rosapepe, and Stone

AN ACT concerning

~~**Elections – Voter Registration and Voting Age**~~
Election Law – Voter Registration and Nomination by Petition –
Requirements

FOR the purpose of altering the qualifications for voter registration to allow an individual who is at least 16 years old to register to vote; ~~specifying that an individual is not eligible to vote until a certain election in which the individual is 18 years old or older; and generally relating to the age when an individual becomes qualified to register to vote and to vote~~ specifying that an individual under the age of 18 years may vote in certain primary elections but may not vote in any other elections; altering the deadline for requesting a change of party affiliation to coincide with the deadline for registering to vote for an election; altering the date on which the number of petition signatures required for a candidate to be nominated by petition is determined; making conforming changes; and generally relating to requirements for voter registration and nomination by petition.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 3–102, 3–303, and 5–703(e)

Annotated Code of Maryland

(2003 Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – Election Law

Section 3–302

Annotated Code of Maryland

(2003 Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

**Senate Bill 396 – ~~Senator Middleton~~ Senators Middleton, Garagiola, Currie, Kasemeyer, Brinkley, DeGrange, Edwards, Jones, King, Kramer, Madaleno, McFadden, Munson, Peters, Robey, Stoltzfus, and Zirkin
Zirkin, Glassman, Kittleman, and Dyson**

AN ACT concerning

**Maryland Estate Tax – Pilot Program for Payment Deferral for Qualified
Agricultural Property**

FOR the purpose of providing for a certain payment deferral under certain circumstances for certain Maryland estate tax imposed on certain agricultural property; providing that Maryland estate tax subject to a payment deferral shall become due immediately under certain circumstances; providing that certain Maryland estate tax subject to a payment deferral shall be paid without interest in accordance with a certain schedule over a certain period; requiring the Comptroller to submit a certain report to the General Assembly and the Maryland Agricultural Land Preservation Foundation by a certain date; providing for the application of this Act; providing for the termination of this Act; defining certain terms; and generally relating to a pilot program for a payment deferral under certain circumstances for certain Maryland estate tax imposed on certain agricultural property.

BY adding to

Article – Tax – General

Section 7–307(e)

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 507 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Status ~~and~~, Renaming, and Study

FOR the purpose of renaming the Injured Workers' Insurance Fund as the Chesapeake Employers' ~~Mutual~~ Insurance Company; ~~requiring the Company to be a certain authorized mutual insurer; requiring the Insurance Commissioner to issue and renew certain certificates of authority; altering the provisions of law that apply to the Company that applied to the Fund; specifying that the Company is a statutorily created nonprofit insurer that is not a unit of State government; providing that an employee of the Company is not an employee of the State and is not subject to certain laws; repealing certain provisions relating to the setting of compensation and removal of employees; including certain earnings as assets of the Company; providing that if the Company is placed in conservatorship or receivership or becomes insolvent, the State has no liability or responsibility to certain parties; providing that the State has no interest in the assets of the Company; prohibiting the State from taking certain actions regarding the revenues, money, or assets of the Company; providing that certain employees shall continue as members of certain retirement systems under certain circumstances; providing that certain employees are not members of certain retirement systems under certain circumstances; providing that certain employees may elect to continue as members of certain retirement systems under certain circumstances; requiring that the Company is liable to certain retirement systems under certain circumstances; requiring the Company to notify policyholders of certain cancellations of insurance in accordance with a certain provision of law; repealing the requirement that employees of the Fund are State personnel; providing that the Company is a certain qualifying not for profit organization; requiring the Company to pay to the Board of Trustees certain employer contributions; providing that employees who were hired by the Fund on or before a certain date are subject to certain provisions relating to the removal of employees; providing that employees are not subject to certain laws, regulations, or executive orders governing State compensation; providing that the Company is the successor of the Fund; requiring that functions, powers, duties, equipment, assets, liabilities, and employees of the Fund be transferred to the Company; authorizing the Company to trade under the name of the Fund for a certain period of time; requiring the Maryland Insurance Administration to conduct a certain two-part study; requiring the Administration to consult with certain persons; allowing the Administration to retain certain expert consultants; requiring the Administration to report certain findings and recommendations to the General Assembly on or before a certain date; requiring the Department of Budget and Management, in consultation with the State Retirement Agency, to conduct a certain study; requiring the Department to consult with certain persons; requiring the Department to report certain findings and recommendations to~~

the General Assembly on or before a certain date; providing for the applicability of a certain provision; requiring the publisher of the Annotated Code of Maryland, in consultation with the Department of Legislative Services, to correct certain cross-references and terminology; ~~altering certain definitions; making stylistic changes; repealing duplicative provisions; providing for a delayed effective date;~~ and generally relating to the status and renaming of the Injured Workers' Insurance Fund.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 10–101(a), (d), and (f) and 10–130(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 10–101(c) and (e), 10–104 through 10–109, 10–113, 10–114(b), 10–117, 10–118, 10–120, 10–122(c) through (e), 10–125 through 10–127, 10–130(b) and (c), 10–133, and 10–135 through 10–138 to be under the amended subtitle “Subtitle 1. Chesapeake Employers’ Insurance Company”
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

~~BY adding to~~
~~Article – Labor and Employment~~
~~Section 10–119~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2009 Supplement)~~

BY repealing and reenacting, without amendments,
Article – State Government
Section 12–101(a)(1)
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 12–101(a)(2)
Annotated Code of Maryland
(2009 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~
~~Article – State Personnel and Pensions~~
~~Section 2–512(a), 22–201(a)(8) and (9), and 23–201(a)(17) and (18) and (b)(10) and (11)~~
~~Annotated Code of Maryland~~

~~(2009 Replacement Volume and 2009 Supplement)~~

~~BY adding to~~

~~Article – State Personnel and Pensions~~

~~Section 21–307(p), 22–201(a)(10), and 23–201(a)(19) and (b)(12)~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume and 2009 Supplement)~~

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 517 – Senators Stone ~~and Jacobs~~, Jacobs, Forehand, Mooney, and Simonaire

AN ACT concerning

~~Criminal Law – Criminal Gangs – Offenses and Membership~~
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~~; ~~prohibiting a person from actively participating as a criminal gang member in activities of a criminal gang~~; 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 and Executive Nominations.

Senate Bill 551 – Senator Edwards

AN ACT concerning

**Education – Public School Construction – Procurement – Preference for
State and Local Business Entities**

FOR the purpose of authorizing a local governing body to adopt a preference-based arrangement that gives a certain order of preference to ~~local~~ certain business entities for certain procurement for public school construction; requiring the Board of Public Works to adopt regulations that specify elements to be included in any preference-based arrangement adopted by a local governing body that gives a certain order of preference to ~~local~~ certain business entities for certain procurement for public school construction; providing for the construction of this Act; and generally relating to procurement for public school construction and a preference for ~~local~~ certain business entities.

BY repealing and reenacting, with amendments,

Article – Education
Section 4–126
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 660 – Senator Klausmeier

AN ACT concerning

**State Personnel – Natural Resources Law Enforcement Officers –
Appointment to Major or Lieutenant Colonel**

FOR the purpose of authorizing the Secretary of Natural Resources to appoint a certain law enforcement officer to the rank of Major or Lieutenant Colonel

without examination; establishing that a certain law enforcement officer appointed in accordance with certain provisions of this Act continues to serve at the pleasure of the Secretary; providing that on termination of a certain appointment, the Secretary may return a certain law enforcement officer ~~may return~~ to a certain rank vacant position or be promoted ~~promote the law enforcement officer~~ to a certain higher rank under certain circumstances; establishing that in cases of inconsistency between certain provisions of this Act and certain other provisions of law, certain provisions of this Act shall control as to certain matters; making certain conforming changes; providing for the application of certain provisions of this Act; and generally relating to law enforcement officers of the Department of Natural Resources.

BY adding to

Article – Natural Resources
Section 1–107
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 1–203 and 5–206
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 892 – Senator Kelley

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 that an individual who is living in or has a regular presence in a child's home is ~~a registrant on a sexual offender registry~~ 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
Annotated Code of Maryland
(2007 Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 935 – Senators Zirkin and Stone

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 and Executive Nominations.

Senate Bill 990 – Senators Forehand, Madaleno, Pinsky, and Raskin

AN ACT concerning

Courts and Judicial Proceedings – Strategic Lawsuits Against Public Participation

FOR the purpose of ~~altering the remedies available to a defendant in an alleged strategic lawsuit against public participation (SLAPP suit); establishing certain burdens of proof and procedures in an alleged SLAPP suit; requiring a court to consider certain evidence in ruling on a motion to dismiss an alleged SLAPP suit; authorizing the Office of the Attorney General or a government body to intervene to defend or support a certain party in an alleged SLAPP suit; requiring a court to stay any discovery and pending hearings or motions in an alleged SLAPP suit on the filing of a motion to dismiss and until the court rules on the motion; requiring a court to award certain attorney's fees, costs, and other relief under certain circumstances; modifying a defined term; 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; providing for the application of this Act; and generally relating to SLAPP suits.~~

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)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section ~~5-807~~ 5-807(b) and (c)

Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 1000 – Senator Robey

AN ACT concerning

**State Employee and Retiree Health and Welfare Benefits Program –
Baltimore Metropolitan Council – Eligibility**

FOR the purpose of including certain employees of the Baltimore Metropolitan Council in the State Employee and Retiree Health and Welfare Benefits Program; providing that certain service accrued by certain employees of the Baltimore Metropolitan Council shall be included as part of the employee's State service; requiring the Baltimore Metropolitan Council to pay to the State a certain amount of money based on a certain subsidy; and generally relating to the employees of the Baltimore Metropolitan Council participating in the State Employee and Retiree Health and Welfare Benefits Program.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–511
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 1007 – Senator Pugh

AN ACT concerning

**Public Schools – Law Enforcement Officers – Cultural Competency Model
Training ~~Program~~ Curriculum**

FOR the purpose of requiring the ~~State Department of Education~~ Maryland Police Training Commission, in consultation with the ~~Maryland Police Training Commission~~ State Department of Education, to develop ~~and implement~~ a cultural competency model training ~~program~~ curriculum for certain law enforcement officers; providing for the contents of the cultural competency model training ~~program~~ curriculum; ~~requiring~~ encouraging certain law enforcement officers ~~employed by a county board of education~~ assigned to public schools to complete the cultural competency model training ~~program~~ curriculum before beginning a certain assignment; and generally relating to a cultural competency model training ~~program~~ curriculum for law enforcement officers in public schools.

BY adding to
Article – Education
Section 7–430
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 1022 – Senator McFadden

AN ACT concerning

Baltimore City Charter – Community Benefits District – East Baltimore

FOR the purpose of authorizing the Mayor and City Council of Baltimore to establish by ordinance a Community Benefits District in the East Baltimore section to be a special tax district and provide certain services; authorizing the Mayor and City Council to establish a Community Benefits District Authority to provide certain services; requiring a certain ordinance to include certain provisions; requiring the Authority to establish a certain financial plan for the District under certain circumstances; requiring a certain financial plan to be subject to approval by the Baltimore City Board of Estimates; requiring the Authority to hold a public hearing on a certain financial plan; providing that certain property that is exempt from certain taxes be exempt from District taxes; authorizing the Authority to request that certain owners voluntarily contribute to the costs of the Authority; providing for a Board of Directors of the Authority; providing certain powers, duties, and limitations of the Community Benefits District Authority; providing that the District, Authority, Board of Directors, and District Administrator shall benefit from certain laws limiting liability under certain circumstances; providing that the Authority shall be subject to certain City ordinances and goals regarding minority and women's business enterprises; requiring the Mayor and City Council to take certain matters into consideration and make certain determinations when enacting certain ordinances; prohibiting the Mayor and City Council from authorizing certain reductions in services; providing for the reversion of unspent funds under a certain condition; placing a certain condition on a certain ordinance taking effect; defining certain terms; and generally relating to the establishment of a Community Benefits District in East Baltimore.

BY adding to

The Charter of Baltimore City

Article II – General Powers

Section (65)

(2007 Replacement Volume, as amended)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 1101 – Senator Stone

AN ACT concerning

Elevator Safety – Elevator Units in ~~Churches~~ Places of Worship – Exemption from Third-Party Inspections

FOR the purpose of requiring a State inspector to make certain periodic annual inspections of elevator units in ~~churches, synagogues, mosques, and other buildings used for public religious worship~~ any building used primarily for public religious worship that has a single level platform lift or stairway chairlift; altering a requirement that third-party qualified elevator inspectors be hired to conduct certain elevator inspections by requiring that certain elevator inspections be made by a State inspector under certain circumstances; making a certain conforming change; and generally relating to inspections of elevator units.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–809 and 12–812
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 1128 – Senator Colburn

EMERGENCY BILL

AN ACT concerning

**Board of Public Works – Licenses to Dredge and Fill on State Wetlands –
Working Marinas**

FOR the purpose of authorizing the Board of Public Works to issue a certain license to dredge and fill on State wetlands for a certain development project at certain marinas if the development project meets certain criteria or the license will authorize dredging to improve certain navigational access; prohibiting the Board from issuing a certain license for a certain development project unless the applicant for the license has obtained certain other authorizations if required by local, State, or federal law; providing for the application of this Act; making this Act an emergency measure; and generally relating to the authority of the Board of Public Works to issue a license to dredge and fill in State wetlands.

BY adding to
Article – Environment
Section 16–106
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

<u>NUMBER</u>	<u>SPONSOR</u>
HB 34	Del. Waldstreicher
HB 391	Del. Lafferty
HB 439	Del. Kaiser
HB 451	Del. Elmore
HB 531	Del. Reznik
HB 558	Prince George's Del.
HB 571	Prince George's Del.
HB 647	Del. Reznik
HB 711	Del. Healey
HB 837	Washington County Del.
HB 907	Del. Valderrama
HB 989	Del. Proctor
HB 1064	Del. Hubbard
HB 1073	Del. Pena–Melnik
HB 1163	Del. Carr
HB 1402	Del. Conway
HB 1424	Ch. Hlth & Govt Ops
HB 1464	Del. Myers
HB 1531	Del. Busch

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0465

SPONSOR: The Spkr (Admin), et al

SUBJECT: Collective Negotiations by Family Child Care Providers

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 Davis, Chair

Delegate Braveboy

Delegate Manno

The Senate appoints:
Senator Garagiola, Chairman
Senator Astle
Senator Klausmeier.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: HB 0473

SPONSOR: The Spkr (Admin), et al

SUBJECT: Criminal Procedure – Sexual Offenders – Lifetime Supervision

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Dumais, Chair
Delegate Waldstreicher
Delegate Frank

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 ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0500

SPONSOR: Del Waldstreicher, et al

SUBJECT: Child Support Guidelines – Revision

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 Simmons, Chair

Delegate Dumais

Delegate Levi

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 ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0936

SPONSOR: The Spkr (Admin), et al

SUBJECT: Criminal Procedure – Sex Offenders – Notification and Registration

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:

Delegate Dumais, Chair

Delegate Waldstreicher

Delegate Frank

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 ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: HB 1174
SPONSOR: Del Kullen, et al
SUBJECT: Junk Dealers and Scrap Metal Processors – Required Records

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Vaughn, Chair
Delegate King
Delegate McHale

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 ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB 0508

SPONSOR: Sen McFadden (Chr Jt Com on Pnsns)

SUBJECT: Employees' Ret and Pension Systems – Md School for the Deaf Retirees – Overpayment of Benefits

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 McFadden, Chairman

Senator Kasemeyer

Senator Munson.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,

Secretary

Read and ordered journalized.

Delegate Conway moved the House recede on its amendment.

The motion was adopted.

SB0508/684163/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 508

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “requiring” insert “the Board of Trustees of the State Retirement and Pension System to reduce the retirement allowance of certain retirees by a certain amount beginning on a certain date and continuing the reduction until

the retirement allowance equals a certain amount; requiring”; and in line 22, strike “29-402” and substitute “21-113(c)”.

AMENDMENT NO. 2

On page 2, in line 6, strike “§ 29-402 OF THIS ARTICLE” and substitute “SUBSECTION (C) OF THIS SECTION”; strike in its entirety line 14; in line 15, strike “(A)” and substitute “(C) (1)”; in the same line, strike “SECTION” and substitute “SUBSECTION”; in lines 17, 19, and 21, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; in line 20, strike “AND”; and in line 23, after “EMPLOYEE” insert “; AND”

(IV) ON JULY 1, 2010, IS RECEIVING A RETIREMENT ALLOWANCE THAT IS GREATER THAN THE RETIREMENT ALLOWANCE THAT THE RETIREE IS ENTITLED TO RECEIVE”.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 26 on page 3, inclusive, and substitute:

“(2) (I) BEGINNING JULY 1, 2010, AND EVERY 6 MONTHS THEREAFTER, THE BOARD OF TRUSTEES SHALL REDUCE A RETIREE’S MONTHLY RETIREMENT ALLOWANCE BY 10% OF THE AMOUNT BY WHICH THE MONTHLY RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING AS OF JUNE 30, 2010, EXCEEDS THE MONTHLY RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE AS OF JUNE 30, 2010.

(II) THE BOARD OF TRUSTEES SHALL REDUCE A RETIREE’S MONTHLY RETIREMENT ALLOWANCE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH UNTIL THE MONTHLY RETIREMENT ALLOWANCE THAT THE RETIREE IS RECEIVING EQUALS THE MONTHLY RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE AS OF JUNE 30, 2010.

(3) (I) BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT JULY 1, THE BOARD OF TRUSTEES SHALL SUSPEND ANY ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THE RETIREE IS ENTITLED TO RECEIVE UNDER TITLE 29, SUBTITLE 4 OF THIS ARTICLE UNTIL THE RETIREMENT ALLOWANCE

THE RETIREE IS RECEIVING EQUALS THE AMOUNT THE RETIREE IS ENTITLED TO RECEIVE AS OF JUNE 30, 2010.

(II) BEGINNING ON THE JULY 1 IMMEDIATELY FOLLOWING THE LAST REDUCTION MADE TO A RETIREE'S MONTHLY RETIREMENT ALLOWANCE BY THE BOARD OF TRUSTEES UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD OF TRUSTEES SHALL:

1. REINSTATE THE APPLICATION OF ANY ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THAT THE RETIREE IS ENTITLED TO RECEIVE UNDER TITLE 29, SUBTITLE 4 OF THIS ARTICLE; AND

2. ADJUST THE RETIREE'S ALLOWANCE TO INCLUDE ANY ACCUMULATED COST-OF-LIVING ADJUSTMENTS FROM THE DATE THE COST-OF-LIVING ADJUSTMENTS WERE SUSPENDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.”;

On page 3, in line 27, strike “(C)” and substitute “(4)”; in the same line, strike “TOTAL AMOUNT OF” and substitute “MONTHLY”; strike beginning with the comma in line 28 down through the comma in line 29; in line 30, strike “TOTAL AMOUNT OF” and substitute “MONTHLY”; and strike beginning with “WAS” in line 30 down through “2010” in line 31 and substitute “IS RECEIVING AT THE TIME OF THE RETIREE’S DEATH”.

House receded and the amendment was removed.

Read the third time and passed by yeas and nays as follows:

Affirmative – 105 Negative – 26 (See Roll Call No. 1327)

MESSAGE TO THE SENATE

BILL: **SB 0508**

SPONSOR: Sen McFadden (Chr Jt Com on Pnsns)

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 recedes from its position on SB 0508.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB 0540

SPONSOR: Sen Harrington, et al

SUBJECT: Child with a Disability – Individualized Education Program

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 Harrington, Chairman
Senator Pinsky
Senator Reilly.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: SB 0540

SPONSOR: Sen Harrington, et al

SUBJECT: Child with a Disability – Individualized Education Program

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 Harrington, Chair
Senator Pinsky
Senator Reilly

The House appoints: Delegate Kaiser, Chairman
Delegate Gilchrist, and
Delegate Myers.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: SB 0899
SPONSOR: The Pres (Admin)
SUBJECT: Education Reform 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 Pinsky, Chairman
Senator Conway
Senator Rosapepe.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: SB 0899

SPONSOR: The Pres (Admin)

SUBJECT: Education Reform 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 Pinsky, Chair
Senator J. Conway
Senator Rosapepe

The House appoints: Delegate Kaiser, Chairman
Delegate Rice, and
Delegate Olszewski.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

CONFERENCE COMMITTEE REPORT

BILL NO.: SB 235 **SPONSOR: Senator Robey**

SUBJECT: Real Property – Mobile Home Parks – Plans for Dislocated Residents

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Environmental Matters Committee Amendments (SB0235/450916/1) be rejected.

(2) That the attached Conference Committee Amendments (SB0235/903425/1) be adopted.

SB0235/903425/1

BY: Conference 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”; in line 14, after “requiring” insert “certain”; and in line 15, after “closed” insert “under certain circumstances”.

AMENDMENT NO. 2

On page 3, in line 3, strike the second “**THE**” and substitute “**A**”; in the same line, after “**PARK**” insert “**WITH MORE THAN 38 SITES**”; and in line 15, strike “**(C)(1)**” and substitute “**(C)(2)**”.

On page 4, in line 13, after “**PARK**” insert “**WITH MORE THAN 38 SITES**”.

Senate Members:

House Members:

Chair, **Jamie Raskin**

Chair, **Marvin E. Holmes, Jr.**

Lisa A. Gladden

Cheryl D. Glenn

C. Anthony Muse

Richard A. Sossi

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

() Chief Clerk

(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 108 Negative – 30 (See Roll Call No. 1328)

The Bill was then returned to the Senate.

CONFERENCE COMMITTEE REPORT

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**

REPORT OF THE CONFERENCE COMMITTEE ON SENATE BILL 142 –
THE CAPITAL BUDGET

(See Exhibit S of Appendix II)

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 108 Negative – 33 (See Roll Call No. 1329)

The Bill was then returned to the Senate.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #29

Delegate McIntosh moved to make the Calendar a Special Order for later this session.

The motion was adopted.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #17**

Delegate Hammen, Chair, for the Committee on Health and Government Operations and Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 234 – Senators Robey, Forehand, Frosh, Garagiola, Gladden, Harrington, Kelley, King, Lenett, Madaleno, Peters, Raskin, Rosapepe, and Zirkin

AN ACT concerning

High Performance Buildings Act – Applicable to Community College Capital Projects

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 314 – Senators Garagiola, Kelley, Astle, DeGrange, Exum, Forehand, Frosh, Gladden, Jones, Kasemeyer, King, Kramer, McFadden, Miller, Peters, Raskin, Robey, and Rosapepe

AN ACT concerning

**Health Insurance – Assignment of Benefits and Reimbursement of
Nonpreferred Providers**

SB0314/956385/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 314

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “physicians” insert “or hospital–based physicians”; in lines 10, 11, 13, 15, 19, and 20, in each instance, after “physicians” insert “or hospital–based physicians”; and in lines 15 and 16, strike “a certain rate” and substitute “certain rates”.

On page 2, in line 18, after the semicolon insert “declaring the intent of the General Assembly that a certain rate paid to a certain nonpreferred provider be no less than the rate paid as of a certain date;”; and in line 27, after the semicolon insert “providing for the termination of this Act;”.

AMENDMENT NO. 2

On page 3, after line 25, insert:

“(H) “HOSPITAL-BASED PHYSICIAN” MEANS:

(1) A PHYSICIAN LICENSED IN THE STATE WHO IS UNDER CONTRACT TO PROVIDE HEALTH CARE SERVICES TO PATIENTS AT A HOSPITAL;
OR

(2) A GROUP PHYSICIAN PRACTICE THAT INCLUDES PHYSICIANS LICENSED IN THE STATE THAT IS UNDER CONTRACT TO PROVIDE HEALTH CARE SERVICES TO PATIENTS AT A HOSPITAL.”;

and in lines 26 and 28, strike “**(H)**” and “**(I)**”, respectively, and substitute “**(I)**” and “**(J)**”, respectively.

AMENDMENT NO. 3

On page 4, strike in their entirety lines 6 through 11, inclusive; in line 15, strike “**NONHOSPITAL-BASED**”; in line 17, strike “**AND**”; and in line 20, after “**DEPARTMENT**” insert “**; AND**

(3) IS NOT A HOSPITAL-BASED PHYSICIAN”.

AMENDMENT NO. 4

On page 5, in line 11, after “**(1)**” insert “**FOR A PHYSICIAN:**

(I)”;

in line 13, strike “**(2)**” and substitute “**(II)**”; and in line 14, after “**SPECIALTY**” insert “**;**
OR

(2) FOR A HEALTH CARE PROVIDER WHO IS NOT A PHYSICIAN, A HEALTH CARE PROVIDER WHO HOLDS THE SAME TYPE OF LICENSE OR CERTIFICATION".

AMENDMENT NO. 5

On page 6, in line 5, after "**PHYSICIAN**" insert "**OR A HOSPITAL-BASED PHYSICIAN**"; and in line 10, after "**A**" insert "**SIMILARLY LICENSED PROVIDER WHO IS A**".

AMENDMENT NO. 6

On page 7, in line 22, strike "**THIS**" and substitute "**EXCEPT AS OTHERWISE PROVIDED, THIS**"; in the same line, after "**TO**" insert "**BOTH**"; in the same line, after "**PHYSICIANS**" insert "**AND HOSPITAL-BASED PHYSICIANS**"; in line 23, strike "**AND**"; in line 25, after "**INSURED**" insert "**; AND**

(3) NOTIFY THE INSURER OF AN INSURED IN A MANNER SPECIFIED BY THE COMMISSIONER THAT THE ON-CALL PHYSICIAN OR HOSPITAL-BASED PHYSICIAN HAS OBTAINED AND ACCEPTED THE ASSIGNMENT OF BENEFITS FROM THE INSURED;

in line 27, after "**PHYSICIAN**" insert "**OR A HOSPITAL-BASED PHYSICIAN**"; and in line 29, after "**PHYSICIAN**" insert "**OR HOSPITAL-BASED PHYSICIAN**".

AMENDMENT NO. 7

On page 8, in lines 1, 2, 5, 7, 10, 11, 12, 13, 17, 21, and 24, in each instance, after "**PHYSICIAN**" insert "**OR HOSPITAL-BASED PHYSICIAN**"; in line 15, after "**ANY**" insert "**DEDUCTIBLE,**"; in the same line, after "**COPAYMENT**" insert a comma; in line 27, after "**(C)**" insert:

"(1) THIS SUBSECTION APPLIES ONLY TO ON-CALL PHYSICIANS SUBJECT TO THIS SECTION.

(2)";

and in lines 30 and 33, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively.

On page 9, in line 1, strike “(I)” and substitute “1.”; strike in their entirety lines 7 through 11, inclusive, and substitute:

“2. THE AVERAGE RATE THE INSURER PAID FOR THE 12-MONTH PERIOD THAT ENDED ON JANUARY 1, 2010, IN THE SAME GEOGRAPHIC AREA, AS DEFINED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, FOR THE SAME COVERED SERVICE TO A SIMILARLY LICENSED PROVIDER NOT UNDER WRITTEN CONTRACT WITH THE INSURER, INFLATED BY THE CHANGE IN THE MEDICARE ECONOMIC INDEX FROM 2010 TO THE CURRENT YEAR.

(D) (1) THIS SUBSECTION APPLIES ONLY TO HOSPITAL-BASED PHYSICIANS SUBJECT TO THIS SECTION.

(2) FOR A COVERED SERVICE RENDERED TO AN INSURED OF AN INSURER BY A HOSPITAL-BASED PHYSICIAN SUBJECT TO THIS SECTION, THE INSURER OR ITS AGENT:

(I) SHALL PAY THE HOSPITAL-BASED PHYSICIAN WITHIN 30 DAYS AFTER THE RECEIPT OF THE CLAIM IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THIS TITLE; AND

(II) SHALL PAY A CLAIM SUBMITTED BY THE HOSPITAL-BASED PHYSICIAN FOR A COVERED SERVICE RENDERED TO AN INSURED NO LESS THAN THE GREATER OF:

1. 140% OF THE AVERAGE RATE THE INSURER PAID FOR THE 12-MONTH PERIOD THAT ENDS ON JANUARY 1 OF THE PREVIOUS CALENDAR YEAR IN THE SAME GEOGRAPHIC AREA, AS DEFINED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, FOR THE SAME COVERED SERVICE, TO SIMILARLY LICENSED PROVIDERS, WHO ARE HOSPITAL-BASED PHYSICIANS, UNDER WRITTEN CONTRACT WITH THE INSURER; OR

2. THE FINAL ALLOWED AMOUNT OF THE INSURER FOR THE SAME COVERED SERVICE FOR THE 12-MONTH PERIOD THAT ENDED ON JANUARY 1, 2010, INFLATED BY THE CHANGE IN THE MEDICARE ECONOMIC

INDEX TO THE CURRENT YEAR, TO THE HOSPITAL-BASED PHYSICIAN BILLING UNDER THE SAME FEDERAL TAX IDENTIFICATION NUMBER THE HOSPITAL-BASED PHYSICIAN USED IN CALENDAR YEAR 2009.”;

in line 12, strike “(D)” and substitute “(E)(1)”; in the same line, strike “SUBSECTION”; in the same line, strike “(C)(2)(I)” and substitute “SUBSECTIONS (C)(2)(II)1 AND (D)(2)(II)1”; after line 19, insert:

“(2) FOR THE PURPOSES OF SUBSECTION (C)(2)(II)2 OF THIS SECTION, AN INSURER SHALL CALCULATE THE AVERAGE RATE PAID TO SIMILARLY LICENSED PROVIDERS NOT UNDER WRITTEN CONTRACT WITH THE INSURER FOR THE SAME COVERED SERVICE BY SUMMING THE RATES PAID TO SIMILARLY LICENSED PROVIDERS NOT UNDER WRITTEN CONTRACT WITH THE INSURER FOR ALL OCCURRENCES OF THE CURRENT PROCEDURAL TERMINOLOGY CODE FOR THAT COVERED SERVICE AND THEN DIVIDING BY THE TOTAL NUMBER OF OCCURRENCES OF THE CURRENT PROCEDURAL TERMINOLOGY CODE.”;

in lines 20, 23, and 33, strike “(E)”, “(F)”, and “(G)”, respectively, and substitute “(F)”, “(G)”, and “(H)”, respectively; in lines 21, 25, 29, and 33, in each instance, after “PHYSICIAN” insert “OR HOSPITAL-BASED PHYSICIAN”; and in lines 22 and 24, in each instance, after “(2)” insert “(II) OR (D)(2)(II)”.

AMENDMENT NO. 8

On page 11, in line 30, after “PHYSICIANS” insert “OR HOSPITAL-BASED PHYSICIANS”.

On page 12, in lines 25, 27, and 31, in each instance, strike “NONHOSPITAL-BASED”; and in line 31, strike “NONPARTICIPATING” and substitute “NONPREFERRED”.

On page 13, in line 2, strike “NONHOSPITAL-BASED”; and in lines 7, 10, 13, and 14, in each instance, strike “NONHOSPITAL-BASED”.

AMENDMENT NO. 9

On page 14, after line 11, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the rate paid by an insurer to a nonpreferred provider who is an on-call physician or a hospital-based physician under the provisions of § 14-205.2 of the Insurance Article, as enacted by Section 1 of this Act, be no less than the rate paid by the insurer to the nonpreferred provider as of December 31, 2009.”;

in line 12, strike “2.” and substitute “3.”; and in line 20, after “physicians” insert “and hospital-based physicians”.

On page 15, in lines 4, 14, 18, 21, and 22, strike “3.”, “4.”, “5.”, “6.”, and “5.”, respectively, and substitute “4.”, “5.”, “6.”, “7.”, and “6.”, respectively; in line 6, after “benefits” insert “, including payments:

(i);

in the same line, strike “health”; in the same line, after “insurers” insert “before the effective date of Section 1 of this Act”; in line 8, after “admissions” insert “; and

(ii) as reported by each insurer contacted by the Administration”;

in line 11, strike “2011” and substitute “2010”; in line 13, after “recommendations” insert “including a methodology for determining the final allowed amount to be paid for a claim under § 14-205.2 of the Insurance Article, as enacted by Section 1 of this Act”; in lines 19 and 20, in each instance, strike “January 1” and substitute “July 1”; and in line 22, after the period insert “It shall remain effective for a period of 5 years and, at the end of September 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Pendergrass moved to put **Senate Bill 314** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 1330)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 314** was placed on Third Reading.

Senate Bill 314 – Senators Garagiola, Kelley, Astle, DeGrange, Exum, Forehand, Frosh, Gladden, Jones, Kasemeyer, King, Kramer, McFadden, Miller, Peters, Raskin, Robey, and Rosapepe

AN ACT concerning

**Health Insurance – Assignment of Benefits and Reimbursement of
Nonpreferred Providers**

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1331)

The Bill was then returned to the Senate.

THE COMMITTEE ON JUDICIARY REPORT #25

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 1270 – Delegates Sophocleus, Bronrott, Kipke, Krebs, McComas, McDonough, and Stocksdales

AN ACT concerning

**Operating a Vessel While Under the Influence of or Impaired by Alcohol or
Drugs – Compulsory Testing**

HB1270/232213/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1270

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Compulsory”; in line 4, after the first “of” insert “specifying that certain alcohol– or drug–related offenses apply to certain vessels;

providing that a person who operates or attempts to operate a vessel on the waters of the State is deemed to have consented to a certain test of the person's breath or blood to determine alcohol concentration or drug or controlled dangerous substance content under certain circumstances; establishing that a person may not be compelled to take a certain test of the person's breath or blood, except under certain circumstances; requiring a detaining police officer to advise a person that if the person refuses to take a certain test or takes a test with a certain result the court may prohibit the person from operating a vessel on the waters of the State for a certain period of time; authorizing the court to prohibit a certain person from operating a vessel on the waters of the State for a certain period of time if the person refuses a certain test or takes a test with a certain result;"; in line 11, after "substance;" insert "establishing that certain provisions relating to the qualifications of a person administering a certain blood or breath test and the equipment used to administer the test apply under certain circumstances;"; after line 16, insert:

"BY renumbering

Article – Natural Resources

Section 8–738.1

to be Section 8–738.2

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)";

and after line 26, insert:

"BY adding to

Article – Natural Resources

Section 8–738.1

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–738.1 of Article – Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 8–738.2."

On page 2, in line 1, strike "1." and substitute "2. AND"; in the same line, after "IT" insert "FURTHER"; and strike beginning with "BY" in line 1 down through "MARYLAND" in line 2.

AMENDMENT NO. 2

On page 2, in lines 6 and 17, in each instance, strike “8-738(B)(3)” and substitute “8-738.1”; in line 20, strike “A” and substitute “SUBJECT TO SUBSECTION (G) OF THIS SECTION, A”; and in line 31, strike “10-308” and substitute “10-309”.

On page 3, strike in their entirety lines 6 through 29, inclusive, and substitute:

“(3) ANY PERSON WHO OPERATES OR ATTEMPTS TO OPERATE A VESSEL ON THE WATERS OF THE STATE IS DEEMED TO HAVE CONSENTED, SUBJECT TO §§ 10-302 THROUGH 10-309 OF THE COURTS ARTICLE, TO TAKE A TEST, AS DEFINED IN § 16-205.1 OF THE TRANSPORTATION ARTICLE, IF THE PERSON IS DETAINED BY A POLICE OFFICER WHO HAS REASONABLE GROUNDS TO BELIEVE THAT THE PERSON HAS BEEN OPERATING OR ATTEMPTING TO OPERATE A VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL, WHILE IMPAIRED BY ALCOHOL, WHILE SO FAR IMPAIRED BY ANY DRUG, ANY COMBINATION OF DRUGS, OR A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL THAT THE PERSON COULD NOT OPERATE THE VESSEL SAFELY, OR WHILE IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE.

(C) (1) EXCEPT AS PROVIDED IN § 8-738.1 OF THIS SUBTITLE, A PERSON MAY NOT BE COMPELLED TO TAKE A TEST, AS DEFINED IN § 16-205.1 OF THE TRANSPORTATION ARTICLE.

(2) THE DETAINING POLICE OFFICER SHALL ADVISE A PERSON WHO IS REQUESTED TO TAKE A TEST THAT, ON RECEIPT OF A SWORN STATEMENT FROM THE OFFICER THAT THE PERSON WAS REQUESTED TO TAKE A TEST AND REFUSED OR WAS TESTED AND THE RESULT INDICATED AN ALCOHOL CONCENTRATION OF 0.08 OR MORE, THE COURT MAY, ON CONVICTION AND IN ADDITION TO OTHER PENALTIES, PROHIBIT THE PERSON FROM OPERATING A VESSEL ON THE WATERS OF THE STATE FOR UP TO 1 YEAR.”;

and in lines 30 and 35, strike “(c)” and “(d)”, respectively, and substitute “(D)” and “(E)”, respectively.

On page 4, after line 13, insert:

“(3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE COURT MAY PROHIBIT A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A)(1) OF THIS SECTION FROM OPERATING A VESSEL ON THE WATERS OF THE STATE FOR UP TO 1 YEAR IF THE PERSON:

(I) REFUSED TO TAKE A TEST, AS DEFINED IN § 16-205.1 OF THE TRANSPORTATION ARTICLE, WHEN REQUESTED BY A POLICE OFFICER UNDER SUBSECTION (B)(3) OF THIS SECTION; OR

(II) WAS TESTED AND THE RESULT INDICATED AN ALCOHOL CONCENTRATION OF 0.08 OR MORE.”;

in line 14, strike “(e)” and substitute “(F)”; and after line 15, insert:

“(G) THIS SECTION APPLIES TO THE FOLLOWING:

(1) A VESSEL REQUIRED TO BE REGISTERED WITH THE DEPARTMENT UNDER THIS SUBTITLE;

(2) A VESSEL REQUIRED TO HAVE A VALID NUMBER AWARDED IN ACCORDANCE WITH A FEDERAL LAW OR A FEDERALLY APPROVED NUMBERING SYSTEM OF ANOTHER STATE; AND

(3) A VESSEL FROM A FOREIGN COUNTRY USING THE WATERS OF THIS STATE.

8-738.1.

(A) IF A PERSON IS INVOLVED IN AN ACCIDENT WHILE OPERATING OR ATTEMPTING TO OPERATE A VESSEL THAT RESULTS IN THE DEATH OF, OR LIFE-THREATENING INJURY TO, ANOTHER PERSON AND THE PERSON IS DETAINED BY A POLICE OFFICER WHO HAS REASONABLE GROUNDS TO BELIEVE THAT THE PERSON HAS BEEN OPERATING A VESSEL OR ATTEMPTING TO OPERATE A VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL, WHILE IMPAIRED BY ALCOHOL, WHILE SO FAR IMPAIRED BY ANY DRUG, ANY COMBINATION OF DRUGS, OR A COMBINATION OF ONE OR MORE DRUGS AND

ALCOHOL THAT THE PERSON COULD NOT OPERATE A VESSEL SAFELY, OR WHILE IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE, THE PERSON SHALL BE REQUIRED TO SUBMIT, AS DIRECTED BY THE OFFICER, TO A TEST OF:

(1) THE PERSON'S BREATH TO DETERMINE ALCOHOL CONCENTRATION;

(2) ONE SPECIMEN OF THE PERSON'S BLOOD TO DETERMINE ALCOHOL CONCENTRATION OR TO DETERMINE THE DRUG OR CONTROLLED DANGEROUS SUBSTANCE CONTENT OF THE PERSON'S BLOOD; OR

(3) BOTH THE PERSON'S BREATH UNDER ITEM (1) OF THIS SUBSECTION AND ONE SPECIMEN OF THE PERSON'S BLOOD UNDER ITEM (2) OF THIS SUBSECTION.

(B) IF A POLICE OFFICER DIRECTS THAT A PERSON BE TESTED, THEN THE PROVISIONS OF § 10-304 OF THE COURTS ARTICLE APPLY.

(C) ANY MEDICAL PERSONNEL WHO PERFORM ANY TEST REQUIRED BY THIS SECTION ARE NOT LIABLE FOR ANY CIVIL DAMAGES AS THE RESULT OF ANY ACT OR OMISSION RELATED TO THE TEST, NOT AMOUNTING TO GROSS NEGLIGENCE.”;

and in line 16, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

Senate Bill 118 – Senators Zirkin and Stone

AN ACT concerning

Courts – Jury Trials in Civil Actions – Amount in Controversy

SB0118/882818/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 118

(Third Reading File Bill)

On page 1, in line 18, strike “\$20,000” and substitute “\$15,000”.

On page 2, in line 8, strike “(S.B.____/H.B.____)” and substitute “(S.B.119/H.B.434)”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario moved to put **Senate Bill 118** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 123 Negative – 14 (See Roll Call No. 1332)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 118** was placed on Third Reading.

Senate Bill 118 – Senators Zirkin and Stone

AN ACT concerning

Courts – Jury Trials in Civil Actions – Amount in Controversy

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 112 Negative – 27 (See Roll Call No. 1333)

The Bill was then returned to the Senate.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

Senate Bill 475 – Senator Stone

AN ACT concerning

**Operating a Vessel While Under the Influence of or Impaired by Alcohol or
Drugs – ~~Compulsory~~ Testing**

SB0475/842413/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 475

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “of” insert “specifying that certain alcohol– or drug–related offenses apply to certain vessels;”; strike beginning with the comma in line 5 down through the comma in line 6; in line 6, strike “take”; in the same line, after “test” insert “of the person’s breath or blood”; in line 7, strike “if the person is detained”; in line 8, strike “providing” and substitute “establishing”; in line 9, strike “, subject to a certain exception” and substitute “of the person’s breath or blood, except under certain circumstances”; in the same line, after “detaining” insert “police”; in line 10, strike “detained under certain circumstances”; in the same line, strike the comma; in line 11, strike the comma; in the same line, strike the first “the” and substitute “a”; strike beginning with “and” in line 11 down through “violation” in line 12 and substitute “with a certain result”; in line 13, strike “or attempting to operate”; in the same line, after “vessel” insert “on the waters of the State”; in the same line, after “period” insert “of time; authorizing the court to prohibit a certain person from operating a vessel on the waters of the State for a certain period of time if the person refuses a certain test or takes a test with a certain result”; and in line 21, after “substance,” insert “establishing that certain provisions relating to the qualifications of a person administering a certain blood or breath test and the equipment used to administer the test apply under certain circumstances;”.

AMENDMENT NO. 2

On page 3, in line 10, strike “A” and substitute “SUBJECT TO SUBSECTION (G) OF THIS SECTION, A”.

On page 4, in line 17, strike “UPON” and substitute “ON”; in line 18, strike “THE PROVISIONS OF”; in line 19, after “TEST” insert “, AS DEFINED IN § 16–205.1 OF THE TRANSPORTATION ARTICLE,”; in line 25, strike “OR ATTEMPT TO OPERATE”.

A” and substitute “THE”; and in line 28, after “TEST” insert “, AS DEFINED IN § 16-205.1 OF THE TRANSPORTATION ARTICLE”.

On pages 4 and 5, strike in their entirety the lines beginning with line 29 on page 4 through line 12 on page 5, inclusive, and substitute:

“(2) THE DETAINING POLICE OFFICER SHALL ADVISE A PERSON WHO IS REQUESTED TO TAKE A TEST THAT, ON RECEIPT OF A SWORN STATEMENT FROM THE OFFICER THAT THE PERSON WAS REQUESTED TO TAKE A TEST AND REFUSED OR WAS TESTED AND THE RESULT INDICATED AN ALCOHOL CONCENTRATION OF 0.08 OR MORE, THE COURT MAY, ON CONVICTION AND IN ADDITION TO OTHER PENALTIES, PROHIBIT THE PERSON FROM OPERATING A VESSEL ON THE WATERS OF THE STATE FOR UP TO 1 YEAR.”.

On page 5, after line 33, insert:

“(3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE COURT MAY PROHIBIT A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A)(1) OF THIS SECTION FROM OPERATING A VESSEL ON THE WATERS OF THE STATE FOR UP TO 1 YEAR IF THE PERSON:

(I) REFUSED TO TAKE A TEST, AS DEFINED IN § 16-205.1 OF THE TRANSPORTATION ARTICLE, WHEN REQUESTED BY A POLICE OFFICER UNDER SUBSECTION (B)(3) OF THIS SECTION; OR

(II) WAS TESTED AND THE RESULT INDICATED AN ALCOHOL CONCENTRATION OF 0.08 OR MORE.”.

On page 5, after line 35, insert:

“(G) THIS SECTION APPLIES TO THE FOLLOWING:

(1) A VESSEL REQUIRED TO BE REGISTERED WITH THE DEPARTMENT UNDER THIS SUBTITLE;

(2) A VESSEL REQUIRED TO HAVE A VALID NUMBER AWARDED IN ACCORDANCE WITH A FEDERAL LAW OR A FEDERALLY APPROVED NUMBERING SYSTEM OF ANOTHER STATE; AND

(3) A VESSEL FROM A FOREIGN COUNTRY USING THE WATERS OF THIS STATE.”.

On page 6, in line 6, strike “WAS” and substitute “HAS BEEN”; in the same line, strike the second “THE” and substitute “A”; in line 7, strike the first “THE” and substitute “A”; in line 10, strike “THE” and substitute “A”; in line 22, strike “SHALL”; and in line 25, strike “SUCH TESTS” and substitute “THE TEST”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario moved to put **Senate Bill 475** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 131 Negative – 5 (See Roll Call No. 1334)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 475** was placed on Third Reading.

Senate Bill 475 – Senator Stone

AN ACT concerning

**Operating a Vessel While Under the Influence of or Impaired by Alcohol or
Drugs – ~~Compulsory~~ Testing**

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 125 Negative – 14 (See Roll Call No. 1335)

The Bill was then returned to the Senate.

THE COMMITTEE ON WAYS AND MEANS REPORT #21

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 817 – Delegates Frick, Barve, Branch, Cardin, Hixson, Miller, Minnick, Myers, Rice, Ross, Shank, and Stukes

AN ACT concerning

Personal Property Tax – Heavy Equipment

HB0817/855564/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 817

(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;”; and in line 9, after “date,” insert “defining certain terms; 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 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.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1334 – Delegates Rice, Stein, Barkley, Bartlett, Dumais, Feldman, Frick, Gutierrez, Hucker, Montgomery, Myers, Ross, Tarrant, Taylor, and Walker

AN ACT concerning

Nonpublic Schools – Bullying Policies – Compliance

HB1334/705265/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1334

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Nonpublic Schools – Bullying, Harassment, and Intimidation – Policies”; strike beginning with “providing” in line 3 down through “schools” in line 8 and substitute “requiring nonpublic schools that accept State funds to adopt a policy prohibiting bullying, harassment, and intimidation by a certain date; requiring the policy to include certain provisions; encouraging a nonpublic school to develop the policy in consultation with certain groups; encouraging a nonpublic school to publicize the policy in a certain manner; encouraging a nonpublic school to develop certain educational programs in its efforts to prevent bullying, harassment, and intimidation; providing that certain nonpublic school employees who report acts of bullying, harassment, or intimidation are not civilly liable under certain circumstances; providing that this Act may not be construed to limit the legal rights of a victim of bullying, harassment, or intimidation; defining certain terms; and generally relating to policies prohibiting bullying, harassment, and intimidation in nonpublic schools that accept State funds”; strike line 9 in its entirety; after line 9, insert “BY adding to”; and in line 11, strike “7-424.1” and substitute “7-424.2”.

AMENDMENT NO. 2

On page 1, after line 13, insert:

“Preamble

WHEREAS, The National Institutes of Health reports that bullying affects more than 5 million students in grades 6 through 11; and

WHEREAS, According to the United States Department of Health and Human Services, bullies identified by age 8 are six times more likely to have criminal convictions by age 24; and

WHEREAS, The increased use of the Internet by students is presenting new challenges regarding bullying in schools; and

WHEREAS, Bullying may lead to an increase in absenteeism or the dropout rate; and

WHEREAS, Maintaining a safe environment in schools is integral to promoting learning and success in students; now, therefore,”;

and strike in their entirety the lines beginning with line 17 on page 1 through line 17 on page 4, inclusive, and substitute:

“7-424.2.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “BULLYING, HARASSMENT, AND INTIMIDATION” MEANS ANY INTENTIONAL WRITTEN, VERBAL, OR PHYSICAL ACT, INCLUDING AN ELECTRONIC COMMUNICATION, THAT:

(I) 1. PHYSICALLY HARMS AN INDIVIDUAL;
2. DAMAGES AN INDIVIDUAL’S PROPERTY;
3. SUBSTANTIALLY INTERFERES WITH AN INDIVIDUAL’S EDUCATION OR LEARNING ENVIRONMENT; OR

4. PLACES AN INDIVIDUAL IN REASONABLE FEAR OF HARM TO THE INDIVIDUAL’S PERSON OR PROPERTY; AND

(II) 1. OCCURS ON SCHOOL PROPERTY, AT A SCHOOL ACTIVITY OR EVENT, OR ON A SCHOOL BUS; OR

2. SUBSTANTIALLY DISRUPTS THE ORDERLY OPERATION OF A SCHOOL.

(3) “ELECTRONIC COMMUNICATION” MEANS A COMMUNICATION TRANSMITTED BY MEANS OF AN ELECTRONIC DEVICE, INCLUDING A TELEPHONE, CELLULAR PHONE, COMPUTER, OR PAGER.

(B) BY MARCH 31, 2011, EACH NONPUBLIC SCHOOL THAT ACCEPTS STATE FUNDS SHALL ADOPT A POLICY PROHIBITING BULLYING, HARASSMENT, AND INTIMIDATION.

(C) THE POLICY ADOPTED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) A STATEMENT PROHIBITING BULLYING, HARASSMENT, AND INTIMIDATION IN THE SCHOOL;

(2) A STATEMENT PROHIBITING REPRISAL OR RETALIATION AGAINST INDIVIDUALS WHO REPORT ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION;

(3) A DEFINITION OF BULLYING, HARASSMENT, AND INTIMIDATION THAT IS EITHER THE SAME AS SET FORTH IN SUBSECTION (A) OF THIS SECTION OR A DEFINITION THAT IS NOT LESS INCLUSIVE THAN THAT DEFINITION;

(4) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR PERSONS COMMITTING ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION AND FOR PERSONS ENGAGED IN REPRISAL OR RETALIATION, INCLUDING:

(I) SPECIFIC PENALTIES FOR PERSONS WHO REPEATEDLY COMMIT ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION; AND

(II) A REQUIREMENT THAT PERSONS WHO COMMIT ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION RECEIVE EDUCATIONAL AND THERAPEUTIC SERVICES CONCERNING BULLYING PREVENTION;

(5) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR PERSONS FOUND TO HAVE MADE FALSE ACCUSATIONS;

(6) STANDARD PROCEDURES FOR REPORTING ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION, INCLUDING A CHAIN OF COMMAND IN THE REPORTING PROCESS;

(7) STANDARD PROCEDURES FOR THE PROMPT INVESTIGATION OF ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION;

(8) STANDARD PROCEDURES FOR PROTECTING VICTIMS OF BULLYING, HARASSMENT, OR INTIMIDATION FROM ADDITIONAL ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION, AND FROM RETALIATION; AND

(9) INFORMATION ABOUT THE TYPES OF SUPPORT SERVICES AVAILABLE TO A STUDENT BULLY OR VICTIM AND ANY BYSTANDERS.

(D) A NONPUBLIC SCHOOL SUBJECT TO THIS SECTION IS ENCOURAGED TO DEVELOP THE POLICY ADOPTED UNDER SUBSECTION (B) OF THIS SECTION IN CONSULTATION WITH THE FOLLOWING GROUPS:

(1) PARENTS OR GUARDIANS OF STUDENTS;

(2) SCHOOL EMPLOYEES AND ADMINISTRATORS;

(3) SCHOOL VOLUNTEERS; AND

(4) STUDENTS.

(E) A NONPUBLIC SCHOOL SUBJECT TO THIS SECTION IS ENCOURAGED TO PUBLICIZE THE POLICY ADOPTED UNDER SUBSECTION (B) OF THIS SECTION IN STUDENT HANDBOOKS, ON THE SCHOOL'S WEBSITE, AND ANY OTHER LOCATION OR VENUE THE SCHOOL DETERMINES IS NECESSARY OR APPROPRIATE.

(F) A NONPUBLIC SCHOOL SUBJECT TO THIS SECTION IS ENCOURAGED TO DEVELOP THE FOLLOWING EDUCATIONAL PROGRAMS IN ITS EFFORTS TO PREVENT BULLYING, HARASSMENT, AND INTIMIDATION:

(1) AN EDUCATIONAL BULLYING, HARASSMENT, AND INTIMIDATION PREVENTION PROGRAM FOR STUDENTS, STAFF, VOLUNTEERS, AND PARENTS; AND

(2) A TEACHER AND ADMINISTRATOR DEVELOPMENT PROGRAM THAT TRAINS TEACHERS AND ADMINISTRATORS TO IMPLEMENT THE POLICY ADOPTED UNDER SUBSECTION (B) OF THIS SECTION.

(G) AN EMPLOYEE OF A NONPUBLIC SCHOOL SUBJECT TO THIS SECTION WHO REPORTS AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION IN ACCORDANCE WITH THE SCHOOL'S POLICY ADOPTED UNDER SUBSECTION (B) OF THIS SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN REPORTING OR FAILING TO REPORT AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION IN ACCORDANCE WITH THE POLICY.

(H) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE LEGAL RIGHTS OF A VICTIM OF BULLYING, HARASSMENT, OR INTIMIDATION.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #22

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

Senate Bill 114 – Senator Gladden

AN ACT concerning

Voter's Rights Protection Act of 2010

SB0114/765262/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 114
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, strike “preventive” and substitute “injunctive”; and in line 17, strike “16–101 and”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 5 through 24, inclusive.

On page 3, in line 26, strike “§ 16–101 OR”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

Senate Bill 657 – Senators DeGrange, Astle, Garagiola, Jones, Kasemeyer, Klausmeier, Kramer, Miller, Pipkin, Reilly, and Robey

EMERGENCY BILL

AN ACT concerning

**Recordation Taxes and State and County Transfer Tax – Debt Forgiven in
“Short Sale”**

SB0657/485763/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 657
(Third Reading File Bill)

On page 1, in line 2, strike “Tax” and substitute “Taxes”.

On page 3, in line 2, strike “**TRUSTS**” and substitute “**TRUST**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

Senate Bill 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

SB0685/535566/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 685
(Third Reading File Bill)

On page 1, in line 16, after “date;” insert “defining certain terms;”.

On page 4, in line 28, strike “**(B)**”.

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 ENVIRONMENTAL MATTERS REPORT #29

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 51 – Delegate G. Clagett

AN ACT concerning

Real Property – Installation and Use of Clotheslines on Residential Property

HB0051/570411/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 51

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Clagett” insert “and Delegate Montgomery”; strike beginning with “providing” in line 3 down through the semicolon in line 6; in line 18, after “clotheslines,” insert “requiring a landlord or the governing body of a condominium, homeowners association, or housing cooperative to hold a certain open meeting and provide certain advance notice of the open meeting before adopting a restriction concerning the installation or use of clotheslines on single-family property; providing for the application of this Act;”; strike beginning with “residential” in line 18 down through “placement” in line 19 and substitute “the installation and use”; and strike in their entirety lines 20 through 28, inclusive.

On page 2, strike line 1 in its entirety.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 9 on page 2 through line 22 on page 4, inclusive.

AMENDMENT NO. 3

On pages 4 and 5, strike in their entirety the lines beginning with line 27 on page 4 through line 3 on page 5, inclusive.

On page 5, in line 4, strike “**(3)**” and substitute “**(2) (1)**”; strike beginning with “MEANS” in line 4 down through “TENANT” in line 6 and substitute “**INCLUDES:**”

1. A SINGLE-FAMILY DETACHED HOME;

2. A TOWNHOUSE; AND

3. A PROPERTY THAT IS SUBJECT TO:

A. TITLE 11 OF THIS ARTICLE;

B. TITLE 11B OF THIS ARTICLE; OR

C. TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE”;

after line 6, insert:

“(II) “SINGLE-FAMILY PROPERTY” DOES NOT INCLUDE PROPERTY THAT CONTAINS MORE THAN FOUR DWELLING UNITS.”;

and in line 7, strike “(4)” and substitute “(3)”.

AMENDMENT NO. 4

On page 5, after line 29, insert:

“(F) BEFORE ADOPTING ANY RESTRICTION CONCERNING THE INSTALLATION OR USE OF CLOTHESLINES ON SINGLE-FAMILY PROPERTY, A LANDLORD OR THE GOVERNING BODY OF A CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR HOUSING COOPERATIVE SHALL:

(1) HOLD AN OPEN MEETING ON THE PROPOSED RESTRICTION FOR THE PURPOSE OF PROVIDING AFFECTED HOMEOWNERS AND TENANTS AN OPPORTUNITY TO BE HEARD; AND

(2) PROVIDE ADVANCE NOTICE OF THE TIME AND PLACE OF THE OPEN MEETING BY PUBLISHING THE NOTICE:

(I) IN A COMMUNITY NEWSLETTER;

(II) ON A COMMUNITY BULLETIN BOARD;

(III) BY MEANS PROVIDED IN THE LEASE OR GOVERNING DOCUMENTS OF THE CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR HOUSING COOPERATIVE; OR

(IV) BY OTHER MEANS REASONABLY CALCULATED TO INFORM THE AFFECTED HOMEOWNERS AND TENANTS.”.

AMENDMENT NO. 5

On page 5, after line 9, insert:

“(B) THIS SECTION DOES NOT APPLY TO A RESTRICTION CONCERNING THE INSTALLATION OR USE OF CLOTHESLINES ON HISTORIC PROPERTY THAT IS LISTED IN, OR DETERMINED BY THE DIRECTOR OF THE MARYLAND HISTORICAL TRUST TO BE ELIGIBLE FOR INCLUSION IN, THE MARYLAND REGISTER OF HISTORIC PROPERTIES.”;

and in lines 10, 16, and 23, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1193 – Delegates Carr, Barkley, Bobo, Bronrott, Cardin, Frick, Frush, Hecht, Heller, Hucker, Kaiser, Kramer, Lee, Manno, Mizeur, Montgomery, Ross, Taylor, and Waldstreicher

AN ACT concerning

Vehicle Laws – Bicycles and Motor Scooters – Rules of the Road

HB1193/590913/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1193

(First Reading File Bill)

On page 2, in line 6, strike “AND”; and in line 14, after the bracket insert “**;** **AND**

(3) HAS A DRIVE MECHANISM OTHER THAN BY PEDALS DIRECTLY ATTACHED TO A DRIVE WHEEL”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 224 – Senators King, Frosh, Garagiola, Kelley, Madaleno, Peters, Pugh, and Robey

AN ACT concerning

Real Property – Restrictions – Clotheslines or Other Similar Laundry Drying Devices

SB0224/540110/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 224

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Restrictions” in line 2 down through “Devices” in line 3 and substitute “Installation and Use of Clotheslines on Residential Property”; strike beginning with “authorizing” in line 4 down through “devices;” in line 23 and substitute “providing that a contract, deed, covenant, restriction, instrument, declaration, rule, bylaw, lease agreement, rental agreement, or any other document concerning the installation or use of clotheslines on certain residential property may not prohibit a homeowner or tenant from installing or using clotheslines on certain residential property; providing that a homeowner or tenant may not be prohibited from installing or using clotheslines on certain residential property, regardless of the terms in any contract, deed, covenant, restriction, instrument, declaration, rule, bylaw, lease agreement, rental agreement, or any other document concerning the installation or use of clotheslines on certain residential property; providing that this Act does not prohibit reasonable restrictions, for certain purposes, on the dimensions, placement, or appearance of clotheslines; requiring a landlord or the governing body of a condominium, homeowners association, or housing cooperative to hold a certain open meeting and provide certain advance notice of the open meeting before adopting a restriction concerning the installation or use of clotheslines on single-family property;”.

On page 2, in line 1, after “Act;” insert “defining certain terms;”; strike beginning with “use” in line 1 down through “tenants” in line 2 and substitute “installation and use of clotheslines on residential property”; and in line 5, strike “14–128.1” and substitute “14–130”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 11 on page 2 through line 32 on page 3, inclusive, and substitute:

“14–130.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) “SINGLE–FAMILY PROPERTY” INCLUDES:

1. A SINGLE–FAMILY DETACHED HOME;

2. A TOWNHOUSE; AND

3. A PROPERTY THAT IS SUBJECT TO:

A. TITLE 11 OF THIS ARTICLE;

B. TITLE 11B OF THIS ARTICLE; OR

C. TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(II) “SINGLE–FAMILY PROPERTY” DOES NOT INCLUDE PROPERTY THAT CONTAINS MORE THAN FOUR DWELLING UNITS.

(3) “TOWNHOUSE” MEANS A SINGLE–FAMILY DWELLING UNIT THAT IS CONSTRUCTED IN A HORIZONTAL SERIES OF ATTACHED UNITS WITH PROPERTY LINES SEPARATING THE UNITS.

(B) THIS SECTION DOES NOT APPLY TO A RESTRICTION CONCERNING THE INSTALLATION OR USE OF CLOTHESLINES ON HISTORIC PROPERTY THAT IS LISTED IN, OR DETERMINED BY THE DIRECTOR OF THE MARYLAND HISTORICAL TRUST TO BE ELIGIBLE FOR INCLUSION IN, THE MARYLAND REGISTER OF HISTORIC PROPERTIES.

(C) A CONTRACT, DEED, COVENANT, RESTRICTION, INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE AGREEMENT, RENTAL AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING THE INSTALLATION OR USE OF CLOTHESLINES ON SINGLE-FAMILY PROPERTY MAY NOT PROHIBIT A HOMEOWNER OR TENANT FROM INSTALLING OR USING CLOTHESLINES ON SINGLE-FAMILY PROPERTY.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR THE TERMS OF ANY CONTRACT, DEED, COVENANT, RESTRICTION, INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE AGREEMENT, RENTAL AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING THE INSTALLATION OR USE OF CLOTHESLINES ON SINGLE-FAMILY PROPERTY, A HOMEOWNER OR TENANT MAY NOT BE PROHIBITED FROM INSTALLING OR USING CLOTHESLINES ON SINGLE-FAMILY PROPERTY.

(E) THIS SECTION DOES NOT PROHIBIT REASONABLE RESTRICTIONS ON:

(1) THE DIMENSIONS, PLACEMENT, OR APPEARANCE OF CLOTHESLINES FOR THE PURPOSE OF PROTECTING AESTHETIC VALUES; OR

(2) THE PLACEMENT OF CLOTHESLINES FOR THE PURPOSE OF PROTECTING PERSONS OR PROPERTY IN THE EVENT OF FIRE OR OTHER EMERGENCIES.

(F) BEFORE ADOPTING ANY RESTRICTION CONCERNING THE INSTALLATION OR USE OF CLOTHESLINES ON SINGLE-FAMILY PROPERTY, A LANDLORD OR THE GOVERNING BODY OF A CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR HOUSING COOPERATIVE SHALL:

(1) HOLD AN OPEN MEETING ON THE PROPOSED RESTRICTION FOR THE PURPOSE OF PROVIDING AFFECTED HOMEOWNERS AND TENANTS AN OPPORTUNITY TO BE HEARD; AND

(2) PROVIDE ADVANCE NOTICE OF THE TIME AND PLACE OF THE OPEN MEETING BY PUBLISHING THE NOTICE:

(I) IN A COMMUNITY NEWSLETTER;

(II) ON A COMMUNITY BULLETIN BOARD;

(III) BY MEANS PROVIDED IN THE LEASE OR GOVERNING DOCUMENTS OF THE CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR HOUSING COOPERATIVE; OR

(IV) BY OTHER MEANS REASONABLY CALCULATED TO INFORM THE AFFECTED HOMEOWNERS AND TENANTS.”.

On page 3, in line 33, strike “3.” and substitute “2.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Carter moved to make the Bill a Special Order for the end of today’s business.

The motion was adopted.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 382 – Senators Conway, Colburn, Dyson, Harrington, Lenett, Miller, and Reilly

AN ACT concerning

Marine Contractors – Licensure and Regulation – ~~Wetland Permits and Authorizations~~ – Tidal Wetlands Licenses

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 382

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, before “establishing” insert “establishing a certain exception to a certain licensing requirement;”.

AMENDMENT NO. 2

On page 6, in line 10, strike “HOMEOWNER” and substitute “RESIDENTIAL OR COMMERCIAL PROPERTY OWNER”; in lines 12 and 14, in each instance, strike “HOMEOWNER” and substitute “PROPERTY OWNER”; and in line 13, strike “HOMEOWNER’S” and substitute “PROPERTY OWNER’S OWN”.

On page 15, after line 7, insert:

“(D) A RESIDENTIAL OR COMMERCIAL PROPERTY OWNER MAY PERFORM MARINE CONTRACTOR SERVICES ON THE PROPERTY OWNER’S OWN PROPERTY WITHOUT HAVING TO OBTAIN A LICENSE FROM THE BOARD UNDER THIS TITLE”.

AMENDMENT NO. 3

On page 7, in line 8, strike “WITHIN” and substitute “SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, WITHIN”; in line 11, strike “IF” and substitute “SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF”; after line 14, insert:

“(3) UPON WRITTEN NOTICE TO THE APPLICANT, THE DEPARTMENT MAY PROVIDE FOR AN EXTENSION OF THE DEADLINE UNDER THIS SUBSECTION IF THE FOLLOWING EXTENUATING CIRCUMSTANCES PREVENT CONSIDERATION OF THE APPLICATION:

(I) INCLEMENT WEATHER CONDITIONS;

(II) A REVIEW IS REQUIRED BY A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY; OR

(III) A REQUEST IS MADE BY AN APPLICANT.”;

in line 15, after “(D)” insert “(1)”; in the same line, strike “ONCE” and substitute “SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ONCE”; in lines 18 and 20, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; and after line 21, insert:

“(2) UPON WRITTEN NOTICE TO THE APPLICANT, THE DEPARTMENT MAY PROVIDE FOR A 30-DAY EXTENSION OF THE DEADLINE UNDER THIS SUBSECTION FOR THE FOLLOWING EXTENUATING CIRCUMSTANCES:

(I) A REVIEW IS REQUIRED BY A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY; OR

(II) A REQUEST IS MADE BY AN APPLICANT.”.

AMENDMENT NO. 4

On page 11, in line 15, after “WATERCRAFT” insert “LIFTS OR”; and strike in their entirety lines 23 and 24.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh moved to put **Senate Bill 382** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 128 Negative – 6 (See Roll Call No. 1336)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 382** was placed on Third Reading.

Senate Bill 382 – Senators Conway, Colburn, Dyson, Harrington, Lenett, Miller, and Reilly

AN ACT concerning

Marine Contractors – Licensure and Regulation – ~~Wetland Permits and Authorizations~~ – Tidal Wetlands Licenses

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 125 Negative – 16 (See Roll Call No. 1337)

The Bill was then returned to the Senate.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 624 – Senators Frosh, Conway, Dyson, Forehand, Mooney, Raskin, and Rosapepe

AN ACT concerning

Vehicle Laws – Bicycles and Motor Scooters – Rules of the Road

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 987 – Senator Astle

AN ACT concerning

Natural Resources – Conservation Law Enforcement Act of 2010

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 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.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 1043 – Senators Stoltzfus ~~and Colburn~~, Colburn, and Dyson

AN ACT concerning

**Hunting Wild Waterfowl – Dorchester, St. Mary's, Somerset, and Wicomico
Counties**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 1117 – Senator Conway

AN ACT concerning

**Environment – Maryland Oil Disaster Containment, Clean-Up and
Contingency Fund and Oil Contaminated Site Environmental Cleanup Fund**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

AMENDED IN THE SENATE

House Bill 254 – Delegates Schuh and Smigiel

AN ACT concerning

Crimes – Sexual Offenses Against Children – Jessica's Law Enhancement

Delegate Vallario moved that the House not concur in the Senate amendments.

HB0254/268770/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 254
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Jessica’s Law Enhancement” and substitute “Penalties”.

AMENDMENT NO. 2

On page 2, in lines 16, 18, and 24, in each instance, strike “15” and substitute “20”.

On page 3, in lines 11, 13, and 19, in each instance, strike “15” and substitute “20”.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0254

SPONSOR: Dels Schuh and Smigiel

SUBJECT: Crimes – Sexual Offenses Against Children –
Jessica’s Law Enhancement

By the Majority Leader:

Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Simmons, Chairman
Delegate Anderson, and
Delegate Carter.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB 0097

SPONSOR: Sen Mooney, et al

SUBJECT: Office of the Public Defender – Board of Trustees – Membership

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 Mooney

Senator Forehand.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,

Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: SB 0097

SPONSOR: Sen Mooney, et al

SUBJECT: Office of the Public Defender – Board of Trustees – Membership

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 Mooney

Senator Forehand

The House appoints: Delegate Barnes, Chairman
Delegate Schuler, and
Delegate Smigiel.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

THE COMMITTEE ON WAYS AND MEANS REPORT #21

Delegate Hixson, Chair, for the Committee on Ways and Means and Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

Senate Bill 287 – The President (By Request – Administration) and Senators King, Madaleno, McFadden, Munson, Forehand, Garagiola, Harrington, Klausmeier, Lenett, and Pinsky

AN ACT concerning

Maryland Clean Energy Incentive Act of 2010

SB0287/405263/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 287

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “certifications,” insert “altering certain requirements for certain credit certificates;”; in line 7, strike “credits under” and substitute “credit certificates for less than”; and in the same line, after “amount;” insert “providing for the refund of the credit under certain circumstances;”.

AMENDMENT NO. 2

On page 3, in line 25, after “taxpayer” insert “**FOR ELECTRICITY PRODUCED**”; and strike beginning with “expire” in line 28 down through “claimed” in line 29 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, in line 5, strike “(I)”; strike in their entirety lines 7 and 8, inclusive; after line 24, insert:

“(9) THE ADMINISTRATION MAY NOT ISSUE INITIAL CREDIT CERTIFICATES FOR CREDIT AMOUNTS LESS THAN \$1,000.”;

and 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.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

Senate Bill 452 – Senators Pinsky, Frosh, Harrington, King, Madaleno, McFadden, Pugh, and Raskin

EMERGENCY BILL

AN ACT concerning

Education – Innovative School Scheduling Models – Low-Performing and At-Risk Public Schools

SB0452/275265/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 452
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 7 down through “Fund;” in line 10.

On page 2, strike in their entirety lines 21 through 27, inclusive; and in line 28, strike “3.” and substitute “2.”.

AMENDMENT NO. 2

On page 2, in line 19, strike “THESE” and substitute “THE”; and in the same line, after “MODELS” insert “THAT ARE DETERMINED TO BE MOST EFFECTIVE IN ENHANCING STUDENT ACHIEVEMENT”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 557 – Senator Pinsky

AN ACT concerning

Education – Alternate Maryland School Assessment – Review and Revision

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

Senate Bill 635 – Senator Pipkin

SECOND PRINTING

AN ACT concerning

Kent County Board of Education – Members – Terms and Vacancies

SB0635/615363/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 635
(Third Reading File Bill – Second Printing)

AMENDMENT NO. 1

On page 1, in line 5, after “Board” insert “under certain circumstances”.

AMENDMENT NO. 2

On page 3, in line 2, after “qualifies” insert “AT THE GENERAL ELECTION NEXT FOLLOWING THE CREATION OF THE VACANCY AND FOR WHICH THE DEADLINE FOR THE FILING OF CANDIDATES HAS NOT EXPIRED”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 224 – Senators King, Frosh, Garagiola, Kelley, Madaleno, Peters, Pugh, and Robey

AN ACT concerning

Real Property – Restrictions – Clotheslines or Other Similar Laundry Drying Devices

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh moved to put **Senate Bill 224** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 139 Negative – 1 (See Roll Call No. 1338)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 224** was placed on Third Reading.

Senate Bill 224 – Senators King, Frosh, Garagiola, Kelley, Madaleno, Peters, Pugh, and Robey

AN ACT concerning

Real Property – Restrictions – Clotheslines or Other Similar Laundry Drying Devices

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 8 (See Roll Call No. 1339)

The Bill was then returned to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 141 Members present.

(See Roll Call No. 1340)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #49

Senate Bill 451 – Senators Conway, Currie, Della, Exum, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kelley, King, Lenett, Madaleno, McFadden, Middleton, Muse, Peters, Pugh, Raskin, Rosapepe, and Stone

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 – 99 Negative – 38 (See Roll Call No. 1341)

The Bill was then returned to the Senate.

Senate Bill 666 – Senators Muse, Forehand, Haines, ~~and Stone~~ Stone, Frosh, and Jacobs

EMERGENCY BILL

AN ACT concerning

Real Property – Transfer Fees – Prohibition

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 1342)

The Bill was then returned to the Senate.

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 – 94 Negative – 45 (See Roll Call No. 1343)

The Bill was then returned to the Senate.

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 – 141 Negative – 0 (See Roll Call No. 1344)

The Bill was then returned to the Senate.

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 – 140 Negative – 0 (See Roll Call No. 1345)

The Bill was then returned to the Senate.

Senate Bill 887 – Senators Munson, Astle, Edwards, Exum, Kelley, Klausmeier, and Robey

AN ACT concerning

Correctional Services – State Correctional Officers’ Bill of Rights

FLOOR AMENDMENT

SB0887/623729/1

BY: Delegate Shank

AMENDMENTS TO SENATE BILL 887

(Third Reading File Bill)

AMENDMENT NO. 1

On page 5, in line 29, strike “A” and substitute “ANOTHER”; and strike beginning with “FROM” in line 29 down through “ORGANIZATION” in line 30 and substitute “OF THE CORRECTIONAL OFFICER’S CHOICE”.

AMENDMENT NO. 2

On page 8, strike beginning with “CHOOSSES” in line 19 down through “DESIGNATED” in line 23 and substitute “IS REPRESENTED BY ANOTHER RESPONSIBLE REPRESENTATIVE OF THE CORRECTIONAL OFFICER’S CHOICE”; in line 24, strike “OR” and substitute a comma; and in the same line, after “AGENT” insert “OR THE REPRESENTATIVE”.

AMENDMENT NO. 3

On page 12, in line 6, strike “AGENT OF THE EMPLOYEE ORGANIZATION” and substitute “RESPONSIBLE REPRESENTATIVE”; and in line 7, strike “§ 10-907” and substitute “§ 10-905”.

AMENDMENT NO. 4

On page 16, strike beginning with “IF” in line 19 down through “ARTICLE,” in line 22.

The preceding 4 amendments were read and rejected by a roll call vote as follows:

Affirmative – 36 Negative – 102 (See Roll Call No. 1346)

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1347)

The Bill was then returned to the Senate.

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 – 140 Negative – 1 (See Roll Call No. 1348)

The Bill was then returned to the Senate.

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 – 106 Negative – 34 (See Roll Call No. 1349)

The Bill was then returned to the Senate.

THE COMMITTEE ON APPROPRIATIONS REPORT #16

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

Senate Bill 497 – Senator McFadden

AN ACT concerning

State Retirement and Pension System – Retiree Death Benefits

SB0497/554561/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 497

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 8 down through the first semicolon in line 9; in line 9, strike “application” and substitute “termination”; strike in their entirety lines 12 through 16, inclusive; and in line 18, strike “the Laws of Maryland read as follows”.

AMENDMENT NO. 2

On pages 1 through 3, strike beginning with line 19 on page 1 through line 14 on page 3, inclusive, and substitute:

“(a) This section applies to an individual who:

(1) was an employee of the Maryland Court of Appeals;

(2) on or after March 1, 2008, retired from the Employees’ Pension System under Title 23 of the State Personnel and Pensions Article;

(3) at the time of retirement selected the basic allowance from the Employees’ Pension System; and

(4) died within 30 days of retiring from the Employees’ Pension System.

(b) (1) An individual under subsection (a) of this section shall be considered as dying while employed as a member of the Employees' Pension System.

(2) When the Board of Trustees receives proof of death of the individual, the Board of Trustees shall pay to the individual's surviving spouse, the following:

(i) the individual's member contributions plus interest in the Employees' Pension System; and

(ii) an amount equal to the individual's annual earnable compensation at the time of the individual's retirement."

AMENDMENT NO. 3

On page 3, in line 15, strike "3." and substitute "2."; and in line 16, after the period insert "It shall remain effective for a period of 6 months and, at the end of December 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect."

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations and Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 979 – Senator Jones

AN ACT concerning

Public–Private Partnerships – Oversight

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

CONSENT CALENDAR #9

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

Senate Bill 292 – Senators Raskin, Brochin, Conway, Forehand, Garagiola, Glassman, Kramer, Lenett, Madaleno, Muse, Peters, Pinsky, Pugh, Rosapepe, and Stone

AN ACT concerning

~~**Elections – Voter Registration and Voting Age**~~
Election Law – Voter Registration and Nomination by Petition – Requirements

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

**Senate Bill 396 – ~~Senator Middleton~~ Senators Middleton, Garagiola, Currie, Kasemeyer, Brinkley, DeGrange, Edwards, Jones, King, Kramer, Madaleno, McFadden, Munson, Peters, Robey, Stoltzfus, and Zirkin
Zirkin, Glassman, Kittleman, and Dyson**

AN ACT concerning

Maryland Estate Tax – Pilot Program for Payment Deferral for Qualified Agricultural Property

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

Senate Bill 507 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Status and, Renaming, and Study

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

**Senate Bill 517 – Senators Stone ~~and Jacobs~~, Jacobs, Forehand, Mooney, and
Simonaire**

AN ACT concerning

**~~Criminal Law – Criminal Gangs – Offenses and Membership~~
Maryland Gang Prosecution Act of 2010**

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 554 – Senator Gladden

AN ACT concerning

**Rental Housing – Protection for Victims of Domestic Violence and Sexual
Assault**

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 660 – Senator Klausmeier

AN ACT concerning

**State Personnel – Natural Resources Law Enforcement Officers –
Appointment to Major or Lieutenant Colonel**

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

Senate Bill 892 – Senator Kelley

AN ACT concerning

**Child Abuse and Neglect – Reports and Records – Disclosure to Division of
Parole and Probation**

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

Senate Bill 935 – Senators Zirkin and Stone

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 Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

Senate Bill 990 – Senators Forehand, Madaleno, Pinsky, and Raskin

AN ACT concerning

**Courts and Judicial Proceedings – Strategic Lawsuits Against Public
Participation**

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 1000 – Senator Robey

AN ACT concerning

**State Employee and Retiree Health and Welfare Benefits Program –
Baltimore Metropolitan Council – Eligibility**

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

Senate Bill 1007 – Senator Pugh

AN ACT concerning

**Public Schools – Law Enforcement Officers – Cultural Competency Model
Training ~~Program~~ Curriculum**

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

Senate Bill 1022 – Senator McFadden

AN ACT concerning

Baltimore City Charter – Community Benefits District – East Baltimore

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

Senate Bill 1101 – Senator Stone

AN ACT concerning

**Elevator Safety – Elevator Units in ~~Churches~~ Places of Worship – Exemption
from Third-Party Inspections**

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 1128 – Senator Colburn

EMERGENCY BILL

AN ACT concerning

**Board of Public Works – Licenses to Dredge and Fill on State Wetlands –
Working Marinas**

The Bill was re-referred to the Committee on Environmental Matters.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: HB 0899

SPONSOR: Del Hubbard, et al

SUBJECT: Nursing Facility Residents – Home–Based and
Community Services – Access Assistance

The Senate recedes from its position on HB 0899.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 931** SPONSOR: **The Speaker**

SUBJECT: **Public Safety – Sexual Offender Advisory Board**

THIRD READING CALENDAR HOUSE NO. **25** SENATE NO. **31**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met
and, after full and free conference, recommends:

(1) That the Judicial Proceedings Committee Amendment
(HB0931/448972/1) be rejected.

(2) That the attached Conference Committee Amendment
(HB0931/113622/1) be adopted.

HB0931/113622/1

BY: Conference Committee

AMENDMENT TO HOUSE BILL 931 (Third Reading File Bill)

On page 4, after line 24, insert:

“(II) CIVIL COMMITMENT OF SEXUAL OFFENDERS;”;

in lines 25 and 27, strike “(II)” and “(III)”, respectively, and substitute “(III)” and “(IV)”, respectively.

On page 5, in line 2, strike “and”; and in line 4, after “teams” insert “; AND”

(8) CONSIDER WAYS TO INCREASE COOPERATION AMONG STATES WITH REGARD TO SEXUAL OFFENDER REGISTRATION AND MONITORING”.

Senate Members:

House Members:

Chair, **James Brochin**

Chair, **Kathleen M. Dumais**

Larry E. Haines

Jeff Waldstreicher

Jamie Raskin

William J. Frank

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk
() Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1350)

The Bill was then sent to the Senate.

AMENDED IN THE SENATE

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

Delegate Hixson moved that the House not concur in the Senate amendments.

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 not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0892

SPONSOR: Del Niemann, et al

SUBJECT: Property Taxes – Bicounty Commissions

By the Majority Leader:

Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Ross, Chairman
Delegate Frick, and
Delegate Bartlett.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 141 Members present.

(See Roll Call No. 1351)

ADJOURNMENT

At 3:16 P.M. on motion of Delegate Barve the House adjourned until 5:00 P.M., on Legislative Day April 7, 2010, Calendar Day Monday, April 12, 2010.

Annapolis, Maryland
Legislative Day: April 7, 2010
Calendar Day: Monday, April 12, 2010

The House met at 5:26 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Sally Y. Jameson of Charles County.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 1352)

The Journal of April 6, 2010 was read and approved.

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

<u>NUMBER</u>	<u>SPONSOR</u>
HB 178	Anne Arundel Co. Del.
HB 318	Del. Sophocleus
HB 320	Del. Beitzel
HB 356	Del. Cane
HB 378	Del. Kaiser
HB 466	The Speaker
HB 527	Del. V. Clagett
HB 601	Calvert County Del.
HB 774	Del. Griffith
HB 982	Del. Niemann
HB 983	Del. Rice
HB 1110	Queen Anne's Co. Del.
HB 1294	Del. Krysiak
HB 1322	Del. Hucker
HB 1323	Del. Jennings
HB 1425	Ch., Envir. Mat. Com.

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBERSPONSOR

HB 121	Del. Anderson
HB 168	Del. Rosenberg
HB 399	Washington County Del.
HB 566	Prince George's Del.
HB 642	Prince George's Del.
HB 704	Prince George's Del.
HB 829	Del. Jameson
HB 947	Anne Arundel Co. Del.
HB 963	Del. G. Clagett
HB 1046	Del. Conway
HB 1149	Del. Carter
HB 1330	Del. Conway
HB 1335	Del. Ramirez
HB 1431	Del. Mathias
HB 1478	Prince George's Del.

Read and ordered journalized.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 193** SPONSOR: **Delegate Rosenberg**

SUBJECT: **Civil Prcdngs – Forgn Dfmtn Judgts – Recognition, Enforceability, and Bases of Prsnl Jurisd**

THIRD READING CALENDAR HOUSE NO. **17** SENATE NO. **8**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the Judicial Proceedings Committee Amendments (HB0193/538276/1) be rejected.

Senate Members:

House Members:

Chair, **Jamie Raskin**

Chair, **Jeff Waldstreicher**

C. Anthony Muse**Frank M. Conaway, Jr.**

Bryan W. Simonaire

Tony McConkey

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk

() Secretary, Senate

Conference Committee Report read and adopted.Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 1353)

The Bill was then sent to the Senate.**CONFERENCE COMMITTEE REPORT****BILL NO.: SB 99****SPONSOR: Senator DeGrange****SUBJECT: Junk Dealers and Scrap Metal Processors – Required Records****THIRD READING CALENDAR****HOUSE NO. 5****SENATE NO. 11**

Hon. Thomas V. Mike Miller, Jr., President of the Senate

Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Economic Matters Committee Amendments (SB0099/143491/2) be rejected.

(2) That the attached Conference Committee Amendments (SB0099/293825/1) be adopted.

SB0099/293825/1

BY: Conference Committee

AMENDMENTS TO SENATE BILL 99

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 24, after “requirements;” insert “requiring certain contracts to be open to inspection by a local law enforcement agency under certain circumstances; prohibiting certain contracts from being open to public inspection without the consent of certain junk dealers or scrap metal processors;”.

AMENDMENT NO. 2

On page 9, in line 20, strike “AND”; and in line 24, after “INDIVIDUAL” insert “;
AND”

8. AN ELECTRONIC SCAN OR PHOTOCOPY OF THE VALID STATE-ISSUED PHOTO ID UNDER ITEM 7 OF THIS SUBPARAGRAPH.

On page 11, in line 19, after “(F)” insert “(1)”; in lines 21, 22, and 23, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; and strike beginning with “WHOM” in line 23 down through “CONTRACT” in line 25 and substitute “A VALID BUSINESS LICENSE THAT HAS ENTERED INTO A WRITTEN CONTRACT WITH A JUNK DEALER OR SCRAP METAL PROCESSOR WHO HAS PROVIDED TO THE PRIMARY LAW ENFORCEMENT UNIT:

1. THE NAME AND BUSINESS ADDRESS OF THE COMMERCIAL ENTERPRISE; AND

2. THE TYPE OF JUNK OR SCRAP METAL SUBJECT TO THE CONTRACT.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CONTRACT UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION SHALL BE OPEN TO INSPECTION BY A LOCAL LAW ENFORCEMENT AGENCY ON THE PREMISES OF THE JUNK DEALER OR SCRAP METAL PROCESSOR DURING BUSINESS HOURS.

(II) NOTWITHSTANDING ANY OTHER LAW, A CONTRACT OPEN TO INSPECTION BY A LOCAL LAW ENFORCEMENT AGENCY UNDER SUBPARAGRAPH (1) OF THIS PARAGRAPH MAY NOT BE OPEN FOR PUBLIC

(2) That Amendment Nos. 1 and 4 of the attached House Judiciary Committee Amendments (SB0252/862612/1) be rejected.

(3) That the attached Conference Committee Amendment (SB0252/243122/1) be adopted.

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”.

SB0252/243122/1

BY: Conference Committee

AMENDMENT TO SENATE BILL 252

(Third Reading File Bill)

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

AMENDMENT NO. 1

On page 1, in line 2, strike “and Electronic”; strike beginning with “prohibiting” in line 7 down through “term” in line 14 and substitute “altering the types of video display equipment that are prohibited from being located in certain areas of a motor vehicle; altering the standards for the location of video display equipment in a motor vehicle; altering certain exceptions to the prohibition against the use of video display equipment in certain locations in a motor vehicle”; and in line 14, strike “and electronic”.

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 2 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 21 through 26, inclusive; in line 28, strike “A” and substitute “SUBJECT TO SUBSECTION (B) OF THIS SECTION, A”; in line 29, strike “television-type receiving” and substitute “VIDEO DISPLAY”; strike beginning with “in” in line 29 down through “otherwise” in line 30 and substitute “THAT IS”; and in line 30, after “driver” insert “WHILE DRIVING”.

On page 3, in line 1, strike “television-type receiving” and substitute “VIDEO DISPLAY”; in line 2, after “exclusively” insert “BY A PUBLIC SERVICE COMPANY OR”; in the same line, after “for” insert “PUBLIC”; in line 5, strike “or”; in line 6, strike “electronic” and substitute “VIDEO”; strike beginning with the colon in line 7 down through “A” in line 9 and substitute “THAT IS USED AS A”; strike in their entirety lines 10 through 13, inclusive; after line 13, insert:

“(4) THE USE IN A VEHICLE OF VIDEO DISPLAY EQUIPMENT EXCLUSIVELY FOR SAFETY, WHEN THE EQUIPMENT IS DESIGNED, INSTALLED, AND USED IN CONFORMANCE WITH THE INTENDED PURPOSE OF THE EQUIPMENT OR VEHICLE MANUFACTURER.”;

and strike in their entirety lines 14 through 24, inclusive.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0190

SPONSOR: Del Malone

SUBJECT: Motor Vehicles – Use of Video and Electronic
Display Equipment

By the Majority Leader:

Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Stein, Chairman

Delegate Norman, and

Delegate Glenn.

Said Bill is returned herewith.

By Order,

Mary Monahan

Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

House Bill 1160 – Delegates Busch, Dumais, Gilchrist, Heller, Hixson, Ivey, Kaiser, Kramer, Manno, Myers, Olszewski, ~~and Rice~~ Rice, Frick, Shank, Murphy, Elmore, F. Turner, Barve, Bartlett, Ross, Walker, Stukes, and George

AN ACT concerning

Safe Schools Act of 2010

Delegate Hixson moved that the House not concur in the Senate amendments.

HB1160/964931/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1160

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “circumstances” in line 5 and substitute “clarifying the authority of the juvenile court to notify certain school officials of certain facts under certain circumstances”; in line 6, strike “requiring” and substitute “authorizing”; in lines 7 and 10, in each instance, strike “delinquent”; in lines 7 and 10, in each instance, strike the commas; in line 12, strike “local” and substitute “county”; strike beginning with “adding” in line 14 down through “circumstances;” in line 16; in line 16, strike “a certain” and substitute “certain”; in the same line, strike “agency” and substitute “agencies”; in lines 16 and 17, strike “a school security officer” and substitute “certain school officials”; in lines 17 and 19, in each instance, after “arrest” insert “or charge”; and in line 22, after “offense” insert “involving rape or a sexual offense”.

On page 2, in lines 6, 8, and 13, in each instance, strike “and gang-like activity” and substitute “, gang activity, and similar destructive or illegal group behavior”; in lines 7 and 8, strike “county board of education” and substitute “local school system”; in lines 8, 9, 10, and 11, in each instance, after “policy” insert “or regulations”; in lines 9, 10, 11, and 12, in each instance, strike “county board” and substitute “local school system”; in line 14, strike “gang or gang-like activity” and substitute “gang activity or similar destructive or illegal group behavior”; and in line 23, after “date;” insert “requiring the Administrative Office of the Courts, the Department of Human Resources, the Department of Juvenile Services, and the State Department of Education to report to the Governor, the General Assembly, and certain legislative committees on or before a certain date regarding a certain process, certain notification, and certain recommendations;”.

AMENDMENT NO. 2

On page 3, in line 7, strike the brackets; in the same line, strike “**SHALL**”; in line 13, strike “**SHALL**” and substitute “**MAY**”; in line 17, strike “**REQUIRED**” and substitute “**AUTHORIZED**”; and in lines 28 and 30, in each instance, strike “**LOCAL**” and substitute “**COUNTY**”.

On page 4, in line 1, after “**BOARD**” insert “**OF EDUCATION**”; in line 5, strike “**DELINQUENT OR**”; in line 7, strike the brackets; in the same line, strike “**SHALL**”; in line 9, strike “**DELINQUENT OR**”; in line 14, strike “**SHALL**” and substitute “**MAY**”; in line 18, strike “**REQUIRED**” and substitute “**AUTHORIZED**”; in line 20, strike

“DELINQUENCY OR”; in line 26, strike “SUBSECTION” and substitute “PARAGRAPH”; and in lines 29 and 31, in each instance, strike “LOCAL” and substitute “COUNTY”.

AMENDMENT NO. 3

On page 5, in line 1, after “BOARD” insert “OF EDUCATION”.

On page 6, in line 29, strike the brackets.

On page 7, strike beginning with the semicolon in line 2 down through “ARTICLE” in line 10; in line 27, after “(b)”, insert “(1)”; and in lines 30 and 33, strike “(1)” and “(I)”, respectively, and substitute “(I)” and “1.”, respectively.

On page 8, in lines 1, 3, and 5, strike “(II)”, “(III)”, and “(2)”, respectively, and substitute “2.”, “3.”, “(II)”, respectively; and after line 6, insert:

“(2) IF A STUDENT IS ARRESTED AND CHARGED WITH A VIOLATION OF § 3-203, § 6-301, § 7-105, § 9-302, § 9-303, OR § 9-305 OF THE CRIMINAL LAW ARTICLE, THE LAW ENFORCEMENT AGENCY RESPONSIBLE FOR THE CHARGE:

(I) SHALL NOTIFY THE FOLLOWING INDIVIDUALS OF THE CHARGE WITHIN 24 HOURS OF THE CHARGE OR AS SOON AS PRACTICABLE:

1. THE LOCAL SUPERINTENDENT;
2. THE SCHOOL PRINCIPAL; AND
3. FOR A SCHOOL THAT HAS A SCHOOL SECURITY OFFICER, THE SCHOOL SECURITY OFFICER; AND

(II) MAY NOTIFY THE STATE’S ATTORNEY OF THE CHARGE.”.

AMENDMENT NO. 4

On page 9, in line 5, after “GRADUATES” insert “OR OTHERWISE PERMANENTLY LEAVES SCHOOL”; and in line 10, after “OFFENSE” insert “INVOLVING RAPE OR A SEXUAL OFFENSE”.

AMENDMENT NO. 5

On page 10, in lines 5 and 27, in each instance, after “GANGS” insert “, GANG ACTIVITY,”; in lines 5 and 27, in each instance, strike “GANG–LIKE ACTIVITY” and substitute “SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR”; in lines 13, 16 and 17, and 19, in each instance, strike “GANG OR GANG–LIKE ACTIVITY” and substitute “GANG ACTIVITY OR SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR”; in lines 26 and 31, in each instance, strike “COUNTY BOARD” and substitute “LOCAL SCHOOL SYSTEM”; and in lines 26, 29, and 31, in each instance, after “POLICY” insert “OR REGULATIONS”.

On page 11, in lines 11, 13, 15, and 16, in each instance, strike “COUNTY BOARD” and substitute “LOCAL SCHOOL SYSTEM”; in lines 11, 13, and 22, in each instance, after “POLICY” insert “OR REGULATIONS”; in line 17, after “GANGS” insert “, GANG ACTIVITY,”; in line 24, strike “GANG OR GANG–LIKE ACTIVITY” and substitute “GANG ACTIVITY OR SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR”; and in lines 17 and 18, strike “GANG–LIKE ACTIVITY” and substitute “SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR”.

On page 12, in line 28, after “POLICIES” insert “AND REGULATIONS”; in the same line, after “GANGS” insert “, GANG ACTIVITY,”; and in line 29, strike “GANG–LIKE ACTIVITY” and substitute “SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR”.

AMENDMENT NO. 6

On page 13, after line 7, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 31, 2010, the Administrative Office of the Courts, the Department of Human Resources, the Department of Juvenile Services, and the State Department of Education, shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly, the Senate Education, Health, and Environmental Affairs Committee, the Senate Judicial Proceedings Committee, the House Judiciary Committee, and the House Committee on Ways and Means regarding:

(1) the process for notifying school officials under § 3–819 and § 3–8A–19 of the Courts and Judicial Proceedings Article;

(2) how often school officials are actually notified under these statutes;
and

(3) recommendations, if any, to improve this process and better serve
these students.”;

and in line 8, strike “3.” and substitute “4.”.

The preceding 6 amendments were read and not concurred in.

HB1160/193420/1

BY: Senator Pinsky

AMENDMENTS TO HOUSE BILL 1160

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, after line 32, insert:

“BY repealing and reenacting, without amendments,

Article – Education

Section 7–302

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)”;

and in line 35, strike “7–302 and”.

AMENDMENT NO. 2

On page 5, in lines 20, 22, 23, 24, 26, and 27, in each instance, strike the bracket; strike beginning with “**FOR**” in line 20 down through “**SHALL**” in line 21; and strike beginning with “**FOR**” in line 24 down through “**SHALL**” in line 25.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: HB 1160

SPONSOR: Del Busch, et al

SUBJECT: Safe Schools Act of 2010

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 Rice, Chairman
Delegate Olszewski, and
Delegate Ivey.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #31

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 120 – Senators Gladden and Conway

AN ACT concerning

Baltimore City – Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 858 – Senators Conway, Astle, Brinkley, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, McFadden, Middleton, Miller, Munson, Peters, Pinsky, Pipkin, Pugh, Raskin, ~~Reilly~~, Robey, Rosapepe, Simonaire, Stone, and Zirkin

AN ACT concerning

Maryland Winery Modernization Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #30

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 556 – Senators Conway, Della, Frosh, Garagiola, Gladden, Harrington, Jones, Kelley, Kramer, Madaleno, Miller, Muse, Pugh, and Raskin

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Prohibitions

SB0556/880910/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 556

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “processing” and substitute “leasing, selling”; in line 7, after “circumstances;” insert “providing that this Act does not prohibit certain persons from recycling certain products that contain decabrominated diphenyl ether; providing that this Act does not prohibit a certain person from selling, leasing, recycling, or disposing of certain products that contain recycled decabrominated diphenyl ether; providing that this Act does not prohibit certain activities involving a product that contains decabrominated diphenyl ether that occur at a certain time;”; and in line 10, after “terms;” insert “providing for the application of this Act;”.

AMENDMENT NO. 2

On page 2, in line 10, after “(A)” insert “(1)”; and after line 13, insert:

“(2) THIS SECTION DOES NOT APPLY TO:

(I) ORIGINAL EQUIPMENT MANUFACTURER REPLACEMENT SERVICE PARTS OR OTHER PRODUCTS MANUFACTURED BEFORE JANUARY 1, 2011, IF THE PART OR PRODUCTS WERE MANUFACTURED IN COMPLIANCE WITH APPLICABLE FEDERAL, STATE, AND LOCAL LAWS; AND

(II) 1. A VEHICLE, AS DEFINED IN § 11-176 OF THE TRANSPORTATION ARTICLE; OR

2. A PRODUCT, PART, OR REPLACEMENT PART FOR USE IN A VEHICLE.”.

AMENDMENT NO. 3

On page 3, strike beginning with “ON” in line 13 down through the second comma in line 14; in line 15, strike “THE REMAINING INVENTORY OF THE PRODUCT; OR” and substitute “A PRODUCT THAT IS IN THE RETAILER’S OR LESSOR’S INVENTORY ON OR AFTER THE DATE THAT THE PROHIBITION TAKES EFFECT;”; after line 15, insert:

“(2) A PERSON FROM RECYCLING A PRODUCT THAT CONTAINS DECABDE;

(3) A PERSON FROM SELLING, LEASING, RECYCLING, OR OTHERWISE DISPOSING OF A PRODUCT THAT CONTAINS RECYCLED DECABDE;

(4) ANY ACTIVITY INVOLVING A PRODUCT THAT CONTAINS DECABDE THAT OCCURS SUBSEQUENT TO FIRST SALE AT RETAIL; OR”;

and in line 16, strike “(2)” and substitute “(5)”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh moved to put **Senate Bill 556** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 139 Negative – 1 (See Roll Call No. 1356)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 556** was placed on Third Reading.

Senate Bill 556 – Senators Conway, Della, Frosh, Garagiola, Gladden, Harrington, Jones, Kelley, Kramer, Madaleno, Miller, Muse, Pugh, and Raskin

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Prohibitions

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 141 Negative – 0 (See Roll Call No. 1357)

The Bill was then returned to the Senate.

THE COMMITTEE ON JUDICIARY REPORT #26

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 173 – Delegates Morhaim, Cardin, and Stein

AN ACT concerning

Human Services – Quality Care – Juvenile Facilities

HB0173/902612/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 173

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “time” insert “except under certain circumstances”.

AMENDMENT NO. 2

On page 2, in line 1, after “(5)” insert “**(I)**”; in the same line, strike “OR LICENSED”; and after line 2, insert “**(II) ENSURES THAT EACH COMMITTED FACILITY LICENSED BY THE DEPARTMENT SERVES NO MORE THAN 48 CHILDREN AT ONE TIME, UNLESS THE SECRETARY FINDS GOOD CAUSE FOR A COMMITTED FACILITY LICENSED BY THE DEPARTMENT TO SERVE MORE THAN 48 CHILDREN AT ONE TIME; AND**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

Senate Bill 330 – Senators Zirkin, Frosh, Mooney, Muse, and Stone

AN ACT concerning

Human Services – Quality Care – Juvenile Facilities

SB0330/542012/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 330

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “time” insert “except under certain circumstances”.

AMENDMENT NO. 2

On page 2, in line 5, after “(5)” insert “**(I)**”; in the same line, strike “OR LICENSED”; and after line 6, insert “**(II) ENSURES THAT EACH COMMITTED FACILITY LICENSED BY THE DEPARTMENT SERVES NO MORE THAN 48 CHILDREN AT ONE TIME, UNLESS THE SECRETARY FINDS GOOD CAUSE FOR A COMMITTED FACILITY LICENSED BY THE DEPARTMENT TO SERVE MORE THAN 48 CHILDREN AT ONE TIME; AND**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario moved to put **Senate Bill 330** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 135 Negative – 1 (See Roll Call No. 1358)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 330** was placed on Third Reading.

Senate Bill 330 – Senators Zirkin, Frosh, Mooney, Muse, and Stone

AN ACT concerning

Human Services – Quality Care – Juvenile Facilities

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 3 (See Roll Call No. 1359)

The Bill was then returned to the Senate.

AMENDED IN THE SENATE

House Bill 56 – Delegates Conway and Mathias

AN ACT concerning

Worcester County – Slot Machines for Nonprofit Organizations

Delegate Hixson moved that the House not concur in the Senate amendments.

HB0056/229739/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 56

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “County” insert “and Prince George’s County”; in the same line, strike “Slot Machines for Nonprofit Organizations” and substitute “Gaming”; in line 5, after “circumstances;” insert “authorizing a certain qualified organization to operate a card games facility in Prince George’s County; limiting the number of licenses that the State may issue to operate a card games facility; limiting the number of locations at which card games facilities may be located; requiring a card games facility to comply with applicable planning and zoning laws of the local jurisdiction; requiring certain legislation under certain circumstances; and submitting the Prince George’s provisions of this Act to a referendum of the legally qualified voters of Maryland for their adoption or rejection;”; in line 6, strike “slot machines” and substitute “gaming”; and in the same line, after “County” insert “and Prince George’s County”.

AMENDMENT NO. 2

On page 4, after line 11, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State may issue one license for the commercial operation of card games in the State.

(b) Subject to subsection (c) of this section, the license for the commercial operation of card games shall be awarded on a competitive basis by the Maryland Video Lottery Facility Location Commission as provided under State law.

(c) The commercial card games operation license may be awarded only to a card games facility located in Prince George’s County, within 1 mile of the intersection of Interstate 95 and MD Route 414.

(d) A card games facility shall comply with all applicable planning and zoning laws of the local jurisdiction.

SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of Section 2 of this Act authorize a State license for the commercial operation of card games in the State, subject to a referendum of the legally qualified voters of Maryland as provided in Section 4 of this Act, and upon voter approval of Section 2 of this Act at the

general election to be held in November of 2010, legislation shall be required providing for the operation, licensing, regulation, and disposition of proceeds, of a card games facility in Prince George's County.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act, which authorizes additional forms or expansion of commercial gaming, shall be submitted to a referendum of the legally qualified voters of Maryland at the general election to be held in November of 2010, in accordance with Article XIX, § 1(e) of the Maryland Constitution. The State Board of Elections shall do those things necessary and proper to provide for and hold the referendum required by this section. If a majority of the votes cast on the question are "For the referred law" the provisions of Section 2 of this Act shall become effective on the 30th day following the official canvass of votes for the referendum, but if a majority of the votes cast on the question are "Against the referred law" the provisions of this Act are of no effect and null and void.

SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act and for the sole purpose of providing for the referendum required by Section 3 of this Act, this Act shall take effect July 1, 2010."

in line 12, strike "2." and substitute "6."; and in the same line, after "That" insert "Section 1 of".

The preceding 2 amendments were read and not concurred in.

HB0056/479632/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 56, AS AMENDED

On page 2 of the Budget and Taxation Committee Amendments (HB0056/229739/1), in line 7 from the bottom of Amendment No. 2, after the first "of" insert "Section 2 of".

The preceding amendment was read and not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0056

SPONSOR: Dels Conway and Mathias

SUBJECT: Worcester County – Slot Machines for Nonprofit Organizations

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate F. Turner, Chairman
Delegate Frick, and
Delegate Stukes.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

**House Bill 406 – Chair, Economic Matters Committee (By Request –
Departmental – Labor, Licensing and Regulation)**

AN ACT concerning

Real Estate Licensees – Services Provided Through Teams

Delegate Davis moved that the House not concur in the Senate amendments.

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 not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0406

SPONSOR: Chr ECM (Dept)

SUBJECT: Real Estate Licensees – Services Provided Through Teams

By the Majority Leader:

Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Vaughn, Chairman
Delegate Jameson, and
Delegate Haddaway.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB 0911

SPONSOR: Sen Astle, et al

SUBJECT: Underground Facilities – Damage Prevention

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Astle, Chairman
Senator Della
Senator Pipkin.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

Delegate Davis moved the House recede on its amendment.

The motion was adopted.

SB0911/113696/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 911 (Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after “members;” insert “prohibiting a member of the Authority from participating in certain matters;”.

On page 3, in line 21, after “changes;” insert “providing for a certain contingency;”; and in line 34, strike “12–120, 12–121, 12–122, 12–128, 12–134, and 12–135” and substitute “12–106, 12–107, 12–108, 12–114, 12–120, and 12–121”.

On page 4, in line 5, strike “adding to” and substitute “repealing and reenacting, with amendments;”; in line 7, after “through” insert “12–108 and”; strike beginning with “Maryland” in line 7 down through “Requests” in line 11 and substitute “Excavation and Demolition”; and 12–121”; after line 13, insert:

“(As enacted by Section 2 of this Act)

BY repealing and reenacting, without amendments,

Article – Public Utility Companies

Section 12–120 to be under the new part “Part IV. Enforcement and Penalties”

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

(As enacted by Section 2 of this Act)

BY adding to

Article – Public Utility Companies

Section 12–109 through 12–113; and 12–117 to be under the new part “Part III.

Designer Request”

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY renumbering

Article – Public Utility Companies

Section 12–106 through 12–114 and the part “Part II. Excavation and Demolition”; 12–117 and the part “Part III. Designer Requests”; and 12–120 and 12–121 and the part “Part IV. Enforcement and Penalties”, respectively

to be Section 12–120 through 12–128 and the part “Part IV. Excavation and Demolition”; 12–131 and the part “Part V. Designer Requests”; and 12–134 and 12–135 and the part “Part VI. Enforcement and Penalties”, respectively

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

(As enacted by Sections 2 and 3 of this Act);

strike beginning with “12–120” in line 16 down through “12–135” in line 17 and substitute “12–101”; in line 20, strike “2” and substitute “3”; after line 20, insert:

“BY adding to

Article – Public Utility Companies

Section 12–106 through 12–114 to be under the new part “Part II. Maryland Underground Facilities Damage Prevention Authority”; and 12–117 to be under the new part “Part III. Maryland Underground Facilities Damage Prevention Education and Outreach Fund”

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)”;

strike in their entirety lines 21 through 26, inclusive; in line 27, strike “without” and substitute “with”; strike in its entirety line 29 and substitute “Section 12–120, 12–121, 12–123, 12–125, 12–127, 12–128, and 12–135”; in line 32, strike “Section 2” and substitute “Sections 2, 3, and 4”; and after line 32, insert:

“BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 12–122, 12–124, and 12–126
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)
(As enacted by Sections 2, 3, and 4 of this Act)”.

AMENDMENT NO. 2

On page 5, strike beginning with “12–120,” in line 16 down through “12–135” in line 17 and substitute “12–106, 12–107, 12–108, 12–114, 12–120, and 12–121”; strike in their entirety lines 28 and 29; in line 30, strike “(C)” and substitute “(B)”; in line 32, strike both brackets; and in the same line, strike “(D)”.

On page 6, in lines 1, 6, 14, 18, and 30, strike “(E)”, “(F)”, “(H)”, “(I)”, and “(J)”, respectively, and substitute “(D)”, “(E)”, “(F)”, “(G)”, and “(H)”, respectively; and strike in their entirety lines 12 and 13.

On page 7, in lines 14, 16, and 23, strike “(K)”, “(L)”, and “(M)”, respectively, and substitute “(I)”, “(J)”, and “(K)”, respectively.

On page 8, in line 2, strike “12–131” and substitute “12–117”; and in lines 3 and 6, strike “(N)” and “(O)”, respectively, and substitute “(L)” and “(M)”, respectively.

On page 9, after line 1, insert:

“PART II. EXCAVATION AND DEMOLITION.

12–106.

(a) Except as provided in subsections (b) and (c) of this section, a person that obtains the information required under this subtitle is not excused from:

(1) performing an excavation or demolition in a careful and prudent manner; and

(2) liability for damages or injury that results from the excavation or demolition.

(b) If an underground facility is damaged by a person that fails to comply with this subtitle, the person is deemed negligent and is liable to the owner for the total cost of repair of the underground facility, unless the owner has failed to become an owner–member in accordance with § [12–109(b)] **12–109** of this subtitle.

(c) If an underground facility is damaged by a person who is in compliance with this subtitle and the owner has failed to become an owner–member in accordance with § [12–109(b)] **12–109** of this subtitle:

(1) the person is not liable to the owner for the cost of repair of the underground facility; and

(2) the owner is liable for any repairs or restoration of property damaged by the excavation or demolition.

(d) Subsection (c) of this section may not be construed to interfere with the right of:

(1) a third party to recover damages arising out of the excavation or demolition from the person or from the owner; or

(2) the person to seek contribution from an owner for damages sought by a third party under paragraph (1) of this subsection.

12–107.

(a) Subject to § [12–104(b)] **12–106(B)** of this subtitle, if all reasonable precautions have been taken to protect underground facilities, § [12–104(a)] **12–106(A)** of this subtitle and §§ [12–106 through 12–113] **12–108 THROUGH 12–121** of this subtitle do not apply to an emergency excavation or demolition being performed to prevent danger to life, health, or property.

(b) A person performing an emergency excavation or demolition to prevent danger to life, health, or property shall:

(1) take all reasonable precautions to protect underground facilities in and near the excavation or demolition area; and

(2) [promptly notify each owner of an underground facility in and near the excavation or demolition area] IMMEDIATELY NOTIFY THE ONE-CALL SYSTEM SERVING THE GEOGRAPHIC AREA WHERE THE EMERGENCY EXCAVATION OR DEMOLITION IS PERFORMED TO INFORM THE APPROPRIATE OWNER-MEMBERS OF THE EXCAVATION OR DEMOLITION AREA.

(C) A PERSON THAT ABUSES THE EMERGENCY EXCAVATION AND DEMOLITION PROCEDURE SET FORTH IN THIS SECTION IS SUBJECT TO PENALTIES UNDER § 12-121 OF THIS SUBTITLE.

12-108.

(a) Except as provided in subsection (b) of this section, a person that operates a one-call system in the State shall register with and obtain certification to operate from the Commission.

(b) A person operating a one-call system on or before July 1, 1990, is automatically registered with and certified by the Commission to continue to operate.

(c) (1) The operator of a one-call system shall install and make available an [owner-contractor] UNDERGROUND FACILITIES information exchange system in its one-call center in the State.

(2) The [owner-contractor] UNDERGROUND FACILITIES information exchange system shall be available to any caller at all times.

(d) The Commission may grant, amend, or revoke the certification of a person operating a one-call system.

12-109.

(A) (1) AN OWNER SHALL BE A MEMBER OF A ONE-CALL SYSTEM.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN OWNER BECOMES A MEMBER OF A ONE-CALL SYSTEM BY REGISTERING WITH THE ONE-CALL SYSTEM.

(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 § 12-110(B)(2) OF THIS SUBTITLE.

(B) (1) AN OWNER-MEMBER OF A ONE-CALL SYSTEM SHALL SUBMIT TO THE ONE-CALL SYSTEM, IN WRITING, THE TELEPHONE NUMBER OF THE PERSON TO WHICH CALLS CONCERNING PROPOSED EXCAVATIONS OR DEMOLITIONS SHALL BE DIRECTED.

(2) AN OWNER-MEMBER SHALL ENSURE THAT ALL CONTACT INFORMATION PROVIDED TO THE ONE-CALL SYSTEM REMAINS CURRENT.

12-110.

(A) A PERSON THAT INTENDS TO PERFORM AN EXCAVATION OR DEMOLITION IN THE STATE SHALL INITIATE A TICKET REQUEST BY NOTIFYING THE ONE-CALL SYSTEM SERVING THE GEOGRAPHIC AREA WHERE THE EXCAVATION OR DEMOLITION IS TO BE PERFORMED OF THE PERSON'S INTENT TO PERFORM THE EXCAVATION OR DEMOLITION.

(B) NOTICE PROVIDED TO A ONE-CALL SYSTEM UNDER SUBSECTION (A) OF THIS SECTION SHALL INDICATE:

(1) THE LOCATION OF THE PROPOSED EXCAVATION OR DEMOLITION;

(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

(3) THE TYPE OF WORK TO BE PERFORMED IN CONNECTION WITH THE PROPOSED EXCAVATION OR DEMOLITION.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, 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) BASED ON INFORMATION COLLECTED UNDER SUBSECTION (B)(2) OF THIS SECTION, 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) A TICKET IS VALID FOR 12 BUSINESS DAYS AFTER THE DAY ON WHICH THE TICKET IS TRANSMITTED BY THE ONE-CALL SYSTEM TO AN OWNER-MEMBER.

12-111.

(A) A PERSON SHALL REPEAT THE NOTIFICATION REQUIRED UNDER § 12-110 OF THIS SUBTITLE IF THE PERSON:

(1) HAS NOT COMPLETED OR WILL NOT COMPLETE THE EXCAVATION OR DEMOLITION WITHIN THE TIME PERIOD AUTHORIZED BY THE TICKET; OR

(2) INTENDS TO EXPAND THE EXCAVATION OR DEMOLITION BEYOND THE LOCATION INDICATED IN THE NOTICE UNDER § 12-110(B) OF THIS SUBTITLE.

(B) A PERSON SHALL REPEAT THE NOTIFICATION REGARDLESS OF:

(1) ANY DELAYS BY AN OWNER-MEMBER IN MARKING ITS

UNDERGROUND FACILITIES; OR

(2) AN AGREEMENT BETWEEN THE PERSON AND AN OWNER-MEMBER REGARDING THE TIME FOR MARKING UNDERGROUND FACILITIES.

12-112.

(A) AN OWNER-MEMBER SHALL MARK ITS UNDERGROUND FACILITY IF THE OWNER-MEMBER HAS DETERMINED THAT A PROPOSED EXCAVATION OR DEMOLITION:

(1) IS WITHIN 5 FEET OF THE HORIZONTAL PLANE OF THE UNDERGROUND FACILITY; OR

(2) BECAUSE OF PLANNED BLASTING, IS SO NEAR TO THE UNDERGROUND FACILITY THAT THE UNDERGROUND FACILITY MAY BE DAMAGED OR DISTURBED.

(B) (1) AN OWNER-MEMBER SHALL MARK THE LOCATION OF ITS UNDERGROUND FACILITY BY MARKING ON THE GROUND WITHIN 18 INCHES ON A HORIZONTAL PLANE ON EITHER SIDE OF THE UNDERGROUND FACILITY.

(2) (I) WHEN MARKING THE LOCATION OF AN UNDERGROUND FACILITY, AN OWNER-MEMBER SHALL USE THE CURRENT COLOR CODES ESTABLISHED BY THE AMERICAN PUBLIC WORKS ASSOCIATION FOR MARKING UNDERGROUND FACILITIES.

(II) IF TWO OR MORE OWNER-MEMBERS SHARE THE SAME COLOR CODE, EACH OWNER-MEMBER SHALL INCLUDE INFORMATION WITH THE MARKING THAT INDICATES THE OWNER-MEMBER OF THE MARKED UNDERGROUND FACILITY.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, WITHIN 2 BUSINESS DAYS AFTER THE DAY ON WHICH A TICKET IS TRANSFERRED TO AN OWNER-MEMBER, THE OWNER-MEMBER SHALL:

(1) MARK THE LOCATION OF THE OWNER-MEMBER'S UNDERGROUND FACILITY AND REPORT TO THE UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM THAT THE UNDERGROUND FACILITY HAS BEEN MARKED; OR

(2) REPORT TO THE UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM THAT THE OWNER-MEMBER HAS NO UNDERGROUND FACILITIES IN THE VICINITY OF THE PLANNED EXCAVATION OR DEMOLITION.

(D) (1) IF AN OWNER-MEMBER IS UNABLE TO MARK THE LOCATION OF THE OWNER-MEMBER'S UNDERGROUND FACILITY WITHIN THE TIME PERIOD PRESCRIBED IN SUBSECTION (C) OF THIS SECTION BECAUSE OF THE SCOPE OF THE PROPOSED EXCAVATION OR DEMOLITION, THE OWNER-MEMBER SHALL:

(I) PROMPTLY NOTIFY THE UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM AND THE PERSON THAT INTENDS TO PERFORM THE EXCAVATION OR DEMOLITION; AND

(II) WORK WITH THE PERSON THAT INTENDS TO PERFORM THE EXCAVATION OR DEMOLITION TO DEVELOP A MUTUALLY AGREEABLE SCHEDULE FOR MARKING THE UNDERGROUND FACILITY.

(2) IF THE OWNER-MEMBER AND PERSON THAT INTENDS TO PERFORM THE EXCAVATION OR DEMOLITION CANNOT REACH A MUTUALLY AGREEABLE SCHEDULE FOR MARKING UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE OWNER-MEMBER SHALL MARK THAT PORTION OF THE SITE WHERE EXCAVATION OR DEMOLITION WILL FIRST OCCUR, AND THE OWNER-MEMBER SHALL MARK THE REMAINDER OF THE SITE WITHIN A REASONABLE TIME.

(3) IF, DUE TO CIRCUMSTANCES BEYOND AN OWNER-MEMBER'S CONTROL AND FOR REASONS OTHER THAN THOSE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION, AN OWNER-MEMBER IS UNABLE TO MARK THE LOCATION OF THE OWNER-MEMBER'S UNDERGROUND FACILITY WITHIN THE TIME PERIOD PRESCRIBED IN SUBSECTION (C) OF THIS SECTION, THE OWNER-MEMBER SHALL REPORT TO THE UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM THAT AN EXTENSION IS REQUIRED.

(4) IN CONNECTION WITH EXTENSIVE OR CONTIGUOUS EXCAVATION OR DEMOLITION PROJECTS, THE PERSON PERFORMING THE EXCAVATION OR DEMOLITION AND THE OWNER-MEMBER MAY ESTABLISH A WORKING AGREEMENT REGARDING THE TIME PERIODS FOR MARKING THE UNDERGROUND FACILITY.

12-113.

(A) A PERSON MAY BEGIN EXCAVATION OR DEMOLITION ONLY AFTER THE PERSON RECEIVES NOTIFICATION FROM THE UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM OF THE ONE-CALL SYSTEM CONFIRMING THAT ALL APPLICABLE OWNER-MEMBERS HAVE:

(1) MARKED THEIR UNDERGROUND FACILITIES IN ACCORDANCE WITH § 12-112(C) OF THIS SUBTITLE;

(2) MARKED THE APPLICABLE PORTION OF THEIR UNDERGROUND FACILITIES IN ACCORDANCE WITH § 12-112(D) OF THIS SUBTITLE; OR

(3) REPORTED THAT THEY HAVE NO UNDERGROUND FACILITIES IN THE VICINITY OF THE EXCAVATION OR DEMOLITION.

(B) (1) AFTER AN OWNER-MEMBER HAS MARKED THE LOCATION OF AN UNDERGROUND FACILITY IN ACCORDANCE WITH § 12-112 OF THIS SUBTITLE, THE PERSON PERFORMING THE EXCAVATION OR DEMOLITION IS RESPONSIBLE FOR THE MAINTENANCE OF THE DESIGNATED MARKER.

(2) IF THE MARKER IS OBLITERATED, DESTROYED, OR REMOVED, THE PERSON SHALL REPEAT THE NOTIFICATION REQUIRED UNDER § 12-110 OF THIS SUBTITLE.

(C) (1) A PERSON PERFORMING AN EXCAVATION OR DEMOLITION SHALL EXERCISE DUE CARE TO AVOID INTERFERENCE WITH OR DAMAGE TO AN UNDERGROUND FACILITY THAT AN OWNER-MEMBER HAS MARKED IN ACCORDANCE WITH § 12-112 OF THIS SUBTITLE.

(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.

(3) A PERSON MAY NOT USE MECHANIZED EQUIPMENT TO EXCAVATE WITHIN 18 INCHES OF THE OUTERMOST SURFACE OF AN EXPOSED UNDERGROUND FACILITY.

(D) (1) THE PERSON PERFORMING AN EXCAVATION OR DEMOLITION IMMEDIATELY SHALL NOTIFY THE OWNER-MEMBER OF THE FACILITY IF THE PERSON DISCOVERS OR CAUSES ANY DAMAGE TO OR DISLOCATION OR DISTURBANCE OF AN UNDERGROUND FACILITY IN CONNECTION WITH THE EXCAVATION OR DEMOLITION.

(2) IF THE DAMAGE, DISLOCATION, OR DISTURBANCE RESULTS IN THE ESCAPE OF A FLAMMABLE, TOXIC, OR CORROSIVE GAS OR LIQUID, THE PERSON PERFORMING THE EXCAVATION OR DEMOLITION IMMEDIATELY SHALL REPORT THE DAMAGE TO THE 9-1-1 EMERGENCY SYSTEM.

(E) (1) IF A PERSON KNOWS OR HAS REASON TO KNOW THAT AN UNDERGROUND FACILITY IN THE AREA OF A PLANNED OR ONGOING EXCAVATION OR DEMOLITION IS NOT MARKED AS REQUIRED BY THIS SUBTITLE, THE PERSON MAY NOT BEGIN OR CONTINUE THE EXCAVATION OR DEMOLITION UNLESS THE PERSON:

(I) HAS REPEATED THE NOTIFICATION REQUIRED UNDER § 12-110 OF THIS SUBTITLE; AND

(II) RECEIVES NOTIFICATION FROM THE UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM OF THE ONE-CALL SYSTEM CONFIRMING THAT ALL APPLICABLE OWNER-MEMBERS THAT HAVE UNDERGROUND FACILITIES IN THE VICINITY OF THE EXCAVATION OR DEMOLITION HAVE MARKED:

1. THE UNDERGROUND FACILITIES IN ACCORDANCE

WITH § 12-112(C) OF THIS SUBTITLE; OR

2. THE APPLICABLE PORTION OF THE UNDERGROUND FACILITIES IN ACCORDANCE WITH § 12-112(D) OF THIS SUBTITLE.

(2) IF THE UNDERGROUND FACILITY IS NOT MARKED AS REQUIRED BY THIS SUBTITLE AFTER THE PERSON RECEIVES NOTIFICATION FROM THE UNDERGROUND FACILITIES INFORMATION EXCHANGE SYSTEM UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE PERSON MAY PROCEED WITH THE EXCAVATION OR DEMOLITION.

12-114.

(a) A political subdivision [or], municipal corporation, THE DEPARTMENT OF TRANSPORTATION, AN ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION, OR THE MARYLAND TRANSPORTATION AUTHORITY may charge, assess, or collect from a person a one-time initial marking fee not exceeding \$35 for reimbursement of expenses that the political subdivision [or], municipal corporation, THE DEPARTMENT OF TRANSPORTATION, AN ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION, OR THE MARYLAND TRANSPORTATION AUTHORITY incurs to comply with this subtitle.

(b) If re-marking is requested, or is required after renotification under § [12-108(b)] 12-111(B) of this subtitle, a political subdivision [or], municipal corporation, OR ANY OF THE TRANSPORTATION ENTITIES SPECIFIED IN SUBSECTION (A) OF THIS SECTION may charge, assess, or collect from a person a re-marking fee not exceeding \$15 for reimbursement of expenses that the political subdivision [or], municipal corporation, OR ANY OF THE TRANSPORTATION ENTITIES SPECIFIED IN SUBSECTION (A) OF THIS SECTION incurs to comply with this subtitle.

12-115. RESERVED.

12-116. RESERVED.

PART III. DESIGNER REQUESTS.

12-117.

(A) IN CONNECTION WITH A PROJECT THAT MAY REQUIRE EXCAVATION OR DEMOLITION, A DESIGNER MAY INITIATE A TICKET REQUEST BY NOTIFYING THE ONE-CALL SYSTEM SERVING THE GEOGRAPHIC AREA COVERING THE PLANNED PROJECT.

(B) A DESIGNER INITIATING A TICKET REQUEST UNDER THIS SECTION:

(1) MAY INITIATE ONLY ONE TICKET REQUEST FOR A SINGLE PROJECT; AND

(2) SHALL, IN CONNECTION WITH A TICKET REQUEST:

(I) INDICATE THAT THE REQUEST IS FOR DESIGN PURPOSES ONLY AND MAY NOT BE USED FOR THE PURPOSE OF EXCAVATION OR DEMOLITION;

(II) NOTIFY THE ONE-CALL SYSTEM OF ANY OWNER-MEMBERS FROM WHICH THE DESIGNER DOES NOT REQUIRE UNDERGROUND FACILITIES INFORMATION; AND

(III) ON THE REQUEST OF AN OWNER-MEMBER, PROVIDE THE OWNER-MEMBER WITH A PRELIMINARY DRAWING THAT INDICATES THE SCOPE OF THE PROJECT.

(C) (1) WITHIN 15 BUSINESS DAYS AFTER RECEIVING NOTICE FROM A ONE-CALL SYSTEM THAT A DESIGNER HAS MADE A REQUEST UNDER THIS SECTION, AN OWNER-MEMBER OF AN UNDERGROUND FACILITY IN THE AREA OF THE PROJECT SHALL NOTIFY THE DESIGNER OF THE TYPE AND APPROXIMATE LOCATION OF THE UNDERGROUND FACILITY.

(2) AN OWNER-MEMBER MAY PROVIDE NOTICE OF THE APPROXIMATE LOCATION OF AN UNDERGROUND FACILITY THROUGH THE USE OF:

- (I) FIELD LOCATES;
- (II) MAPS;
- (III) SURVEYS;
- (IV) INSTALLATION RECORDS; OR
- (V) OTHER SIMILAR MEANS.

(D) (1) INFORMATION PROVIDED TO A DESIGNER UNDER THIS SECTION IS FOR INFORMATIONAL PURPOSES ONLY.

(2) AN OWNER-MEMBER OR AGENT OF AN OWNER-MEMBER MAY NOT BE HELD LIABLE FOR ANY INACCURATE INFORMATION PROVIDED TO A DESIGNER UNDER THIS SECTION.

12-118. RESERVED.

12-119. RESERVED.

PART IV. ENFORCEMENT AND PENALTIES.

12-120.

(a) To stop or prevent a negligent or unsafe excavation or demolition, an owner or the Attorney General may file an action for a writ of mandamus or injunction in a court of competent jurisdiction in Baltimore City or the county in which the excavation or demolition is being performed or is to be performed or in which the person resides or has its principal place of business, if the person:

(1) is performing an excavation or demolition in a negligent or unsafe manner that has resulted in or is likely to result in damage to an underground facility;
or

(2) is intending to use procedures to carry out the excavation or demolition that are likely to result in damage to an underground facility.

(b) (1) To make its judgment or processes effective, the court may join as parties any persons necessary or proper.

(2) If appropriate, the court shall issue a final order granting the injunction or writ of mandamus.

12-121.

(a) A person that performs an excavation or demolition without first providing the notice required under § [12-108] 12-110 of this subtitle and damages, dislocates, or disturbs an underground facility is deemed negligent and is subject to a civil penalty not exceeding \$1,000 for the first offense and \$1,000 for each subsequent offense or ten times the cost of repairs to the underground facility caused by the damage, dislocation, or disturbance.

(b) An action to recover a civil penalty under this section shall be brought by an owner of a damaged, dislocated, or disturbed underground facility or the Attorney General in a court of competent jurisdiction in Baltimore City or the county in which the damage, dislocation, or disturbance occurred.

(c) All civil penalties recovered in an action under this section, including reasonable attorney's fees, shall be paid into the General Fund of the State.

SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 12-106 through 12-114 and the part "Part II. Excavation and Demolition"; 12-117 and the part "Part III. Designer Requests"; and 12-120 and 12-121 and the part "Part IV. Enforcement and Penalties", respectively, of Article – Public Utility Companies of the Annotated Code of Maryland, as enacted by Sections 2 and 3 of this Act, be renumbered to be Section(s) 12-120 through 12-128 and the part "Part IV. Excavation and Demolition"; 12-131 and the part "Part V. Designer Requests"; and 12-134 and 12-135 and the part "Part VI. Enforcement and Penalties", respectively.

SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Public Utility Companies

12-101.

(a) In this subtitle the following words have the meanings indicated.

**(B) “AUTHORITY” MEANS THE MARYLAND UNDERGROUND FACILITIES
DAMAGE PREVENTION AUTHORITY.**

[(b)] (C) “Business day” means a calendar day other than a Saturday, Sunday, or legal holiday.

[(c)] (D) “Demolition” means an operation in which a structure or mass of material is wrecked, razed, rended, moved, or removed using any tool, equipment, or explosive.

[(d)] (E) “Designer” means a licensed architect, professional engineer, professional land surveyor, or licensed landscape architect, as those terms are defined in the Business Occupations and Professions Article, who prepares a drawing for a project that may require excavation or demolition.

[(e)] (F) (1) “Excavation” means an operation in which earth, rock, or other material in or on the ground is moved, removed, or otherwise displaced by using any tool, equipment, or explosive.

(2) “Excavation” includes grading, trenching, digging, ditching, dredging, drilling, boring, augering, tunnelling, scraping, cable or pipe plowing and driving a mass of material.

**(G) “FUND” MEANS THE MARYLAND UNDERGROUND FACILITIES
DAMAGE PREVENTION EDUCATION AND OUTREACH FUND.**

[(f)] (H) “Legal holiday” means:

(1) the day on which a legal holiday, as defined in Article 1, § 27 of the Code, is observed; or

(2) a federal legal holiday.

[(g)] (I) “One-call system” means a communications system in the State that:

(1) allows a person to notify owner–members of planned excavation or demolition by:

(i) calling a toll–free number or abbreviated dialing code; or

(ii) initiating an interactive Internet ticket request; and

(2) maintains an underground facilities information exchange system.

[(h)] (J) (1) “Owner” means a person that:

(i) owns or operates an underground facility; and

(ii) has the right to bury an underground facility.

(2) “Owner” includes:

(i) a public utility;

(ii) a telecommunications corporation;

(iii) a cable television corporation;

(iv) a political subdivision;

(v) a municipal corporation;

(vi) a steam heating company;

(vii) an authority; and

(viii) a unit of the State.

[(i)] (K) “Owner–member” means an owner that participates as a member in a one–call system.

[(j)] (L) (1) “Person” has the meaning stated in § 1–101 of this article.

(2) “Person” includes:

- (i) a municipal corporation;
- (ii) the State;
- (iii) a political subdivision of the State; and
- (iv) any governmental unit, department, or agency.

~~[(k)]~~ (M) “Ticket” means a numbered document issued by a one-call system to notify owner-members that:

- (1) a person intends to perform an excavation or demolition; or
- (2) a designer has requested information on the location of underground facilities under § ~~[12-117]~~ 12-131 of this subtitle.

~~[(l)]~~ (N) “Underground facilities information exchange system” means an automated voice response unit or interactive Internet access system that is maintained as part of a one-call system.

~~[(m)]~~ (O) (1) “Underground facility” means personal property that is buried or submerged for:

(i) use in connection with the storage or conveyance of water, sewage, oil, gas, or other substances; or

(ii) transmission or conveyance of electronic, telephonic, or telegraphic communications or electricity.

(2) “Underground facility” includes pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those portions of poles below ground.

(3) “Underground facility” does not include a stormwater drain.”.

On pages 15 through 25, strike in their entirety the lines beginning with line 18 on page 15 through line 17 on page 25, inclusive, and substitute:

“12-120.

(a) Except as provided in subsections (b) and (c) of this section, a person that obtains the information required under this subtitle is not excused from:

(1) performing an excavation or demolition in a careful and prudent manner; and

(2) liability for damages or injury that results from the excavation or demolition.

(b) If an underground facility is damaged by a person that fails to comply with this subtitle, the person is deemed negligent and is liable to the owner for the total cost of repair of the underground facility, unless the owner has failed to become an owner–member in accordance with § [12–109] **12–123** of this subtitle.

(c) If an underground facility is damaged by a person who is in compliance with this subtitle and the owner has failed to become an owner–member in accordance with § [12–109] **12–123** of this subtitle:

(1) the person is not liable to the owner for the cost of repair of the underground facility; and

(2) the owner is liable for any repairs or restoration of property damaged by the excavation or demolition.

(d) Subsection (c) of this section may not be construed to interfere with the right of:

(1) a third party to recover damages arising out of the excavation or demolition from the person or from the owner; or

(2) the person to seek contribution from an owner for damages sought by a third party under paragraph (1) of this subsection.

12–121.

(a) Subject to § [12–106(b)] **12–120(B)** of this subtitle, if all reasonable precautions have been taken to protect underground facilities, § [12–106(a)] **12–120(A)** of this subtitle and §§ [12–108 through 12–121] **12–122 THROUGH**

12-135 of this subtitle do not apply to an emergency excavation or demolition being performed to prevent danger to life, health, or property.

(b) A person performing an emergency excavation or demolition to prevent danger to life, health, or property shall:

(1) take all reasonable precautions to protect underground facilities in and near the excavation or demolition area; and

(2) immediately notify the one-call system serving the geographic area where the emergency excavation or demolition is performed to inform the appropriate owner-members of the excavation or demolition area.

(c) A person that abuses the emergency excavation and demolition procedure set forth in this section is subject to penalties under § [12-121] 12-135 of this subtitle.

12-122.

(a) Except as provided in subsection (b) of this section, a person that operates a one-call system in the State shall register with and obtain certification to operate from the Commission.

(b) A person operating a one-call system on or before July 1, 1990, is automatically registered with and certified by the Commission to continue to operate.

(c) (1) The operator of a one-call system shall install and make available an underground facilities information exchange system in its one-call center in the State.

(2) The underground facilities information exchange system shall be available to any caller at all times.

(d) The Commission may grant, amend, or revoke the certification of a person operating a one-call system.

12-123.

(a) (1) An owner shall be a member of a one-call system.

(2) Except as provided in paragraph (3) of this subsection, an owner becomes a member of a one-call system by registering with the one-call system.

(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 § [12-110(b)(2)] **12-124(B)(2)** of this subtitle.

(b) (1) An owner-member of a one-call system shall submit to the one-call system, in writing, the telephone number of the person to which calls concerning proposed excavations or demolitions shall be directed.

(2) An owner-member shall ensure that all contact information provided to the one-call system remains current.

12-124.

(a) A person that intends to perform an excavation or demolition in the State shall initiate a ticket request by notifying the one-call system serving the geographic area where the excavation or demolition is to be performed of the person's intent to perform the excavation or demolition.

(b) Notice provided to a one-call system under subsection (a) of this section shall indicate:

(1) the location of the proposed excavation or demolition;

(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

(3) the type of work to be performed in connection with the proposed excavation or demolition.

(c) (1) Except as provided in paragraph (2) of this subsection, 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) Based on information collected under subsection (b)(2) of this section, 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) A ticket is valid for 12 business days after the day on which the ticket is transmitted by the one-call system to an owner-member.

12-125.

(a) A person shall repeat the notification required under § [12-110] 12-124 of this subtitle if the person:

(1) has not completed or will not complete the excavation or demolition within the time period authorized by the ticket; or

(2) intends to expand the excavation or demolition beyond the location indicated in the notice under § [12-110(b)] 12-124(B) of this subtitle.

(b) A person shall repeat the notification regardless of:

(1) any delays by an owner-member in marking its underground facilities; or

(2) an agreement between the person and an owner-member regarding the time for marking underground facilities.

12-126.

(a) An owner-member shall mark its underground facility if the owner-member has determined that a proposed excavation or demolition:

(1) is within 5 feet of the horizontal plane of the underground facility;
or

(2) because of planned blasting, is so near to the underground facility that the underground facility may be damaged or disturbed.

(b) (1) An owner-member shall mark the location of its underground facility by marking on the ground within 18 inches on a horizontal plane on either side of the underground facility.

(2) (i) When marking the location of an underground facility, an owner-member shall use the current color codes established by the American Public Works Association for marking underground facilities.

(ii) If two or more owner-members share the same color code, each owner-member shall include information with the marking that indicates the owner-member of the marked underground facility.

(c) Except as provided in subsection (d) of this section, within 2 business days after the day on which a ticket is transferred to an owner-member, the owner-member shall:

(1) mark the location of the owner-member's underground facility and report to the underground facilities information exchange system that the underground facility has been marked; or

(2) report to the underground facilities information exchange system that the owner-member has no underground facilities in the vicinity of the planned excavation or demolition.

(d) (1) If an owner-member is unable to mark the location of the owner-member's underground facility within the time period prescribed in subsection (c) of this section because of the scope of the proposed excavation or demolition, the owner-member shall:

(i) promptly notify the underground facilities information exchange system and the person that intends to perform the excavation or demolition; and

(ii) work with the person that intends to perform the excavation or demolition to develop a mutually agreeable schedule for marking the underground facility.

(2) If the owner-member and person that intends to perform the

excavation or demolition cannot reach a mutually agreeable schedule for marking under paragraph (1) of this subsection, the owner–member shall mark that portion of the site where excavation or demolition will first occur, and the owner–member shall mark the remainder of the site within a reasonable time.

(3) If, due to circumstances beyond an owner–member’s control and for reasons other than those specified in paragraph (1) of this subsection, an owner–member is unable to mark the location of the owner–member’s underground facility within the time period prescribed in subsection (c) of this section, the owner–member shall report to the underground facilities information exchange system that an extension is required.

(4) In connection with extensive or contiguous excavation or demolition projects, the person performing the excavation or demolition and the owner–member may establish a working agreement regarding the time periods for marking the underground facility.

12–127.

(a) A person may begin excavation or demolition only after the person receives notification from the underground facilities information exchange system of the one–call system confirming that all applicable owner–members have:

(1) marked their underground facilities in accordance with § [12–112(c)] **12–126(C)** of this subtitle;

(2) marked the applicable portion of their underground facilities in accordance with § [12–112(d)] **12–126(D)** of this subtitle; or

(3) reported that they have no underground facilities in the vicinity of the excavation or demolition.

(b) (1) After an owner–member has marked the location of an underground facility in accordance with § [12–112] **12–126** of this subtitle, the person performing the excavation or demolition is responsible for the maintenance of the designated marker.

(2) If the marker is obliterated, destroyed, or removed, the person shall repeat the notification required under § [12–110] **12–124** of this subtitle.

(c) (1) A person performing an excavation or demolition shall exercise due care to avoid interference with or damage to an underground facility that an owner-member has marked in accordance with § [12-112] 12-126 of this subtitle.

(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.

(3) A person may not use mechanized equipment to excavate within 18 inches of the outermost surface of an exposed underground facility.

(d) (1) The person performing an excavation or demolition immediately shall notify the owner-member of the facility if the person discovers or causes any damage to or dislocation or disturbance of an underground facility in connection with the excavation or demolition.

(2) If the damage, dislocation, or disturbance results in the escape of a flammable, toxic, or corrosive gas or liquid, the person performing the excavation or demolition immediately shall report the damage to the 9-1-1 emergency system.

(e) (1) If a person knows or has reason to know that an underground facility in the area of a planned or ongoing excavation or demolition is not marked as required by this subtitle, the person may not begin or continue the excavation or demolition unless the person:

(i) has repeated the notification required under § [12-110] 12-124 of this subtitle; and

(ii) receives notification from the underground facilities information exchange system of the one-call system confirming that all applicable owner-members that have underground facilities in the vicinity of the excavation or demolition have marked:

1. the underground facilities in accordance with § [12-112(c)] 12-126(C) of this subtitle; or

2. the applicable portion of the underground facilities in

accordance with § ~~[12–112(d)]~~ **12–126(D)** of this subtitle.

(2) If the underground facility is not marked as required by this subtitle after the person receives notification from the underground facilities information exchange system under paragraph (1) of this subsection, the person may proceed with the excavation or demolition.

12–128.

(a) A political subdivision, municipal corporation, the Department of Transportation, an administration of the Department of Transportation, or the Maryland Transportation Authority may charge, assess, or collect from a person a one–time initial marking fee not exceeding \$35 for reimbursement of expenses that the political subdivision, municipal corporation, the Department of Transportation, an administration of the Department of Transportation, or the Maryland Transportation Authority incurs to comply with this subtitle.

(b) If re–marking is requested, or is required after renotification under § [12–111(b)] **12–125** of this subtitle, a political subdivision, municipal corporation, or any of the transportation entities specified in subsection (a) of this section may charge, assess, or collect from a person a re–marking fee not exceeding \$15 for reimbursement of expenses that the political subdivision, municipal corporation, or any of the transportation entities specified in subsection (a) of this section incurs to comply with this subtitle.

12–129. RESERVED.

12–130. RESERVED.

12–132. RESERVED.

12–133. RESERVED.”.

On page 25, in line 20, strike “12–108” and substitute “12–110”.

AMENDMENT NO. 3

On page 9, in line 10, strike “NINE” and substitute “THE FOLLOWING 11”; in line 10, after “MEMBERS” insert “:

(1) NINE MEMBERS;

in line 11, after “GOVERNOR” insert “**; AND**

(2) TWO EX OFFICIO VOTING MEMBERS APPOINTED AS FOLLOWS:

(I) ONE REPRESENTATIVE OF THE DEPARTMENT OF TRANSPORTATION APPOINTED BY THE SECRETARY OF TRANSPORTATION; AND

(II) ONE REPRESENTATIVE OF THE STAFF OF THE COMMISSION APPOINTED BY THE CHAIRMAN OF THE COMMISSION”;

in line 12, strike “OF THE” and substitute “**THE**”; and in the same line, after “MEMBERS” insert “**APPOINTED BY THE GOVERNOR SHALL BE APPOINTED AS FOLLOWS**”.

On page 11, after line 25, insert:

“(C) (1) A MEMBER OF THE AUTHORITY MAY NOT PARTICIPATE IN A MATTER BEFORE THE AUTHORITY IN WHICH THE MEMBER HAS A DIRECT OR INDIRECT INTEREST.

(2) THE STATUS OF THE COMMISSION OR THE DEPARTMENT OF TRANSPORTATION OR ANY OF THEIR OFFICERS OR EMPLOYEES AS A PARTY TO A COMPLAINT MAY NOT CONSTITUTE A DIRECT OR INDIRECT INTEREST AS TO AN EX OFFICIO MEMBER.”.

AMENDMENT NO. 4

On page 11, in line 11, after “(2)” insert “**SUE AND BE SUED;**

(3)”;

and in lines 12, 13, 15, 16, 19, and 22, strike “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, and “(8)”, respectively, and substitute “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, and “(9)”, respectively.

On page 14, strike in their entirety lines 6 through 11, inclusive; in line 28, strike “HOLD AND”; in line 29, after “(D)” insert “(1)”; and after line 30, insert:

“(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.”.

On page 15, after line 15, insert:

“(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.”.

AMENDMENT NO. 5

On page 28, in line 7, strike “4.” and substitute “6.”; and after line 31, insert:

“SECTION 7. AND BE IT FURTHER ENACTED, That the Public Service Commission and the Maryland Department of Transportation shall jointly:

(1) determine whether there is a permanent funding source available that may be used to fund the activities of the Maryland Underground Facilities Damage Prevention Authority to be established under Section 5 of this Act;

(2) take all steps necessary to secure that permanent funding for the Authority; and

(3) notify the Department of Legislative Services in writing of the successful securing of the funding, if any, identified and secured under items (1) and (2) of this section.

SECTION 8. AND BE IT FURTHER ENACTED, That Sections 4, 5, and 6 of this Act shall take effect October 1, 2010, contingent on the receipt by the Department of Legislative Services of notification of the successful securing of funding under Section 7(3) of this Act. If the Department of Legislative Services receives the notification that funding has been secured under Section 7(3) of this Act, Sections 4, 5, and 6 of this Act shall take effect on the receipt of the notification. If the Department of Legislative Services does not receive that notification before the end of September

30, 2013, Sections 4, 5, and 6 of this Act shall be null and void without the necessity of further action by the General Assembly.”.

On page 29, in line 9, strike “5.” and substitute “9.”; and in the same line, after “That” insert “, except as provided in Section 8 of this Act.”.

House recessed and the amendment was removed.

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 1 (See Roll Call No. 1360)

MESSAGE TO THE SENATE

BILL: SB 0911

SPONSOR: Sen Astle, et al

SUBJECT: Underground Facilities – Damage Prevention

By the Majority Leader:

Ladies and Gentlemen of the Senate:

The House of Delegates recesses from its position on SB 0911.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

CONFERENCE COMMITTEE REPORT

BILL NO.: HB 465 SPONSOR: The Speaker

SUBJECT: Collective Negotiations by Family Child Care Providers

THIRD READING CALENDAR HOUSE NO. 33 SENATE NO. 32

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Finance Committee Amendments (HB0465/797879/1) be rejected.

(2) That the attached Conference Committee Amendments (HB0465/163224/1) be adopted.

HB0465/163224/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 465

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 19, after “payments;” insert “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, after line 27, insert:

“(F) (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.”;

and in line 28, strike “(F)” and substitute “(G)”.

On page 6, in line 5, strike “(G)” and substitute “(H)”.

AMENDMENT NO. 3

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)”.

Senate Members:

House Members:

Chair, **Rob Garagiola**

Chair, **Dereck E. Davis**

John C. Astle

Aisha N. Braveboy

Katherine Klausmeier

Roger Manno

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk

() Secretary, Senate

Conference Committee Report read and adopted.Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 100 Negative – 39 (See Roll Call No. 1361)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 141 Members present.

(See Roll Call No. 1362)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #50

**Senate Bill 234 – Senators Robey, Forehand, Frosh, Garagiola, Gladden,
Harrington, Kelley, King, Lenett, Madaleno, Peters, Raskin, Rosapepe,
and Zirkin**

AN ACT concerning

High Performance Buildings Act – Applicable to Community College Capital Projects

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 6 (See Roll Call No. 1363)

The Bill was then returned to the Senate.

Senate Bill 497 – Senator McFadden

AN ACT concerning

State Retirement and Pension System – Retiree Death Benefits

Read the third time and passed by yeas and nays as follows:

Affirmative – 131 Negative – 10 (See Roll Call No. 1364)

The Bill was then returned to the Senate.

**Senate Bill 624 – Senators Frosh, Conway, Dyson, Forehand, Mooney, Raskin,
and Rosapepe**

AN ACT concerning

Vehicle Laws – Bicycles and Motor Scooters – Rules of the Road

Read the third time and passed by yeas and nays as follows:

Affirmative – 128 Negative – 13 (See Roll Call No. 1365)

The Bill was then returned to the Senate.

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 – 136 Negative – 1 (See Roll Call No. 1366)

The Bill was then returned to the Senate.

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 – 138 Negative – 1 (See Roll Call No. 1367)

The Bill was then returned to the Senate.

Senate Bill 994 – Senator Pipkin

AN ACT concerning

Queen Anne's County – Annual Financial Report – Filing Date

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 3 (See Roll Call No. 1368)

The Bill was then returned to the Senate.

Senate Bill 1043 – Senators Stoltzfus ~~and Colburn~~, Colburn, and Dyson

AN ACT concerning

**Hunting Wild Waterfowl – Dorchester, St. Mary's, Somerset, and Wicomico
Counties**

Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 6 (See Roll Call No. 1369)

The Bill was then returned to the Senate.

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 – 138 Negative – 1 (See Roll Call No. 1370)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #51

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 – 105 Negative – 36 (See Roll Call No. 1371)

The Bill was then returned to the Senate.

Senate Bill 287 – The President (By Request – Administration) and Senators King, Madaleno, McFadden, Munson, Forehand, Garagiola, Harrington, Klausmeier, Lenett, and Pinsky

AN ACT concerning

Maryland Clean Energy Incentive Act of 2010

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1372)

The Bill was then returned to the Senate.

Senate Bill 452 – Senators Pinsky, Frosh, Harrington, King, Madaleno, McFadden, Pugh, and Raskin

EMERGENCY BILL

AN ACT concerning

Education – Innovative School Scheduling Models – Low-Performing and At-Risk Public Schools

Read the third time and passed by yeas and nays as follows:

Affirmative – 141 Negative – 0 (See Roll Call No. 1373)

The Bill was then returned to the Senate.

Senate Bill 557 – Senator Pinsky

AN ACT concerning

Education – Alternate Maryland School Assessment – Review ~~and Revision~~

Read the third time and passed by yeas and nays as follows:

Affirmative – 141 Negative – 0 (See Roll Call No. 1374)

The Bill was then returned to the Senate.

Senate Bill 635 – Senator Pipkin

SECOND PRINTING

AN ACT concerning

Kent County Board of Education – Members – Terms and VacanciesRead the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 4 (See Roll Call No. 1375)

The Bill was then returned to the Senate.**Senate Bill 657 – Senators DeGrange, Astle, Garagiola, Jones, Kasemeyer, Klausmeier, Kramer, Miller, Pipkin, Reilly, and Robey**

EMERGENCY BILL

AN ACT concerning

**Recordation Taxes and State and County Transfer Tax – Debt Forgiven in
“Short Sale”**Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 1 (See Roll Call No. 1376)

The Bill was then returned to the Senate.**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 2010Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 2 (See Roll Call No. 1377)

The Bill was then returned to the Senate.**CONFERENCE COMMITTEE REPORT**

BILL NO.: **HB 269** SPONSOR: **Delegate Kaiser**SUBJECT: **Child with a Disability – Individualized Education Program**THIRD READING CALENDAR HOUSE NO. **54** SENATE NO. **20**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Education, Health, and Environmental Matters Committee Amendments (HB269/624136/1) be rejected; and

(2) That the attached Conference Committee Amendment (HB269/693123/1) be adopted.

HB0269/693123/1

BY: Conference Committee

AMENDMENT TO HOUSE BILL 269
(Third Reading File Bill)

On page 2, in line 25, strike “3” and substitute “5”.

Senate Members:

House Members:

Chair, **David C. Harrington**

Chair, **Anne R. Kaiser**

Paul G. Pinsky

Jim Gilchrist

Edward R. Reilly

LeRoy E. Myers, Jr.

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk

() Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1378)

The Bill was then sent to the Senate.

CONCURRENCE CALENDAR #6

AMENDED IN THE SENATE

House Bill 815 – Delegates DeBoy, Jones, Barkley, Bromwell, G. Clagett, Costa, Glenn, Guzzone, Haynes, Malone, McHale, Olszewski, Schuler, and Sophocleus

AN ACT concerning

Maryland Department of Transportation Authority Police Officers – Police Force – Creation and Collective Bargaining

Delegate Conway moved that the House concur in the Senate amendments.

HB0815/437571/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 815

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Department of”; and strike beginning with “Police” in line 2 down through “and” in line 3 and substitute “Authority Police Officers –”.

On pages 1 and 2, strike beginning with “establishing” in line 19 on page 1 down through “powers;” in line 5 on page 2.

On page 2, in lines 7 and 8, in each instance, strike “Department of Transportation” and substitute “Transportation Authority”; in line 10, strike “Department of”; in line 11, after “Transportation” insert “Authority”; strike beginning with “providing” in line 11 down through “changes;” in line 24; strike beginning with “the” in line 24 down through “the” in line 25; and in line 26, strike “Department of Transportation” and substitute “Transportation Authority”.

On pages 2 and 3, strike in their entirety the lines beginning with line 43 on page 2 through line 14 on page 3, inclusive.

AMENDMENT NO. 2

On page 4, strike beginning with “**DEPARTMENT**” in line 6 down through “**TRANSPORTATION**” in line 7 and substitute “**TRANSPORTATION AUTHORITY**”; and in line 29, strike “**DEPARTMENT OF TRANSPORTATION**” and substitute “**TRANSPORTATION AUTHORITY**”.

On pages 4 through 9, strike in their entirety the lines beginning with line 31 on page 4 through line 34 on page 9, inclusive.

On pages 12 through 14, strike beginning with “AND” in line 31 on page 12 down through “12.” in line 13 on page 14.

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 – 111 Negative – 29 (See Roll Call No. 1379)

AMENDED IN THE SENATE

House Bill 926 – Delegates Proctor and Vallario

AN ACT concerning

**State Retirement and Pension System – Retiree ~~Organizations~~ Organization –
Direct Mailings**

Delegate Conway moved that the House concur in the Senate amendments.

HB0926/369233/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 926

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, strike “authorizing” and substitute “requiring”; and in line 21, after “circumstances;” insert “providing for the termination of this Act;”.

AMENDMENT NO. 2

On page 3, in line 28, strike “MAY” and substitute “SHALL”.

On page 4, in line 22, after “2010.” insert “It shall remain effective for a period of 1 year and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 106 Negative – 34 (See Roll Call No. 1380)

AMENDED IN THE SENATE

House Bill 1043 – Delegates Conway, Dumais, Bates, Beitzel, Bohanan, Branch, Bronrott, Cane, DeBoy, Eckardt, Elmore, Frush, Gaines, Griffith, Gutierrez, Guzzone, Haddaway, Heller, James, Jones, Levy, Mathias, Mizeur, Robinson, Rudolph, Schuh, Shewell, Sophocleus, Sossi, Stocksdales, and Wood

AN ACT concerning

Criminal Procedure – Child Advocacy Centers

Delegate Conway moved that the House concur in the Senate amendments.

HB1043/223829/1

BY: Senator Middleton

AMENDMENTS TO HOUSE BILL 1043

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after “sources;” insert “requiring that grants awarded by the State Board of Victim Services be equitably distributed among all purposes of the State Victims of Crime Fund;”; and in line 16, after “report;” insert “specifying that”.

this Act does not affect any grants awarded by the State Board of Victim Services for a certain fiscal year.”.

AMENDMENT NO. 2

On page 2, after line 19, insert:

“(D) GRANTS AWARDED BY THE BOARD SHALL BE EQUITABLY DISTRIBUTED AMONG ALL PURPOSES OF THE FUND DESCRIBED IN SUBSECTION (B) OF THIS SECTION.”.

On page 5, after line 21, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not affect any grants awarded by the State Board of Victim Services for fiscal year 2011.”;

and in line 22, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 1381)

AMENDED IN THE SENATE

House Bill 65 – Delegates Haddaway, Aumann, Bates, Beidle, Benson, Braveboy, V. Clagett, Doory, Dumais, Eckardt, Frush, Gaines, Glenn, Harrison, Healey, Hecht, Ivey, Jameson, Kaiser, Kirk, Krebs, Krysiak, Kullen, Lee, Love, McComas, McIntosh, Montgomery, Nathan–Pulliam, Pena–Melnik, Pendergrass, Shewell, Stifler, Stocksdales, V. Turner, and Valderrama

AN ACT concerning

International Marriage Brokers – Regulation

Delegate Davis moved that the House concur in the Senate amendments.

HB0065/737070/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 65
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, strike “services” and substitute “certain information”.

AMENDMENT NO. 2

On page 3, strike beginning with “ORGANIZATION” in line 11 down through “PROVIDED” in line 13 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, strike in their entirety lines 13 through 15, inclusive; in line 16, strike “(2)” and substitute “(1)”; in line 17, after “BROKER;” insert “AND”; strike in their entirety lines 18 and 19; in line 20, strike “(4)” and substitute “(2)”; in line 29, 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 11 down through “CLIENT,” in line 12 and substitute “PRIOR TO THE RELEASE OF ANY PERSONAL CONTACT INFORMATION TO THE CLIENT OR THE RECRUIT,”.

On page 6, in line 5, 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 – 139 Negative – 1 (See Roll Call No. 1382)

AMENDED IN THE SENATE

**House Bill 85 – Chair, Economic Matters Committee (By Request –
Departmental – Labor, Licensing and Regulation)**

SECOND PRINTING

AN ACT concerning

Commissioner of Labor and Industry – Boiler and Pressure Vessel Safety Act

Delegate Davis moved that the House concur in the Senate amendments.

HB0085/314632/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 85
(Third Reading File Bill – Second Printing)

AMENDMENT NO. 1

On page 2, strike beginning with “requiring” in line 9 down through “inspection;” in line 10; and in line 17, strike “12–911”.

AMENDMENT NO. 2

On page 12, strike in their entirety the lines beginning with line 28 on page 12 through line 3 on page 14, inclusive.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 1383)

AMENDED IN THE SENATE

**House Bill 88 – Chair, Economic Matters Committee and Chair, Ways and
Means Committee (By Request – Departmental – Comptroller)**

AN ACT concerning

Other Tobacco Products Licenses

Delegate Davis moved that the House concur in the Senate amendments.

HB0088/997778/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 88
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 23, after “date;” insert “requiring the Comptroller and the Administrative Office of the Courts to make a certain certification on or before a certain date; making the implementation of certain provisions of this Act contingent on the availability of funds;”.

AMENDMENT NO. 2

On page 30, strike beginning with “this” in line 13 down through “2011” in line 14 and substitute “, on or before January 1, 2011, the Comptroller and the Administrative Office of the Courts shall certify to the Senate Finance Committee and the House Economic Matters Committee when the Comptroller and the Administrative Office of the Courts have entered into a memorandum of understanding providing for the funding to implement the requirements of Section 1 of this Act.”

SECTION 4. AND BE IT FURTHER ENACTED, That Sections 1 and 2 of this Act shall take effect May 1, 2011, contingent on the successful securing of funding for the implementation of the requirements of Section 1 of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Section 4 of this Act, this Act shall take effect July 1, 2010”.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 135 Negative – 4 (See Roll Call No. 1384)

AMENDED IN THE SENATE

House Bill 372 – Delegates Barnes, Frush, Manno, and Pena–Melnyk

AN ACT concerning

Business Occupations and Professions – Plumbers – Lead-Free Materials

Delegate Davis moved that the House concur in the Senate amendments.

HB0372/684632/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 372

(Third Reading File Bill)

On page 2, in line 10, strike “EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION,”; in line 11, strike the colon; strike in their entirety lines 12 and 13; in line 14, strike “(II)”; in line 15, strike “AND”; after line 15, insert:

“(3) CONTAINING A PERCENTAGE OF LEAD FOR PLUMBING FITTINGS AND FIXTURES THAT IS IN COMPLIANCE WITH STANDARDS ESTABLISHED UNDER 42 U.S.C.A. § 300G-6(E) OF THE FEDERAL SAFE DRINKING WATER ACT; AND”;

and in line 16, strike “(3)” and substitute “(4)”.

On page 3, in line 2, after “COMPONENT” insert “**THAT COMES INTO CONTACT WITH WATER**”.

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 – 139 Negative – 0 (See Roll Call No. 1385)

AMENDED IN THE SENATE

House Bill 405 – Chair, Economic Matters Committee (By Request – Departmental – Workers’ Compensation Commission)

AN ACT concerning

Workers’ Compensation – Covered Employees and Employers – Corporate or Limited Liability Company Officer

Delegate Davis moved that the House concur in the Senate amendments.

HB0405/397479/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 405

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “coverage,” insert “authorizing an officer of a corporation, other than a close corporation, to elect to be exempt from workers’ compensation coverage; limiting the number of officers of a corporation, other than a close corporation, who may elect to be exempt from workers’ compensation coverage;”; strike beginning with “limiting” in line 8 down through “coverage” in line 9.

AMENDMENT NO. 2

On page 2, in line 8, strike beginning with “SUBJECT” through “SECTION,”; after line 15, insert:

“(2) SUBJECT TO SUBSECTION (C)(3) OF THIS SECTION, THE INDIVIDUAL IS AN OFFICER OF A CORPORATION, OTHER THAN A CLOSE CORPORATION;”;

and in lines 16, 21, and 28, strike “(2)”, “(3)”, and “(4)”, respectively, and substitute “(3)”, “(4)”, and “(5)”, respectively.

On page 3, in line 8, strike “CLOSE”; in line 9, strike “(1)(I) OR (II)” and substitute “(2)”; and in line 10, strike “(1)” 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 – 140 Negative – 0 (See Roll Call No. 1386)

AMENDED IN THE SENATE

House Bill 956 – Delegate Myers

AN ACT concerning

**Electricians, Gas Fitters, HVAC Contractors, and Plumbers – Display of
Licenses and License Numbers**

Delegate Davis moved that the House concur in the Senate amendments.

HB0956/634134/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 956
(Third Reading File Bill)

On page 2, strike in their entirety lines 21 through 24, inclusive; in line 25, strike “(D)” and substitute “(C)”; and after line 27, insert:

“(D) A COUNTY OR MUNICIPAL CORPORATION MAY NOT ADOPT A
RESOLUTION OR ENACT A LAW THAT REQUIRES A PERSON LICENSED UNDER
THIS SUBTITLE WHO IS COMPLIANT WITH SUBSECTION (C) OF THIS SECTION TO
DISPLAY ADDITIONAL LICENSE NUMBERS ON EACH VEHICLE USED ON THE JOB
FOR PROVIDING ELECTRICAL SERVICES.”.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and
nays as follows:

Affirmative – 140 Negative – 1 (See Roll Call No. 1387)

AMENDED IN THE SENATE

House Bill 1399 – ~~Delegate Lafferty~~ Delegates Lafferty and Stein

AN ACT concerning

**Residential Mortgage Loans – Required Notice of Housing Counseling
Programs and Services**

Delegate Davis moved that the House concur in the Senate amendments.

HB1399/437974/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1399

(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, strike in their entirety lines 25 through 30, inclusive; and in line 31, strike “(3)” and substitute “(2)”.

On page 4, in line 6, strike “(4)” and substitute “(3)”.

On page 6, strike in their entirety lines 8 through 13, inclusive; and in lines 14 and 21, strike “(3)” and “(4)”, respectively, and substitute “(2)” and “(3)”, respectively.

AMENDMENT NO. 2

On page 9, after line 31, insert:

“(c) If the Department has not adopted the regulations required under subsection (a) of this section on or before October 1, 2010, the Department, within 5 days after the date the regulations are adopted, shall send a notice to the Department of Legislative Services certifying the date on which the regulations were adopted.”;

and in line 33, after “2011” insert “, contingent on the adoption, on or before October 1, 2010, of the regulations required by Section 2(a) of this Act. If the regulations are not adopted on or before October 1, 2010, Section 1 of this Act shall take effect 60 days after the date of adoption certified in the notice sent by the Department of Housing and Community Development to the Department of Legislative Services under Section 2(c) of this Act”.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 1388)

AMENDED IN THE SENATE

House Bill 472 – ~~The~~ Delegate Niemann and the Speaker (By Request – Administration) and Delegates Anderson, Barkley, Barnes, Benson,

Bobo, Carr, DeBoy, Doory, Dumais, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Hammen, Healey, Hecht, Heller, Holmes, Howard, Hubbard, Kaiser, King, Kirk, Kramer, Lafferty, Levy, Love, Manno, Mathias, Mizeur, Montgomery, Morhaim, Oaks, Pena-Melnyk, Proctor, Reznik, Rice, Rosenberg, Rudolph, Shewell, Stein, Tarrant, Taylor, V. Turner, Vaughn, and Walker

~~EMERGENCY BILL~~

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Foreclosure Mediation

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0472/288573/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 472

(Third Reading File Bill)

AMENDMENT NO. 1

On page 4, in line 14, strike “PROVIDES” and substitute “IF DENIED, PROVIDES”.

AMENDMENT NO. 2

On page 4, in line 24, after “NONPROFIT” insert “AND GOVERNMENTAL”.

On page 7, in line 25, strike “STATE”.

AMENDMENT NO. 3

On page 5, in line 17, strike “OF THE UNITS” and substitute “UNIT”.

AMENDMENT NO. 4

On page 9, in line 5, after “ANALYSIS” insert “ON BEHALF OF THE SECURED PARTY”.

On page 19, in line 6, after “WITH” insert “YOU,”; in the same line, after “LENDER” insert a comma; and in line 11, before “FORECLOSURE” insert “LENDER’S”.

On page 20, in line 18, strike “FOR” and substitute “ONLY FOR”.

On page 22, in line 25, after the second “THE” insert “SECURED PARTY’S”.

AMENDMENT NO. 5

On page 23, in line 15, strike “FORWARD” and substitute “TRANSMIT”; in line 17, after “(2)” insert “(I)”; in the same line, strike “RECEIPT” and substitute “TRANSMITTAL”; and after line 19, insert:

“(II) FOR GOOD CAUSE, THE OFFICE OF ADMINISTRATIVE HEARINGS MAY EXTEND THE TIME FOR COMPLETING THE FORECLOSURE MEDIATION FOR A PERIOD NOT EXCEEDING 30 DAYS.”.

On page 24, in line 14, after “MEDIATION” insert “WITHIN THE EARLIER OF”; in line 15, strike “WITHIN”; and in line 17, strike “AT THE” and substitute “THE”.

AMENDMENT NO. 6

On page 27, in lines 15 and 24, in each instance, after “HOMEOWNERS” insert “OR OCCUPANTS”; and in line 24, after “DIFFICULTY” insert “OR FORECLOSURE”.

AMENDMENT NO. 7

On page 29, after line 1, insert:

“(3) Notice accompanying order to docket or complaint to foreclose;”;

in lines 2 and 3, strike “(3)” and “(4)”, respectively, and substitute “(4)” and “(5)”, respectively; in line 10, strike “exacted” and substitute “enacted”; in the same line, strike “and”; after line 10, insert:

“(2) the notice accompanying the order to docket or complaint to foreclose required under § 7–105.1(d)(ix) of the Real Property Article, as enacted by Section 1 of this Act, shall be deemed in compliance with § 7–105.1(d)(ix) of the Real Property Article, as enacted by Section 1 of this Act, if the language in the notice is substantially similar to the language in that section; and”;

and in line 11, strike “(2)” and substitute “(3)”.

The preceding 7 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 123 Negative – 16 (See Roll Call No. 1389)

AMENDED IN THE SENATE

House Bill 667 – Delegates Elmore, Cane, Conway, Mathias, and Rudolph

AN ACT concerning

~~Somerset, Wicomico, and Worcester Counties~~ **Vehicle Laws – Exceptional
Hauling Permits – Validity in Select Eastern Shore Counties**

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0667/968774/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 667

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “fees;” insert “codifying certain provisions of law concerning the authority of the State Highway Administrator with respect to issuing or renewing exceptional hauling permits; codifying a certain provision of law requiring the Administrator to report to the General Assembly in a certain manner regarding any decision to stop issuing or renewing exceptional hauling permits;”.

AMENDMENT NO. 2

On page 4, after line 26, insert:

“(K) (1) AN EXCEPTIONAL HAULING PERMIT IS ISSUED UNDER THIS SECTION AT THE DISCRETION OF THE STATE HIGHWAY ADMINISTRATOR.

(2) THE STATE HIGHWAY ADMINISTRATOR MAY STOP ISSUING OR RENEWING EXCEPTIONAL HAULING PERMITS UNDER THIS SECTION IF THE

ADMINISTRATOR DETERMINES THAT THE USE OF THE PERMITS IS ADVERSELY AFFECTING ANY PART OF THE STATE HIGHWAY SYSTEM.

(3) THE STATE HIGHWAY ADMINISTRATOR SHALL PROMPTLY REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, REGARDING ANY DECISION TO STOP ISSUING OR RENEWING EXCEPTIONAL HAULING PERMITS UNDER THIS SECTION AND THE REASON FOR THE DECISION.”.

The preceding 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 – 139 Negative – 1 (See Roll Call No. 1390)

AMENDED IN THE SENATE

House Bill 1199 – Delegate Malone

AN ACT concerning

Motor Vehicles – Salvage – Standards and Requirements

Delegate McIntosh moved that the House concur in the Senate amendments.

HB1199/308576/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1199

(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 19, strike “Except as provided in § 13-507(b)(5) of this subtitle, for” and substitute “**FOR**”.

On page 4, strike in their entirety lines 4 through 6, inclusive; in line 7, strike “3.” and substitute “**2.**”; in line 9, strike “4.” and substitute “**3.**”; in line 10, strike “5.” and substitute “**4.**”; and in line 11, strike “**6.**” and substitute “**5.**”.

On page 6, in line 10, strike “3, 4, or 5” and substitute “**2, 3, OR 4**”; in line 15, strike “5” and substitute “**4**”; in line 19, strike “13-506(c)(2)(ii)3” and substitute “**13-506(C)(2)(II)2**”; and in line 27, strike “5” and substitute “**4**”.

On page 7, in line 33, strike “13-506(c)(2)(ii)3” and substitute “**13-506(C)(2)(II)2**”.

On page 8, in line 7, strike “13-506(c)(2)(ii)5” and substitute “**13-506(C)(2)(II)4**”; in line 17, strike “**13-506(C)(2)(II)6**” and substitute “**13-506(C)(2)(II)5**”; and in line 30, strike “3, [or] 5, OR 6” and substitute “**4, OR 5**”.

AMENDMENT NO. 2

On page 4, in line 34, strike “**NONSTRUCTURAL**” and substitute “**COSMETIC**”.

AMENDMENT NO. 3

On page 7, in line 5, strike the brackets; strike beginning with “**EXCEPT**” in line 5 down through “**A**” in line 6; and strike in their entirety lines 20 through 23, inclusive.

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 1391)

AMENDED IN THE SENATE

House Bill 1472 – Dorchester County Delegation, Somerset County Delegation, and Wicomico County Delegation

AN ACT concerning

Hunting Wild Waterfowl – Dorchester, Somerset, and Wicomico Counties

Delegate McIntosh moved that the House concur in the Senate amendments.

HB1472/824839/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1472
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2, 4, 7, and 8, in each instance, after “Dorchester,” insert “St. Mary’s”.

AMENDMENT NO. 2

On page 2, in line 27, strike “and” and substitute a comma; and in the same line, after “Baltimore” insert “, AND ST. MARY’S”.

On page 3, in line 24, strike “and” and substitute a comma; and in the same line, after “Baltimore” insert “, AND ST. MARY’S”.

On page 4, in line 4, strike “and” and substitute a comma; and in the same line, after “Baltimore” insert “, AND ST. MARY’S”.

On page 5, in line 14, 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 concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 128 Negative – 7 (See Roll Call No. 1392)

AMENDED IN THE SENATE

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**

Delegate Hammen moved that the House concur in the Senate amendments.

HB1034/127578/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1034

(Third Reading File Bill)

On page 3, in line 35, strike “**16-201.2(D)**” and substitute “**16-201.2(C)**”.

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 – 141 Negative – 0 (See Roll Call No. 1393)

AMENDED IN THE SENATE

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, Stocksdales, Taylor, F. Turner, and Waldstreicher

AN ACT concerning

Maryland General and Limited Power of Attorney Act (Loretta’s Law)

Delegate Vallario moved that the House concur in the Senate amendments.

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 concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 139 Negative – 1 (See Roll Call No. 1394)

AMENDED IN THE SENATE

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

Delegate Hixson moved that the House concur in the Senate amendments.

HB1155/879830/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 1155

(Third Reading File Bill)

On page 10, in line 26, strike “AND”; and after line 27, insert:

“4. ECONOMIC DEVELOPMENT; AND”.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 111 Negative – 30 (See Roll Call No. 1395)

AMENDED IN THE SENATE

House Bill 1222 – Delegates Ramirez, Rosenberg, Anderson, Dumais, and Levi

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

Delegate Vallario moved that the House not concur in the Senate amendments.

HB1222/658774/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1222

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “authorizing” in line 8 down through “to” in line 11 and substitute “requiring the Department of Public Safety and Correctional Services to explain and provide certain information to a releasee; and generally relating to providing information on exemption from”; in line 13, strike “repealing and reenacting, with amendments,” and substitute “adding to”; and in line 15, strike “7-702” and substitute “7-702(j)”.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 1 on page 2 through line 8 on page 4, inclusive, and substitute:

“(J) THE DEPARTMENT SHALL EXPLAIN AND PROVIDE IN WRITING TO EACH RELEASEE:

(1) THE EXEMPTION CRITERIA LISTED IN SUBSECTION (D) OF THIS SECTION; AND

(2) INFORMATION ON HOW TO APPLY FOR AN EXEMPTION FROM THE FEE ASSESSED UNDER SUBSECTION (B) OF THIS SECTION.”.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 1222**

SPONSOR: Del Ramirez, et al

SUBJECT: Correctional Services – Division of Parole and Probation – Supervision Fee

By the Majority Leader:

Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Waldstreicher, Chairman

Delegate Rosenberg, and

Delegate McConkey.

Said Bill is returned herewith.

By Order,

Mary Monahan

Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB 0499

SPONSOR: Sen Raskin

SUBJECT: Correctional Services – Division of Parole and
Probation – Supervision Fee

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 Mooney
Senator Raskin.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: SB 0499

SPONSOR: Sen Raskin

SUBJECT: Correctional Services – Division of Parole and
Probation – Supervision Fee

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed: Senator Gladden, Chair
Senator Mooney
Senator Raskin

The House appoints: Delegate Waldstreicher, Chairman
Delegate Rosenberg, and

Delegate McConkey.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 1174** SPONSOR: **Delegate Kullen**

SUBJECT: **Junk Dealers and Scrap Metal Processors – Required Records**

THIRD READING CALENDAR HOUSE NO. **64** SENATE NO. **32**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the attached Finance Committee Amendments (HB1174/237570/1) be adopted.

(2) That the attached Conference Committee Amendments (HB1174/793329/1) be adopted.

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”.

HB1174/793329/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 1174

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 4, after “requirements;” insert “requiring certain contracts to be open to inspection by a local law enforcement agency under certain circumstances; prohibiting certain contracts from being open to public inspection without the consent of certain junk dealers or scrap metal processors;”.

AMENDMENT NO. 2

On page 9, in line 25, strike “AND”; and in line 29, after “INDIVIDUAL” insert “; AND”

8. AN ELECTRONIC SCAN OR PHOTOCOPY OF THE VALID STATE–ISSUED PHOTO ID UNDER ITEM 7 OF THIS SUBPARAGRAPH.

On page 11, in line 22, after “(F)” insert “(1)”; in lines 24, 25, and 26, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; and strike beginning with “WHOM” in line 26 down through “CONTRACT” in line 27 and substitute “A VALID BUSINESS LICENSE THAT HAS ENTERED INTO A WRITTEN CONTRACT WITH A JUNK DEALER OR SCRAP METAL PROCESSOR WHO HAS PROVIDED TO THE PRIMARY LAW ENFORCEMENT UNIT:”

1. THE NAME AND BUSINESS ADDRESS OF THE COMMERCIAL ENTERPRISE; AND

2. THE TYPE OF JUNK OR SCRAP METAL SUBJECT TO THE CONTRACT.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CONTRACT UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION SHALL BE OPEN TO INSPECTION BY A LOCAL LAW ENFORCEMENT AGENCY ON THE PREMISES OF THE JUNK DEALER OR SCRAP METAL PROCESSOR DURING BUSINESS HOURS.

(II) NOTWITHSTANDING ANY OTHER LAW, A CONTRACT OPEN TO INSPECTION BY A LOCAL LAW ENFORCEMENT AGENCY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE OPEN FOR PUBLIC INSPECTION WITHOUT THE CONSENT OF THE JUNK DEALER OR SCRAP METAL PROCESSOR”.

Senate Members:

House Members:

Chair, **John C. Astle**

Chair, **Michael L. Vaughn**

Rob Garagiola

James J. King

Barry Glassman

Brian K. McHale

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk
() Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 1396)

The Bill was then sent to the Senate.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #18

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations reported favorably with amendments:

House Joint Resolution 14 – Delegate Walkup

A House Joint Resolution concerning

**Recognition of Captain Lambert Wickes of Maryland – Revolutionary War
Naval Hero**

HJ0014/153827/1

BY: Rules and Executive Nominations Committee

AMENDMENTS TO HOUSE JOINT RESOLUTION 14

(First Reading File Joint Resolution)

AMENDMENT NO. 1

On page 1, strike beginning with “designating” in line 4 down through “Maryland” in line 5 and substitute “recognizing the contributions of Captain Lambert Wickes to the American Revolutionary War and America’s legacy of national independence and honoring Captain Wickes’ service and sacrifice as a member of the Continental Navy”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 29 and 30.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS
REPORT #19**

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 551 – Senator Edwards

AN ACT concerning

**Education – Public School Construction – Procurement – Preference for
State and Local Business Entities**

The Bill was re-referred to the Committee on Appropriations.

CONFERENCE COMMITTEE REPORT**BILL NO.: HB 128 SPONSOR: Delegate Rosenberg****SUBJECT: Criminal Procedure – Petition for Writ of Actual Innocence –
Notice of Filing and Hearing****THIRD READING CALENDAR HOUSE NO. 35 SENATE NO. 30**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached Judiciary Proceedings Committee Amendments (HB0128/948071/1) be adopted.

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.

Senate Members:

House Members:

Chair, **Lisa A. Gladden**

Chair, **Curt Anderson**

Larry E. Haines

Ben Barnes

Jamie Raskin

Jill P. Carter

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk
() Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 1397)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 141 Members present.

(See Roll Call No. 1398)

ADJOURNMENT

At 6:27 P.M. on motion of Delegate Barve the House adjourned until 9:30 P.M., on Legislative Day April 8, 2010, Calendar Day Monday, April 12, 2010.

Annapolis, Maryland
Legislative Day: April 8, 2010
Calendar Day: Monday, April 12, 2010

The House met at 9:52 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Sue Kullen of Calvert County.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 1399)

The Journal of April 7, 2010 was read and approved.

EXCUSES:

Del. Kaiser – left briefly – business

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

<u>NUMBER</u>	<u>SPONSOR</u>
HB 217	Del. Cardin
HB 475	The Speaker
HB 812	Del. Rudolph
HB 899	Del. Hubbard
HB 1345	Ch., Envir. Mat. Com.
HB 1477	Prince George's Del.
HB 1508	Del. Rudolph

Read and ordered journalized.

CONFERENCE COMMITTEE REPORT

BILL NO.: HB 500 **SPONSOR: Delegate Waldstreicher**

SUBJECT: Child Support Guidelines - Revision

THIRD READING CALENDAR **HOUSE NO. 48** **SENATE NO. 30**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
 Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Judicial Proceedings Committee Amendments (HB0500/448074/1) be rejected.

(2) That the attached Conference Committee Amendments (HB0500/943827/1) be adopted.

HB0500/943827/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 500 (Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, strike “providing for a delayed effective date;”.

AMENDMENT NO. 2

On page 23, in line 7, strike “2011” and substitute “2010”.

Senate Members:

House Members:

Chair, **Brian E. Frosh**

Chair, **Luiz R. S. Simmons**

Jennie M. Forehand

Kathleen M. Dumais

Lisa A. Gladden

Gerron S. Levi

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk
 () Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 116 Negative – 22 (See Roll Call No. 1400)

The Bill was then sent to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 135** SPONSOR: **Senator Kelley**

SUBJECT: Criminal Procedure - Petition for Writ of Actual Innocence - Notice of Filing and Hearing

THIRD READING CALENDAR HOUSE NO. **9** SENATE NO. **27**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the House Judiciary Committee Amendments (SB0135/422214/1) be rejected.

(2) That the attached Conference Committee Amendments (SB0135/353925/1) be adopted.

SB0135/353925/1

BY: Conference 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;”.

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”.

Senate Members:

House Members:

Chair, **Lisa A. Gladden**

Chair, **Curt Anderson**

Larry E. Haines

Ben Barnes

Jamie Raskin

Jill P. Carter

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

() Chief Clerk

(X) Secretary, Senate

Conference Committee Report read and adopted.Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 1401)

The Bill was then returned to the Senate.**MESSAGE TO THE HOUSE OF DELEGATES**

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0190**SPONSOR:** Del Malone**SUBJECT:** Motor Vehicles – Use of Video and Electronic Display Equipment

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 Stein, Chair
Delegate Norman
Delegate Glenn

The Senate appoints:
Senator Stone, Chairman
Senator Forehand
Senator Muse.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

AMENDED IN THE SENATE

House Bill 192 – Delegates Malone and Kach

AN ACT concerning

Motor Vehicles – Reading Text Message While Driving – Prohibition

Delegate McIntosh moved that the House not concur in the Senate amendments.

HB0192/808977/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 192

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “text” and substitute “certain”.

AMENDMENT NO. 2

On page 2, in line 8, after “text” insert “OR ELECTRONIC”.

The preceding 2 amendments were read and not concurred in.

HB0192/233321/1

BY: Senator Garagiola

AMENDMENTS TO HOUSE BILL 192

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “circumstances,” insert “altering the prohibition on using a text messaging device to make the prohibition apply only when a person is operating a vehicle in motion;”.

AMENDMENT NO. 2

On page 2, in line 9, strike “or in the travel portion of the roadway”.

The preceding 2 amendments were read and not concurred in.

HB0192/983626/1

BY: Senator Stone

AMENDMENTS TO HOUSE BILL 192

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “circumstances,” insert “altering the definition of a text messaging device;”.

AMENDMENT NO. 2

On page 2, in line 4, after “(3)” insert “**(I)**”; and after line 6, insert:

“(II) “TEXT MESSAGING DEVICE” DOES NOT INCLUDE A ONE-WAY NUMERIC PAGER.”.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0192

SPONSOR: Dels Malone and Kach

SUBJECT: Motor Vehicles – Reading Text Message While Driving – Prohibition

By the Majority Leader:

Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Malone, Chairman

Delegate Stein, and

Delegate Serafini.

Said Bill is returned herewith.

By Order,

Mary Monahan

Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 1160

SPONSOR: Del Busch, et al

SUBJECT: Safe Schools Act of 2010

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 Rice, Chair

Delegate Olszewski

Delegate Ivey

The Senate appoints:

Senator Conway, Chairman

Senator Pinsky

Senator Reilly.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 1222

SPONSOR: Del Ramirez, et al

SUBJECT: Correctional Services – Division of Parole and Probation – Supervision Fee

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:

Delegate Waldstreicher, Chair

Delegate Rosenberg

Delegate McConkey

The Senate appoints:

Senator Gladden, Chairman

Senator Raskin

Senator Mooney.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

THE COMMITTEE ON APPROPRIATIONS REPORT #18

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 551 – Senator Edwards

AN ACT concerning

**Education – Public School Construction – Procurement – Preference for
State and Local Business Entities**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

Senate Bill 726 – Cecil County Senators

AN ACT concerning

**Cecil County – Collective Bargaining – Representation of Deputy Sheriffs
~~– Arbitration – Referendum~~**

SB0726/814264/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 726

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after “for” insert “a”; in the same line, strike “means” and substitute “method”; in line 16, after “agreement,” insert “requiring the governing body of Cecil County to enact a certain local ordinance;”; and strike beginning with “providing” in line 20 down through the first “Act;” in line 21.

AMENDMENT NO. 2

On page 7, in lines 30 and 32, in each instance, strike “**FIRST**”.

On page 8, in line 28, strike “**FIRST**”.

On page 9, in line 10, strike “**FIRST**”.

On page 10, in line 9, strike “A.”; in the same line, strike “IF” and substitute “THE GOVERNING BODY OF CECIL COUNTY SHALL ENACT A LOCAL ORDINANCE THAT ALLOWS FOR NONBINDING ARBITRATION IF”; in line 12, strike “, ANY OF THE PARTIES MAY DEMAND AN ARBITRATOR”.

On pages 10 and 11, strike in their entirety the lines beginning with line 13 on page 10 through line 8 on page 11, inclusive.

On page 12, in lines 9 and 11, in each instance, strike “FIRST”; and strike in their entirety lines 23 through 35, inclusive.

On page 13, strike “(VII)” and substitute “(VI)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate G. Clagett moved to put **Senate Bill 726** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 136 Negative – 2 (See Roll Call No. 1402)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 726** was placed on Third Reading.

Senate Bill 726 – Cecil County Senators

AN ACT concerning

Cecil County – Collective Bargaining – Representation of Deputy Sheriffs
~~**– Arbitration – Referendum**~~

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 5 (See Roll Call No. 1403)

The Bill was then returned to the Senate.

THE COMMITTEE ON APPROPRIATIONS REPORT #17

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 836 – Allegany County Delegation

AN ACT concerning

**Education – Public School Construction – Procurement – Preference for
Local Business Entities**

HB0836/894763/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 836

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “for” insert “State and”; in lines 5 and 8, in each instance, after “gives” insert “a certain order of”; in lines 5, 9, and 11, in each instance, strike “local” and substitute “certain”; and in line 10, after “construction;” insert “providing for the construction of this Act.”.

AMENDMENT NO. 2

On page 2, in line 13, after “**PREFERENCE**” insert “**FIRST**”; in the same line, strike “**LOCAL**”; and in the same line, after “**ENTITIES**” insert “**LOCATED IN THE COUNTY AND THEN TO BUSINESS ENTITIES LOCATED IN OTHER COUNTIES IN THE STATE**”.

On page 4, in line 12, after “**PREFERENCE**” insert “**FIRST**”; in the same line, strike “**LOCAL**”; in the same line, after “**ENTITIES**” insert “**LOCATED IN THE COUNTY AND THEN TO BUSINESS ENTITIES LOCATED IN OTHER COUNTIES IN THE STATE**”; after line 14, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to impair an obligation of a local governing body under the State Minority Business Enterprise law.”;

and in line 15, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 1090 – Delegates G. Clagett, Barkley, Bohanan, Bronrott, DeBoy, Donoghue, Guzzone, Jones, Proctor, and Sophocleus

AN ACT concerning

Correctional Services – State Correctional Officers’ Bill of Rights

HB1090/524869/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1090
(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 12 down through “INMATES” in line 14 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 17, after “EVIDENCE” insert “, OR A CONTESTED CASE PROCEEDING BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS, ELECTED BY THE CORRECTIONAL OFFICER”; and in line 24, 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”.

On page 5, strike in their entirety lines 1 through 11; in lines 12 and 27, strike “(D)” and “(E)”, respectively, and substitute “(C)” and “(D)”, respectively; in line 12, strike “BEFORE” and substitute “AT LEAST 24 HOURS BEFORE”; in line 15, strike “INTERNAL INVESTIGATIVE UNIT MEMBER” and substitute “PERSON”; in line 23, after “INVESTIGATION;” insert “AND”; strike line 24 in its entirety; and in line 25, strike “(III)” and substitute “(II)”.

AMENDMENT NO. 4

On page 6, in lines 1, 5, 11, 12, and 20, strike “(F)”, “(G)”, “(5)”, “(H)”, and “(I)”, respectively, and substitute “(E)”, “(F)”, “(3)”, “(G)”, and “(H)”, respectively; in line 7, after “ROOM;” insert “OR”; strike lines 8 through 10, inclusive; in line 13, strike “INTERROGATING OFFICER” and substitute “PERSON”; strike beginning with the colon in line 15 down through “(II)” in line 18; and strike in their entirety lines 23 through 28, 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 7, inclusive; in line 20, after “RECORD” insert “OUTSIDE THE PRESENCE OF THE CORRECTIONAL OFFICER”; in line 22, strike “(L)” and substitute “(J)”; and after line 29, 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.”

On page 8, in line 6, after “THE” insert “APPOINTING AUTHORITY OR THE”; strike in their entirety lines 27 and 28; in line 30, before “THE” insert “(A)”; strike beginning with “IMPOSE” in line 30 down through “MORE” in line 31 and substitute “BRING CHARGES RECOMMENDING THE IMPOSITION OF DISCIPLINE MORE THAN 90 DAYS”; and after line 33, 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.”.

AMENDMENT NO. 6

On page 9, after line 1, 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.”;

strike in their entirety lines 2 through 8, inclusive; in lines 9 and 13, strike “(2)” and “(3)”, respectively, and substitute “(A)” and “(B)”, respectively; strike in their entirety lines 15 through 19, inclusive; and strike beginning with “MEMBERS,” in line 21 down through “MAINTAINED” in line 34 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, strike in their entirety lines 1 and 2, inclusive; in line 3, strike “(II)” and substitute “(VI)”; in line 6, after “BOARD” insert “FOR MEMBERS OF THE COLLECTIVE BARGAINING UNIT”; strike in their entirety lines 6 through 14, inclusive; and in line 15, strike “(4)” and substitute “(2)”.

On page 11, in lines 11 and 12, strike “INTERNAL INVESTIGATIVE UNIT” and substitute “DEPARTMENT”; in line 14, after “(3)” insert “(I)”; in line 15, after “BY” insert “LEGAL”; in the same line, after “COUNSEL” insert “THEY EACH MAY SELECT”; and after line 15, 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 15 through 20, 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 26, strike “10-909” and substitute “10-910”; and in line 28, strike “10-908” and substitute “10-909”.

AMENDMENT NO. 8

On page 13, in line 4, strike “CLEAR AND CONVINCING” and substitute “A PREPONDERANCE OF THE”; strike beginning with “FAULT” in line 4 down through “ACTIONS” in line 5 and substitute “THAT THE CORRECTIONAL OFFICER ENGAGED IN MISCONDUCT ON ANY OF THE CHARGES”; after line 5, insert:

“(5) THE HEARING BOARD SHALL MAKE A SEPARATE FINDING OF GUILTY OR NOT GUILTY AS TO EACH OFFENSE ALLEGED.”;

in lines 6, 13, and 17, strike “(5)”, “(6)”, and “(7)”, respectively, and substitute “(6)”, “(7)”, and “(9)”, respectively; in line 11, after “PERFORMANCE” insert “, THE RELATION OF THE CONTEMPLATED DISCIPLINARY ACTION TO ANY PRIOR DISCIPLINARY ACTION,”; in line 13, strike “DECIDE” and substitute “RECOMMEND”; in line 14, after “INCLUDING” insert “DISCIPLINARY SUSPENSION WITHOUT PAY,”; after line 16, 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 20, strike “OR” and substitute “AND”; and strike in their entirety lines 25 through 31, 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”; and in line 22, after “BOARD” insert “OR THE OFFICE OF ADMINISTRATIVE HEARINGS”.

On page 16, strike in their entirety lines 1 through 18, inclusive.

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 660 – Senator Klausmeier

AN ACT concerning

**State Personnel – Natural Resources Law Enforcement Officers –
Appointment to Major or Lieutenant Colonel**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 1000 – Senator Robey

AN ACT concerning

**State Employee and Retiree Health and Welfare Benefits Program –
Baltimore Metropolitan Council – Eligibility**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

CONFERENCE COMMITTEE REPORT

BILL NO.: HB 473 SPONSOR: The Speaker

SUBJECT: Criminal Procedure - Sexual Offenders - Lifetime Supervision

THIRD READING CALENDAR HOUSE NO. 24 SENATE NO. 31

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That Amendment Nos. 1, 2, and 3, of the attached Judicial Proceedings Committee Amendments (HB0473/848976/1) be adopted.

(2) That Amendment No. 4 of the attached Judicial Proceedings Committee Amendments (HB0473/848976/1) be rejected.

(3) That the attached Conference Committee Amendments (HB0473/593427/1) be adopted.

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.

HB0473/593427/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 473, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 10, after “crime” insert “or act”; and in lines 11, 13, and 14, in each instance, after “court” insert “or juvenile court”.

On page 1 of the Judicial Proceedings Committee Amendments (HB0473/848976/1), in Amendment No. 1, strike beginning with “requiring” in line 9 down through “petitions” in line 10.

AMENDMENT NO. 2

On page 8 of the bill, strike beginning with “FOR” in line 13 down through the first “OF” in line 14 and substitute “INVOLVING”; after line 14, insert:

“(5) A PERSON WHO IS REQUIRED TO REGISTER UNDER § 11-704(C) OF THIS SUBTITLE; AND”;

in line 21, strike “The” and substitute “(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE”; in line 23, strike “August 1, 2006” and substitute “OCTOBER 1, 2010”; in lines 24 and 25, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; after line 26, insert:

“(2) FOR A PERSON WHO IS REQUIRED TO REGISTER UNDER § 11-704(C) OF THIS SUBTITLE, THE TERM OF LIFETIME SEXUAL OFFENDER SUPERVISION IMPOSED FOR AN ACT COMMITTED ON OR AFTER OCTOBER 1, 2010, SHALL:

(I) COMMENCE WHEN THE PERSON’S OBLIGATION TO REGISTER COMMENCES; AND

(II) EXPIRE WHEN THE PERSON’S OBLIGATION TO REGISTER EXPIRES, UNLESS THE JUVENILE COURT:

1. FINDS AFTER A HEARING THAT THERE IS A COMPELLING REASON FOR THE SUPERVISION TO CONTINUE; AND

2. ORDERS THE SUPERVISION TO CONTINUE FOR A SPECIFIED PERIOD OF TIME.”;

in line 27, after “COURT” insert “, OR JUVENILE COURT IN THE CASE OF A PERSON WHO IS REQUIRED TO REGISTER UNDER § 11-704(C) OF THIS SUBTITLE,”; in line 29, after “SENTENCING” insert “, OR IMPOSITION OF THE REGISTRATION REQUIREMENT IN JUVENILE COURT,”; and in line 32, after “COURT” insert “OR JUVENILE COURT”.

On page 9 of the bill, in line 12, strike “CERTIFIED”; and in lines 24 and 25, in each instance, after “COURT” insert “OR JUVENILE COURT”.

On page 3 of the Judicial Proceedings Committee Amendments, in line 2 of Amendment No. 3, strike “AND”; and in line 3, strike “(5)” and substitute “(6)”.

AMENDMENT NO. 3

On page 11 of the bill, in line 14, strike “(G)” and substitute “(F)”.

On page 4 of the Judicial Proceedings Committee Amendments, in Amendment No. 3, strike beginning with “ON” in line 12 down through “CHARGE;” in line 19.

On page 5 of the Judicial Proceedings Committee Amendments, in Amendment No. 3, in line 1, strike “(2)”; in line 3, strike “THE” and substitute “A”; in line 4, strike “(3)” and substitute “(2)”; in lines 4 and 5, strike “AT THE HEARING”; and in line 6, strike “VIOLATED” and substitute “COMMITTED A VIOLATION OF”.

On page 11 of the bill, in line 27, after “CHARGE” insert “OF VIOLATION OF A CONDITION OF LIFETIME SEXUAL OFFENDER SUPERVISION”.

On page 12 of the bill, in line 26, strike “SELF OR”; and strike lines 32 and 33 in their entirety.

On page 14 of the bill, in line 4, after “COURT” insert “, OR JUVENILE COURT IN THE CASE OF A PERSON WHO IS REQUIRED TO REGISTER UNDER § 11-704(C) OF THIS SUBTITLE,”.

Senate Members:

House Members:

Chair, **James Brochin**

Chair, **Kathleen M. Dumais**

Larry E. Haines

Jeff Waldstreicher

Jamie Raskin

William J. Frank

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk
() Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 141 Negative – 0 (See Roll Call No. 1404)

The Bill was then sent to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 936** SPONSOR: **The Speaker**

SUBJECT: **Criminal Procedure - Sex Offenders - Notification and Registration**

THIRD READING CALENDAR HOUSE NO. **29** SENATE NO. **31**

Hon. Thomas V. Mike Miller, Jr., President of the Senate

Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Judicial Proceedings Committee Amendments (HB0936/418870/1) be rejected.

(2) That the Amendments by Senators Colburn and Stoltzfus (HB0936/153023/1) be rejected.

(3) That the attached Conference Committee Amendments (HB0936/643926/2) be adopted.

HB0936/643926/2

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 936

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Rudolph” and substitute “Rudolph, and Schuh”; 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 “, and Penalties”; in line 3, after the first “of” insert “increasing the maximum and mandatory minimum penalties for a person convicted of rape in the second degree of a child under the age of 13 years; increasing the maximum and mandatory minimum penalties for a person convicted of sexual offense in the second degree against a child under the age of 13 years;”; and strike beginning with “altering” in line 8 down through “judgment;” in line 9.

On page 2, in line 19, 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;”; in line 7, strike “, in consultation with the Department of State Police;”; in line 11, strike “offender registration” and substitute “offenders”; after line 11, insert:

“BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 3-304 and 3-306

Annotated Code of Maryland

(2002 Volume and 2009 Supplement)”;

in line 14, strike “11-702;”; in line 15, strike “and 11-721” and substitute “11-721, and 11-723”; and in line 21, after “Section” insert “11-702 and”.

AMENDMENT NO. 2

On page 3, after line 30, insert:

“Article – Criminal Law

3-304.

(a) A person may not engage in vaginal intercourse with another:

(1) by force, or the threat of force, without the consent of the other;

(2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or

(3) if the victim is under the age of 14 years, and the person performing the act is at least 4 years older than the victim.

(b) A person 18 years of age or older may not violate subsection (a)(1) or (2) of this section involving a child under the age of 13 years.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment not exceeding 20 years.

(2) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (b) of this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment for not less than [5] 15 years and not exceeding [20 years] LIFE.

(ii) A court may not suspend any part of the mandatory minimum sentence of [5] 15 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(iv) If the State fails to comply with subsection (d) of this section, the mandatory minimum shall not apply.

(d) If the State intends to seek a sentence of imprisonment for not less than [5] 15 years under subsection (c)(2) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.

3-306.

(a) A person may not engage in a sexual act with another:

(1) by force, or the threat of force, without the consent of the other;

(2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the sexual act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or

(3) if the victim is under the age of 14 years, and the person performing the sexual act is at least 4 years older than the victim.

(b) A person 18 years of age or older may not violate subsection (a)(1) or (2) of this section involving a child under the age of 13 years.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of the felony of sexual offense in the second degree and on conviction is subject to imprisonment not exceeding 20 years.

(2) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (b) of this section is guilty of the felony of sexual offense in the second degree and on conviction is subject to imprisonment for not less than [5] 15 years and not exceeding [20 years] LIFE.

(ii) A court may not suspend any part of the mandatory minimum sentence of [5] 15 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(iv) If the State fails to comply with subsection (d) of this section, the mandatory minimum shall not apply.

(d) If the State intends to seek a sentence of imprisonment for not less than [5] 15 years under subsection (c)(2) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial."

On page 25, in line 25, strike "CERTIFIED BY THE STATE".

On page 34, strike beginning with the third comma in line 26 down through the comma in line 27.

AMENDMENT NO. 3

On page 13, strike in their entirety lines 6 through 30, 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 line 31, strike “(E)” and substitute “(B)”; and in line 32, strike “OR (B)”.

AMENDMENT NO. 4

On page 5, in line 2, strike “OR” and substitute a comma; in the same line, after “SLEEPS” insert “, OR VISITS”; and 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, 18, 19, and 26, strike “(6)”, “(5)”, “(7)”, and “(6)”, respectively, and substitute “(5)”, “(4)”, “(6)”, and “(5)”, respectively.

On page 11, in line 4, strike “§ 3-308, § 3-314,” and substitute “§ 3-314”; in lines 14 and 22, in each instance, strike “(4)” and substitute “(3)”; in line 28, strike “OR”; 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 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 14, strike “, crime,”; and 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 in line 14, after “subtitle,” insert “**KNOWINGLY FAIL TO PROVIDE ANY INFORMATION REQUIRED TO BE INCLUDED IN A REGISTRATION STATEMENT DESCRIBED IN § 11-706 OF THIS SUBTITLE,**”.

Senate Members:

House Members:

Chair, **James Brochin**

Chair, **Kathleen M. Dumais**

Larry E. Haines

Jeff Waldstreicher

Jamie Raskin

William J. Frank

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk
() Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1405)

The Bill was then sent to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 122** SPONSOR: **Delegate Anderson**

SUBJECT: **Criminal Procedure - Board of Trustees of the Office of the Public Defender - Modification**

THIRD READING CALENDAR HOUSE NO. **3** SENATE NO. **30**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the attached Judicial Proceedings Committee Amendments (HB0122/958876/1) be adopted.

(2) That the attached Conference Committee Amendments (HB0122/423720/1) be adopted.

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”.

HB0122/423720/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 122, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments (HB0122/958876/1), in Amendment No. 1, strike beginning with “altering” in line 18 down through “meeting” in line 20; and in line 25, after “time” insert “and may be reappointed after the expiration of the Public Defender’s term”.

AMENDMENT NO. 2

On page 2 of the Judicial Proceedings Committee Amendments, in line 7 of Amendment No. 2, strike “**NINE**” and substitute “**11**”; in line 11, strike “**SIX**” and substitute “**ALL**”; and in lines 11 and 12, strike “**APPOINTED BY THE GOVERNOR**”.

On pages 2 and 3 of the Judicial Proceedings Committee Amendments, in Amendment No. 2, strike beginning with “**ONE**” in line 18 on page 2 down through “**(8)**” in line 3 on page 3.

On page 3 of the Judicial Proceedings Committee Amendments, in line 10 of Amendment No. 2, strike “**(9)**” and substitute “**(7)**”.

On page 4 of the Judicial Proceedings Committee Amendments, in line 12 of Amendment No. 2, strike “**FOUR**” and substitute “two”.

On page 5 of the Judicial Proceedings Committee Amendments, in line 3 of Amendment No. 2, after “Act” insert “and may be reappointed after the expiration of the Public Defender’s term”; and in line 5, strike “October” and substitute “June”.

Senate Members:

House Members:

Chair, **Brian E. Frosh**

Chair, **Ben Barnes**

Alexander X. Mooney

Todd Schuler

Jennie M. Forehand

Michael D. Smigiel, Sr.

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk

() Secretary, Senate

Conference Committee Report read and adopted.Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 135 Negative – 4 (See Roll Call No. 1406)

The Bill was then sent to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 854** SPONSOR: **The President****SUBJECT: Crimes - Sex Offenders - Notification, Registration, Commitment,
and Court Procedures****THIRD READING CALENDAR HOUSE NO. 17 SENATE NO. 60**

Hon. Thomas V. Mike Miller, Jr., President of the Senate

Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the House Judiciary Committee Amendments (SB0854/482417/1) be rejected.

(2) That the attached Conference Committee Amendments (SB0854/833421/2) be adopted.

SB0854/833421/2

BY: Conference Committee

AMENDMENTS TO SENATE BILL 854

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 3 in its entirety and substitute “and Penalties”; and strike beginning with “authorizing” in line 4 down through “admissible,” in line 16 and substitute “increasing the maximum and mandatory minimum penalties for a person convicted of rape in the second degree of a child under the age of 13 years; increasing the maximum and mandatory minimum penalties for a person convicted of sexual offense in the second degree against a child under the age of 13 years;”.

On page 2, in line 39, after “notify” insert “a”; and in the same line, strike “units” and substitute “unit”.

On pages 3 and 4, strike beginning with “creating” in line 27 on page 3 down through “Act,” in line 20 on page 4.

On page 4, in line 20, before “providing” insert “requiring the Department to adopt certain regulations on or before a certain date;”; in line 23, strike “making certain provisions of this Act subject to a certain contingency;”; strike beginning with “offender” in line 24 down through “procedures” in line 25 and substitute “offenders”; in line 26, strike “without” and substitute “with”; in line 28, strike “1-101(g)” and substitute “3-304 and 3-306”; and strike in their entirety lines 31 through 35, inclusive.

On page 5, strike in their entirety lines 10 through 20, inclusive.

AMENDMENT NO. 2

On page 5, after line 23, insert:

“3-304.

(a) A person may not engage in vaginal intercourse with another:

(1) by force, or the threat of force, without the consent of the other;

(2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or

(3) if the victim is under the age of 14 years, and the person performing the act is at least 4 years older than the victim.

(b) A person 18 years of age or older may not violate subsection (a)(1) or (2) of this section involving a child under the age of 13 years.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment not exceeding 20 years.

(2) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (b) of this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment for not less than [5] 15 years and not exceeding [20 years] LIFE.

(ii) A court may not suspend any part of the mandatory minimum sentence of [5] 15 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(iv) If the State fails to comply with subsection (d) of this section, the mandatory minimum shall not apply.

(d) If the State intends to seek a sentence of imprisonment for not less than [5] 15 years under subsection (c)(2) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.

3-306.

(a) A person may not engage in a sexual act with another:

(1) by force, or the threat of force, without the consent of the other;

(2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the sexual act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or

(3) if the victim is under the age of 14 years, and the person performing the sexual act is at least 4 years older than the victim.

(b) A person 18 years of age or older may not violate subsection (a)(1) or (2) of this section involving a child under the age of 13 years.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of the felony of sexual offense in the second degree and on conviction is subject to imprisonment not exceeding 20 years.

(2) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (b) of this section is guilty of the felony of sexual offense in the second degree and on conviction is subject to imprisonment for not less than [5] 15 years and not exceeding [20 years] LIFE.

(ii) A court may not suspend any part of the mandatory minimum sentence of [5] 15 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(iv) If the State fails to comply with subsection (d) of this section, the mandatory minimum shall not apply.

(d) If the State intends to seek a sentence of imprisonment for not less than [5] 15 years under subsection (c)(2) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial."

AMENDMENT NO. 3

On pages 5 through 7, strike in their entirety the lines beginning with line 24 on page 5 through line 14 on page 7, inclusive.

AMENDMENT NO. 4

On page 8, in line 25, strike “OR SLEEPS” and substitute “, SLEEPS, OR VISITS”.

On page 14, 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 and 29, strike “(4)” and “(5)”, respectively, and substitute “(5)” and “(6)”, respectively.

On page 15, in line 5, strike “§ 2-201(4)(VIII),” and substitute “§ 2-201(A)(4)(VIII),”; in line 21, after “(4)” insert “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;”

(5)”;

and in line 30, strike “(5)” and substitute “(6)”.

AMENDMENT NO. 5

On pages 16 and 17, strike in their entirety the lines beginning with line 16 on page 16 through line 7 on page 17, 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.

On page 17, in line 8, strike “(E)” and substitute “(B)”; and in line 9, strike “OR (B)”.

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 lines 4, 7, and 13, strike “(2)”, “(3)”, and “(4)”, respectively, and substitute “(3)”, “(4)”, and “(5)”, respectively; and in line 5, strike “7” and substitute “3”.

On page 23, in line 4, strike “A” and substitute “THE”.

On page 24, in line 27, strike “7” and substitute “5”; and in line 28, strike “A”.

On page 25, 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”.

On page 26, in line 11, strike “OR”; in line 14, strike “ANY” and substitute “ALL”; in line 19, strike “OR” and substitute a comma; in the same line, after “NUMBER” insert a comma; 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 the second “NUMBERS” in line 27.

On page 27, 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 and 19, 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)**”; in line 25, strike “OR”; and in lines 26 and 30, in each instance, strike the bracket.

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; in line 10, strike “**CERTIFIED BY THE STATE**”; and strike in their entirety lines 11 through 22, inclusive.

On page 31, in line 25, strike “A”.

On page 33, in line 10, strike “**A**” and substitute “**THE**”; and in line 17, strike “**HOME OR CELL**” and substitute “**LANDLINE OR CELLULAR**”.

On page 34, in line 2, strike “**HOME OR CELL**” and substitute “**LANDLINE OR CELLULAR**”; and in line 11, strike “**A**”.

On page 35, in line 33, after “registrants” insert “**AND A LISTING OF JUVENILE SEX OFFENDERS**”.

On page 37, strike beginning with “OR” in line 13 down through “ARTICLE” in line 14; in line 16, strike the first “the” and substitute “**A**”; and in line 18, strike “a” and substitute “**THE**”.

AMENDMENT NO. 6

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 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 the second comma in line 12 down through “**Act.**” in line 13.

Senate Members:

House Members:

Chair, **James Brochin**

Chair, **Kathleen M. Dumais**

Larry E. Haines

Jeff Waldstreicher

Jamie Raskin

William J. Frank

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

() Chief Clerk

(X) Secretary, Senate

Conference Committee Report read and adopted.
Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 141 Negative – 0 (See Roll Call No. 1407)

The Bill was then returned to the Senate.

CONCURRENCE CALENDAR #7

AMENDED IN THE SENATE

House Bill 289 – Delegates Smigiel, Aumann, Bates, Beitzel, Boteler, Carter, Conaway, Costa, Dwyer, Eckardt, Elmore, Frank, George, Haddaway, Jennings, Kach, Kelly, Kramer, Krebs, McComas, Miller, Norman, Schuh, Serafini, Shank, Shewell, Sophocleus, Sossi, Stocksdales, Stull, ~~and Walkup~~ Walkup, McDonough, Ali, Anderson, Barnes, Bartlett, Beidle, Bohanan, Burns, Cane, G. Clagett, Conway, Donoghue, Elliott, Feldman, Frush, Harrison, Healey, Impallaria, Ivey, Jameson, Jenkins, Kaiser, King, Kipke, Krysiak, Kullen, Levi, Levy, Love, Malone, Manno, McConkey, Montgomery, Murphy, Myers, Nathan-Pulliam, Niemann, O'Donnell, Oaks, Pena-Melnyk, Ramirez, Reznik, Robinson, Rudolph, Stein, Stifler, Stukes, Tarrant, Taylor, Vaughn, Waldstreicher, and Wood

AN ACT concerning

**Correctional Services – Child Sexual Offenders – Diminution Credits ~~and~~
Parole**

Delegate Vallario moved that the House concur in the Senate amendments.

HB0289/438479/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 289
(Third Reading File Bill)

On page 2, in line 19, after “**FOR**” insert “A”.

On page 3, in line 1, after “**FOR**” insert “A”.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1408)

AMENDED IN THE SENATE

House Bill 327 – Delegates Carter, Conaway, McConkey, and Vallario

AN ACT concerning

**Estates – Disqualification – Conviction for Unlawfully Obtaining Property of
Vulnerable Adult or Elderly Individual**

Delegate Vallario moved that the House concur in the Senate amendments.

HB0327/298579/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 327
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “person:” insert “prohibiting certain persons from being held personally liable under certain circumstances:”.

AMENDMENT NO. 2

On page 4, after line 14, insert:

“(D) A FIDUCIARY OR OTHER PERSON WHO DISTRIBUTES PROPERTY IN GOOD FAITH AND WITHOUT ACTUAL KNOWLEDGE OF A CONVICTION UNDER § 8-801 OF THE CRIMINAL LAW ARTICLE IS NOT PERSONALLY LIABLE FOR THE DISTRIBUTION.”.

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 – 139 Negative – 1 (See Roll Call No. 1409)

AMENDED IN THE SENATE

House Bill 456 – Delegates Ramirez, Barnes, Anderson, Carr, Dumais, Levi, Niemann, Schuler, Simmons, Vaughn, and Waldstreicher

AN ACT concerning

**~~Mortgage Foreclosure Bankruptcy Exemption~~
Homestead Exemption – Bankruptcy**

Delegate Vallario moved that the House concur in the Senate amendments.

HB0456/438472/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 456

(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 15, strike “**\$20,200**” and substitute “**THE AMOUNT UNDER 11 U.S.C. § 522(D)(1), ADJUSTED IN ACCORDANCE WITH 11 U.S.C. § 104**”.

AMENDMENT NO. 2

On page 3, in lines 21 and 26, in each instance, strike “**THE PRIOR**”; and in the same lines, in each instance, after “**YEARS**” insert “**PRIOR TO THE FILING OF THE**

BANKRUPTCY PROCEEDING IN WHICH THE EXEMPTION UNDER THIS SUBSECTION IS CLAIMED".

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 – 140 Negative – 1 (See Roll Call No. 1410)

AMENDED IN THE SENATE

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**

Delegate Vallario moved that the House concur in the Senate amendments.

HB0665/568372/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 665

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 15 and 20, in each instance, strike "the court in".

On page 2, in line 4, strike "county" and substitute "court".

AMENDMENT NO. 2

On page 9, in line 25, strike "**COURT**" and substitute "**COUNTY**".

AMENDMENT NO. 3

On page 10, in lines 4 and 6, in each instance, strike "**COUNTY**" and substitute "**COURT**"; in line 14, strike "**COURT**" and substitute "**COUNTY**"; and in lines 30 and 32, in each instance, strike "**COUNTY**" and substitute "**COURT**".

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1411)

AMENDED IN THE SENATE

House Bill 778 – Delegates Lee, Barkley, Boteler, Bronrott, DeBoy, Dumais, Eckardt, Frick, Glenn, Gutierrez, Healey, Hecht, Howard, Impallaria, Kipke, Kramer, Kullen, Manno, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Pendergrass, Reznik, Rice, Robinson, Shewell, F. Turner, V. Turner, Valderrama, and Waldstreicher

AN ACT concerning

**Crimes – Unauthorized Computer Access for Sabotage of State Government
or Public Utilities**

Delegate Vallario moved that the House concur in the Senate amendments.

HB0778/318279/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 778

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Government” insert a comma; in line 3, strike “or”; in the same line, after “Utilities” insert “, or Other Energy Infrastructure”; in line 11, strike the second “or” and substitute a comma; and in line 12, after “services” insert “, or other energy infrastructure”.

AMENDMENT NO. 2

On page 5, in line 3, strike “**15**” and substitute “**10**”; and in the same line, strike “**\$50,000**” and substitute “**\$25,000**”.

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 – 138 Negative – 3 (See Roll Call No. 1412)

AMENDED IN THE SENATE

House Bill 1336 – Washington County Delegation

AN ACT concerning

**Washington County – Domestic Violence – GPS Tracking System Pilot
Program for Offenders**

Delegate Vallario moved that the House concur in the Senate amendments.

HB1336/808473/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1336
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 9, in each instance, strike “the court in”; and in line 17, strike “county” and substitute “court”.

AMENDMENT NO. 2

On page 3, in line 15, strike “**COURT**” and substitute “**COUNTY**”; and in lines 25 and 27, in each instance, strike “**COUNTY**” and substitute “**COURT**”.

AMENDMENT NO. 3

On page 4, in line 2, strike “**COURT**” and substitute “**COUNTY**”; and in lines 15 and 17, in each instance, strike “**COUNTY**” and substitute “**COURT**”.

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 141 Negative – 0 (See Roll Call No. 1413)

QUORUM CALL

The presiding officer announced a quorum call, showing 141 Members present.

(See Roll Call No. 1414)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #74

House Bill 51 – Delegate G. Clagett and Delegate Montgomery

AN ACT concerning

Real Property – Installation and Use of Clotheslines on Residential Property

Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 6 (See Roll Call No. 1415)

The Bill was then sent to the Senate.

**House Bill 817 – Delegates Frick, Barve, Branch, Cardin, Hixson, Miller,
Minnick, Myers, Rice, Ross, Shank, and Stukes**

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 – 139 Negative – 1 (See Roll Call No. 1416)

The Bill was then sent to the Senate.

**House Bill 1193 – Delegates Carr, Barkley, Bobo, Bronrott, Cardin, Frick,
Frush, Hecht, Heller, Hucker, Kaiser, Kramer, Lee, Manno, Mizeur,
Montgomery, Ross, Taylor, and Waldstreicher**

AN ACT concerning

Vehicle Laws – Bicycles and Motor Scooters – Rules of the Road

Read the third time and passed by yeas and nays as follows:

Affirmative – 127 Negative – 10 (See Roll Call No. 1417)

The Bill was then sent to the Senate.

**House Bill 1270 – Delegates Sophocleus, Bronrott, Kipke, Krebs, McComas,
McDonough, and Stocksdales**

AN ACT concerning

**Operating a Vessel While Under the Influence of or Impaired by Alcohol or
Drugs – ~~Compulsory~~ Testing**

Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 6 (See Roll Call No. 1418)

The Bill was then sent to the Senate.

**House Bill 1334 – Delegates Rice, Stein, Barkley, Bartlett, Dumais, Feldman,
Frick, Gutierrez, Hucker, Montgomery, Myers, Ross, Tarrant, Taylor,
and Walker**

AN ACT concerning

~~**Nonpublic Schools – Bullying Policies – Compliance**~~
Nonpublic Schools – Bullying, Harassment, and Intimidation – Policies

Read the third time and passed by yeas and nays as follows:

Affirmative – 111 Negative – 27 (See Roll Call No. 1419)

The Bill was then sent to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 1160** SPONSOR: **Delegate Busch**

SUBJECT: **Safe Schools Act of 2010**

THIRD READING CALENDAR HOUSE NO. **22** SENATE NO. **R/S**

Hon. Thomas V. Mike Miller, Jr., President of the Senate

Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That Amendment Nos. 4, 5, and 6 of the attached Education, Health, and Environmental Affairs Committee Amendments (HB1160/964931/1) be adopted.

(2) That Amendment Nos. 1, 2, and 3 of the attached Education, Health, and Environmental Affairs Committee Amendments (HB1160/964931/1) be rejected.

(3) That the attached Amendments by Senator Pinsky (HB1160/193420/1) be adopted.

(4) That the attached Conference Committee Amendments (HB1160/383029/1) be adopted.

HB1160/964931/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1160

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “circumstances” in line 5 and substitute “clarifying the authority of the juvenile court to notify certain school officials of certain facts under certain circumstances”; in line 6, strike “requiring” and substitute “authorizing”; in lines 7 and 10, in each instance, strike “delinquent”; in lines 7 and 10, in each instance, strike the commas; in line 12, strike “local” and substitute “county”; strike beginning with “adding” in line 14 down through “circumstances;” in line 16; in line 16, strike “a certain” and substitute “certain”; in the same line, strike “agency” and substitute “agencies”; in lines 16 and 17, strike “a school security officer” and substitute “certain school officials”; in lines 17 and 19, in each instance, after “arrest” insert “or charge”; and in line 22, after “offense” insert “involving rape or a sexual offense”.

On page 2, in lines 6, 8, and 13, in each instance, strike “and gang-like activity” and substitute “, gang activity, and similar destructive or illegal group behavior”; in lines 7 and 8, strike “county board of education” and substitute “local school system”; in lines 8, 9, 10, and 11, in each instance, after “policy” insert “or regulations”; in lines

9, 10, 11, and 12, in each instance, strike “county board” and substitute “local school system”; in line 14, strike “gang or gang-like activity” and substitute “gang activity or similar destructive or illegal group behavior”; and in line 23, after “date;” insert “requiring the Administrative Office of the Courts, the Department of Human Resources, the Department of Juvenile Services, and the State Department of Education to report to the Governor, the General Assembly, and certain legislative committees on or before a certain date regarding a certain process, certain notification, and certain recommendations;”.

AMENDMENT NO. 2

On page 3, in line 7, strike the brackets; in the same line, strike “**SHALL**”; in line 13, strike “**SHALL**” and substitute “**MAY**”; in line 17, strike “**REQUIRED**” and substitute “**AUTHORIZED**”; and in lines 28 and 30, in each instance, strike “**LOCAL**” and substitute “**COUNTY**”.

On page 4, in line 1, after “**BOARD**” insert “**OF EDUCATION**”; in line 5, strike “**DELINQUENT OR**”; in line 7, strike the brackets; in the same line, strike “**SHALL**”; in line 9, strike “**DELINQUENT OR**”; in line 14, strike “**SHALL**” and substitute “**MAY**”; in line 18, strike “**REQUIRED**” and substitute “**AUTHORIZED**”; in line 20, strike “**DELINQUENCY OR**”; in line 26, strike “**SUBSECTION**” and substitute “**PARAGRAPH**”; and in lines 29 and 31, in each instance, strike “**LOCAL**” and substitute “**COUNTY**”.

AMENDMENT NO. 3

On page 5, in line 1, after “**BOARD**” insert “**OF EDUCATION**”.

On page 6, in line 29, strike the brackets.

On page 7, strike beginning with the semicolon in line 2 down through “**ARTICLE**” in line 10; in line 27, after “(b)”, insert “**(1)**”; and in lines 30 and 33, strike “**(1)**” and “**(I)**”, respectively, and substitute “**(I)**” and “**1.**”, respectively.

On page 8, in lines 1, 3, and 5, strike “**(II)**”, “**(III)**”, and “**(2)**”, respectively, and substitute “**2.**”, “**3.**”, “**(II)**”, respectively; and after line 6, insert:

“(2) IF A STUDENT IS ARRESTED AND CHARGED WITH A VIOLATION OF § 3-203, § 6-301, § 7-105, § 9-302, § 9-303, OR § 9-305 OF THE CRIMINAL LAW ARTICLE, THE LAW ENFORCEMENT AGENCY RESPONSIBLE FOR THE CHARGE:

(I) SHALL NOTIFY THE FOLLOWING INDIVIDUALS OF THE CHARGE WITHIN 24 HOURS OF THE CHARGE OR AS SOON AS PRACTICABLE:

1. THE LOCAL SUPERINTENDENT;
2. THE SCHOOL PRINCIPAL; AND
3. FOR A SCHOOL THAT HAS A SCHOOL SECURITY OFFICER, THE SCHOOL SECURITY OFFICER; AND

(II) MAY NOTIFY THE STATE'S ATTORNEY OF THE CHARGE."

AMENDMENT NO. 4

On page 9, in line 5, after "GRADUATES" insert "OR OTHERWISE PERMANENTLY LEAVES SCHOOL"; and in line 10, after "OFFENSE" insert "INVOLVING RAPE OR A SEXUAL OFFENSE".

AMENDMENT NO. 5

On page 10, in lines 5 and 27, in each instance, after "GANGS" insert ", GANG ACTIVITY,"; in lines 5 and 27, in each instance, strike "GANG-LIKE ACTIVITY" and substitute "SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR"; in lines 13, 16 and 17, and 19, in each instance, strike "GANG OR GANG-LIKE ACTIVITY" and substitute "GANG ACTIVITY OR SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR"; in lines 26 and 31, in each instance, strike "COUNTY BOARD" and substitute "LOCAL SCHOOL SYSTEM"; and in lines 26, 29, and 31, in each instance, after "POLICY" insert "OR REGULATIONS".

On page 11, in lines 11, 13, 15, and 16, in each instance, strike "COUNTY BOARD" and substitute "LOCAL SCHOOL SYSTEM"; in lines 11, 13, and 22, in each instance, after "POLICY" insert "OR REGULATIONS"; in line 17, after "GANGS" insert ", GANG ACTIVITY,"; in line 24, strike "GANG OR GANG-LIKE ACTIVITY" and substitute "GANG ACTIVITY OR SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR"; and in lines 17 and 18, strike "GANG-LIKE ACTIVITY" and substitute "SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR".

On page 12, in line 28, after “POLICIES” insert “AND REGULATIONS”; in the same line, after “GANGS” insert “, GANG ACTIVITY,”; and in line 29, strike “GANG-LIKE ACTIVITY” and substitute “SIMILAR DESTRUCTIVE OR ILLEGAL GROUP BEHAVIOR”.

AMENDMENT NO. 6

On page 13, after line 7, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 31, 2010, the Administrative Office of the Courts, the Department of Human Resources, the Department of Juvenile Services, and the State Department of Education, shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly, the Senate Education, Health, and Environmental Affairs Committee, the Senate Judicial Proceedings Committee, the House Judiciary Committee, and the House Committee on Ways and Means regarding:

(1) the process for notifying school officials under § 3-819 and § 3-8A-19 of the Courts and Judicial Proceedings Article;

(2) how often school officials are actually notified under these statutes;
and

(3) recommendations, if any, to improve this process and better serve these students.”;

and in line 8, strike “3.” and substitute “4.”.

HB1160/193420/1

BY: Senator Pinsky

AMENDMENTS TO HOUSE BILL 1160

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, after line 32, insert:

“BY repealing and reenacting, without amendments,
Article - Education
Section 7-302

Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement);

and in line 35, strike “7-302 and”.

AMENDMENT NO. 2

On page 5, in lines 20, 22, 23, 24, 26, and 27, in each instance, strike the bracket; strike beginning with “**FOR**” in line 20 down through “**SHALL**” in line 21; and strike beginning with “**FOR**” in line 24 down through “**SHALL**” in line 25.

HB1160/383029/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 1160
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “requiring” and substitute “clarifying the authority of”; in the same line, strike “a”; in the same line, strike “official” and substitute “officials”; in line 6, strike “requiring” and substitute “authorizing”; strike beginning with “requiring” in line 8 down through “circumstances” in line 14; and in line 22, after “offense” insert “involving rape or a sexual offense”.

On page 2, in lines 6, 8, and 13, in each instance, strike “and gang-like activity” and substitute “, gang activity, and similar destructive or illegal group behavior”; in lines 7 and 8, strike “county board of education” and substitute “local school system”; in lines 8, 9, 10, and 11, in each instance, after “policy” insert “or regulations”; in lines 9, 10, 11, and 12, in each instance, strike “county board” and substitute “local school system”; in line 14, strike “gang or gang-like activity” and substitute “gang activity or similar destructive or illegal group behavior”; and in line 23, after “date,” insert “requiring the Administrative Office of the Courts, the Department of Human Resources, the Department of Juvenile Services, and the State Department of Education to report to the Governor, the General Assembly, and certain legislative committees on or before a certain date regarding a certain process, certain notification, and certain recommendations”.

AMENDMENT NO. 2

On page 3, in line 7, in each instance, strike the bracket; in the same line, strike “**SHALL**”; in line 13, strike “**SHALL**” and substitute “**MAY**”; and in line 17, strike “**REQUIRED**” and substitute “**AUTHORIZED**”.

On pages 3 and 4, strike in their entirety the lines beginning with line 20 on page 3 through line 2 on page 4, inclusive.

On page 4, in line 7, in each instance, strike the bracket; in the same line, strike “**SHALL**”; in line 14, strike “**SHALL**” and substitute “**MAY**”; and in line 18, strike “**REQUIRED**” and substitute “**AUTHORIZED**”.

On pages 4 and 5, strike in their entirety the lines beginning with line 21 on page 4 through line 2 on page 5, inclusive.

Senate Members:

House Members:

Chair, **Joan Carter Conway**

Chair, **Craig L. Rice**

Paul G. Pinsky

John A. Olszewski, Jr.

Edward R. Reilly

Jolene Ivey

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk

() Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 1420)

The Bill was then sent to the Senate.

CONCURRENCE CALENDAR #8

AMENDED IN THE SENATE

House Bill 301 – Delegates O’Donnell, Bohanan, Kullen, Proctor, Vallario, and Wood

AN ACT concerning

Calvert County and St. Mary’s County – Deer Hunting on Private Property – Sundays

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0301/564436/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 301

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after the first “County” insert “, Charles County.”; in line 4, after “County” insert “and Charles County”; in line 5, after “arrow,” insert “authorizing a person in Calvert County, Charles County, and St. Mary’s County to hunt deer on private property with a crossbow.”; in line 6, after the first “County” insert “, Charles County.”; and in line 8, after “County” insert “, Charles County.”.

AMENDMENT NO. 2

On page 2, in line 22, after “**CALVERT**,” insert “**CHARLES**.”; in line 23, after “arrow” insert “**OR CROSSBOW**”; and in line 27, after the first “**COUNTY**” insert “, **CHARLES 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 – 124 Negative – 14 (See Roll Call No. 1421)

AMENDED IN THE SENATE

House Bill 975 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Maryland Transportation Authority – Highways

Delegate McIntosh moved that the House concur in the Senate amendments.

HB0975/868273/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 975

(Third Reading File Bill)

On page 3, strike beginning with the second “a” in line 2 down through “crossing” in line 3 and substitute “**AN AUTHORITY HIGHWAY**”.

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 – 138 Negative – 2 (See Roll Call No. 1422)

AMENDED IN THE SENATE**House Bill 1109 – Caroline County Delegation**

AN ACT concerning

Caroline County – Bay Restoration Fee – Lien Against Property

Delegate McIntosh moved that the House concur in the Senate amendments.

HB1109/154132/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1109

(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 14, strike “**ON WHICH THE**” and substitute “**SERVED BY A**”; and in line 15, 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 – 131 Negative – 7 (See Roll Call No. 1423)

AMENDED IN THE SENATE

House Bill 1352 – Delegates Stein, Ali, Bobo, Carr, V. Clagett, Frush, Glenn, Healey, Hucker, Lafferty, and Morhaim

AN ACT concerning

Forest Conservation Fund – Contribution Rates – Priority Funding Areas

Delegate McIntosh moved that the House concur in the Senate amendments.

HB1352/394332/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1352

(Third Reading File Bill)

On page 2, in lines 33 and 34, strike “**(I) OF THIS PARAGRAPH**” and substitute “**1 OF THIS SUBPARAGRAPH**”.

On page 3, strike beginning with “**IF**” in line 1 down through “**PARAGRAPH**” in line 5 and substitute “**SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF A LOCAL JURISDICTION ESTABLISHES RATES FOR PROJECTS THAT ARE HIGHER THAN THE MINIMUM RATES ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION, THE LOCAL AUTHORITY MAY USE A RATE FOR A PROJECT:**

1. INSIDE A PRIORITY FUNDING AREA THAT IS 20% LOWER THAN THE RATE CALCULATED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH; OR

2. OUTSIDE A PRIORITY FUNDING AREA THAT IS 20% HIGHER THAN THE RATE CALCULATED UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH.

(III) THE RATE ESTABLISHED UNDER SUBPARAGRAPH (II)1 OF THIS PARAGRAPH FOR A PROJECT INSIDE A PRIORITY FUNDING AREA MAY NOT BE LOWER THAN THE RATE ESTABLISHED FOR THE STATE FOREST CONSERVATION FUND UNDER SUBSECTION (C) OF THIS SECTION".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 108 Negative – 31 (See Roll Call No. 1424)

AMENDED IN THE SENATE

House Bill 323 – Delegates Morhaim and Hammen

AN ACT concerning

Health Occupations – Licensure of Physician Assistants

Delegate Hammen moved that the House concur in the Senate amendments.

HB0323/364130/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 323

(Third Reading File Bill)

On page 1, in line 15, after "Health" insert "and Mental Hygiene".

On page 3, in line 22, after "15-305," insert "15-314,".

On page 5, in line 15, strike "**3B**" and substitute "**3A**".

On page 25, in line 27, strike the bracket.

On page 36, in line 25, strike "TITLE" and substitute "ARTICLE".

On page 39, in line 20, strike "SUBTITLE" and substitute "ARTICLE".

On page 42, in line 16, strike the first "PHYSICIAN" and substitute "PHYSICIANS".

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 – 139 Negative – 1 (See Roll Call No. 1425)

AMENDED IN THE SENATE

House Bill 435 – Delegates ~~Kach and Jones~~, Jones, Benson, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Health Insurance – Reimbursement of ~~Physicians – Services Outside of Office Hours, by Telephone, or Online~~ Primary Care Providers – Bonus Payments

Delegate Hammen moved that the House concur in the Senate amendments.

HB0435/417371/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 435

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "organizations;" insert "providing for a certain exception"; and in lines 11 and 12, strike "a certain term" and substitute "certain terms".

AMENDMENT NO. 2

On page 2, in line 12, after “(A)” insert “(1)”; strike beginning with the comma in line 12 down through “(1)” in line 13 and substitute “THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.”

(2) “CARRIER” MEANS:

(I);

in lines 14, 15, and 16, strike “(2)”, “(3)”, and “(4)”, respectively, and substitute “(II)”, “(III)”, and “(IV)”, respectively; after line 18, insert:

“(3) “GROUP MODEL HEALTH MAINTENANCE ORGANIZATION” HAS THE MEANING STATED IN § 19-713.6(A) OF THE HEALTH – GENERAL ARTICLE.”;

in line 23, strike “EACH” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, EACH”.

On page 3, in line 11, strike the first “THE” and substitute “THIS”; and after line 12, insert:

“(D) A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION IS NOT REQUIRED TO MAKE ANY BONUS PAYMENTS DESCRIBED IN SUBSECTION (C) OF THIS SECTION TO PHYSICIANS THAT ARE EMPLOYED BY THE PHYSICIAN GROUP UNDER CONTRACT WITH THE GROUP MODEL HEALTH MAINTENANCE ORGANIZATION.”.

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 – 139 Negative – 1 (See Roll Call No. 1426)

AMENDED IN THE SENATE

House Bill 624 – Delegates Nathan–Pulliam, Eckardt, Costa, Donoghue, Elmore, Hubbard, Kullen, ~~and Montgomery~~ Montgomery, and V. Turner

AN ACT concerning

**Registered Nurses, Licensed Practical Nurses, Nursing Assistants, and
Medication Technicians – Changes to Licensure Requirements**

Delegate Hammen moved that the House concur in the Senate amendments.

HB0624/144738/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 624
(Third Reading File Bill)

On page 6, in line 2, strike “**2013**” and substitute “**2012**”; and strike in their entirety lines 5 through 7, inclusive, and substitute:

**“(2) ON OR AFTER JANUARY 1, 2013, A LICENSE EXPIRES ON THE
DATE SET BY THE BOARD AND MAY NOT BE RENEWED FOR A TERM LONGER
THAN 2 YEARS.”.**

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 – 139 Negative – 1 (See Roll Call No. 1427)

AMENDED IN THE SENATE

**House Bill 1042 – ~~Delegate Lafferty~~ Delegates Lafferty, Hammen,
Pendergrass, Benson, Costa, Donoghue, Elliott, Hubbard, Jenkins,
Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim,
Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, and
V. Turner**

EMERGENCY BILL

AN ACT concerning

**State Government – Disclosure of Personal Information on Websites
– Prohibition**

Delegate Hammen moved that the House concur in the Senate amendments.

HB1042/383121/1

BY: Senator Haines

AMENDMENTS TO HOUSE BILL 1042

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, strike "submitting for recording" and substitute "including certain personal information in"; in line 17, strike "that contain certain personal information"; and in the same line, after the semicolon, insert "authorizing certain persons to delete certain information or request that certain information be masked from certain deeds and other recordable instruments; specifying that certain persons are immune from civil liability or criminal penalty for certain acts under certain circumstances,".

AMENDMENT NO. 2

On page 7, strike beginning with "SUBMIT" in line 9 down through "RECORDING" in line 10 and substitute "INCLUDE PERSONAL INFORMATION IN"; strike beginning with "THAT" in line 10 down through "INFORMATION" in line 11 and substitute "INTENDED FOR RECORDING"; after line 11, insert:

"(C) A PERSON ENGAGED TO PERFORM OR CHARGED WITH THE DUTY TO RECORD A DEED OR OTHER RECORDABLE INSTRUMENT THAT CONTAINS PERSONAL INFORMATION MAY, PRIOR TO RECORDING:

(1) PERMANENTLY DELETE THE PERSONAL INFORMATION FROM THE DEED OR OTHER RECORDABLE INSTRUMENT; OR

(2) REQUEST THAT THE PERSONAL INFORMATION BE MASKED FROM THE DEED OR OTHER RECORDABLE INSTRUMENT IN ACCORDANCE WITH § 8-504 OF THE STATE GOVERNMENT ARTICLE.

(D) A PERSON IS IMMUNE FROM CIVIL LIABILITY OR CRIMINAL PENALTY IF THE PERSON:

(1) INADVERTENTLY RECORDS A DEED OR OTHER RECORDABLE INSTRUMENT CONTAINING PERSONAL INFORMATION; OR

(2) DELETES OR MASKS PERSONAL INFORMATION FROM A DEED OR OTHER RECORDABLE INSTRUMENT IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.;

and in line 12, strike “**(C)**” and substitute “**(E)**”.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1428)

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 1429)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #52

Senate Bill 120 – Senators Gladden and Conway

AN ACT concerning

Baltimore City – Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 2 (See Roll Call No. 1430)

The Bill was then returned to the Senate.

Senate Bill 858 – Senators Conway, Astle, Brinkley, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett,

**McFadden, Middleton, Miller, Munson, Peters, Pinsky, Pipkin, Pugh,
Raskin, ~~Reilly~~, Robey, Rosapepe, Simonaire, Stone, and Zirkin**

AN ACT concerning

Maryland Winery Modernization Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 1431)

The Bill was then returned to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: HB 1263 SPONSOR: The Speaker

SUBJECT: Education Reform Act of 2010

THIRD READING CALENDAR HOUSE NO. 31 SENATE NO. 10

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Education, Health, and Environmental Affairs Committee Amendments (HB1263/924137/1) be rejected.

(2) That the attached Conference Committee Amendments (HB1263/753224/1) be adopted.

HB1263/753224/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 1263
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; 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 the State Board to adopt certain regulations that establish general standards for certain performance evaluations, including certain model performance evaluation criteria; requiring the State Board to solicit certain information and recommendations from local school systems before proposing certain regulations and convene a certain meeting; 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; requiring certain model performance evaluation criteria adopted by the State Board to take effect in a local jurisdiction at a certain time under certain circumstances; requiring the State Board to establish a certain program to support certain incentives for certain teachers and principals that meets certain requirements; authorizing the program to include certain incentives; 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; requiring each local school system, on or before a certain date, to submit to the State Board certain information relating to the local system’s teacher mentoring program; providing for the construction of certain provisions of this Act”.

On page 2, in line 7, after “Act;” insert “making this Act an emergency measure;”.

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)”; in line 30, strike “If” and substitute “SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF”; in line 33, after “MENTOR” insert “PROMPTLY”.

On page 4, after line 2, insert:

“(III) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROHIBIT A COUNTY BOARD FROM ASSIGNING A MENTOR AT ANY TIME DURING A NONTENURED CERTIFICATED EMPLOYEE’S EMPLOYMENT.”;

in line 4, strike “ANY” and substitute “A”; strike beginning with “IS” in line 30 down through “MENTORED” in line 31 and substitute “:

- 1. IS FOCUSED;**
- 2. IS SYSTEMATIC;**
- 3. IS ONGOING;**
- 4. IS OF HIGH QUALITY;**
- 5. IS GEARED TO THE NEEDS OF EACH EMPLOYEE**
BEING MENTORED;
- 6. INCLUDES OBSERVATIONS; AND**
- 7. INCLUDES FEEDBACK”.**

AMENDMENT NO. 3

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) (I) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, 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.

(II) THE REGULATIONS ADOPTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE MODEL PERFORMANCE EVALUATION CRITERIA.

(III) BEFORE THE PROPOSAL OF THE REGULATIONS REQUIRED UNDER THIS PARAGRAPH, THE STATE BOARD SHALL SOLICIT INFORMATION AND RECOMMENDATIONS FROM EACH LOCAL SCHOOL SYSTEM AND CONVENE A MEETING WHEREIN THIS INFORMATION AND THESE RECOMMENDATIONS ARE DISCUSSED AND CONSIDERED.

(3) SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION:

(I) 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.

(II) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO REQUIRE MUTUAL AGREEMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO BE GOVERNED BY SUBTITLES 4 AND 5 OF THIS TITLE.

(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) (I) AN EXISTING OR NEWLY CREATED SINGLE EXAMINATION OR ASSESSMENT MAY BE USED AS ONE OF THE MULTIPLE MEASURES.

(II) NO SINGLE CRITERION SHALL ACCOUNT FOR MORE THAN 35% OF THE TOTAL PERFORMANCE EVALUATION CRITERIA.

(6) IF A LOCAL SCHOOL SYSTEM AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE FAIL TO MUTUALLY AGREE UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE MODEL PERFORMANCE EVALUATION CRITERIA ADOPTED BY THE STATE BOARD UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION SHALL TAKE EFFECT IN THE LOCAL JURISDICTION 6 MONTHS FOLLOWING THE FINAL ADOPTION OF THE REGULATIONS.”.

AMENDMENT NO. 4

On pages 5 and 6, strike beginning with “(I)” in line 22 on page 5 down through “RESTRUCTURING.” in line 3 on page 6 and substitute:

“(I) 1. THE STATE BOARD SHALL ESTABLISH A PROGRAM TO SUPPORT LOCALLY NEGOTIATED INCENTIVES, GOVERNED UNDER SUBTITLES 4 AND 5 OF THIS TITLE, FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN PUBLIC SCHOOLS THAT ARE:

A. IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING;

B. CATEGORIZED BY THE LOCAL SCHOOL SYSTEM AS A TITLE I SCHOOL; OR

C. IN THE HIGHEST 25% OF SCHOOLS IN THE STATE BASED ON A RANKING OF THE PERCENTAGE OF STUDENTS WHO RECEIVE FREE AND REDUCED PRICED MEALS.

2. THE PROGRAM ESTABLISHED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY INCLUDE FINANCIAL INCENTIVES, LEADERSHIP CHANGES, OR OTHER INCENTIVES.

(II) 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, as enacted by Section 1 of this Act, may be based on whether the teacher has obtained certification by the National Board for Professional Teaching Standards.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31, 2010, each local school system shall submit to the State Board of Education a description of the local school system’s teacher mentoring program, including data relating to the number of mentors who have been assigned, the number of teachers to whom the mentors have been assigned, and how, if at all, the effectiveness of the mentoring program is measured.”;

in lines 4 and 8, strike “2.” and “3.”, respectively, and substitute “4.” and “5.”, respectively; and strike beginning with “shall” in line 8 down through “2010” in line 9 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”.

Senate Members:

House Members:

Chair, **Paul G. Pinsky**

Chair, **Anne R. Kaiser**

Joan Carter Conway

John A. Olszewski, Jr.

Jim Rosapepe

Craig L. Rice

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk

() Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1432)

The Bill was then sent to the Senate.

THE COMMITTEE ON WAYS AND MEANS REPORT #23

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1571 – Delegates Conway, Bohanan, Cane, DeBoy, Eckardt, Elliott, Elmore, Haddaway, Jameson, Krebs, Kullen, Levy, Malone, Mathias, McDonough, Murphy, Rudolph, Shewell, Smigiel, Sossi, Stocksdales, Stull, Walkup, and Wood

AN ACT concerning

Maryland Estate Tax – Pilot Program for Payment Deferral for Qualified Agricultural Property

HB1571/175966/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1571

(First Reading File Bill)

On page 2, in line 14, strike “5” 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.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 292 – Senators Raskin, Brochin, Conway, Forehand, Garagiola, Glassman, Kramer, Lenett, Madaleno, Muse, Peters, Pinsky, Pugh, Rosapepe, and Stone

AN ACT concerning

~~Elections—Voter Registration and Voting—Age~~
Election Law – Voter Registration and Nomination by Petition –
Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 396 – ~~Senator Middleton~~ Senators Middleton, Garagiola, Currie, Kasemeyer, Brinkley, DeGrange, Edwards, Jones, King, Kramer, Madaleno, McFadden, Munson, Peters, Robey, Stoltzfus, and Zirkin
Zirkin, Glassman, Kittleman, and Dyson

AN ACT concerning

Maryland Estate Tax – Pilot Program for Payment Deferral for Qualified
Agricultural Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson moved to put **Senate Bill 396** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 1433)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 396** was placed on Third Reading.

Senate Bill 396 – ~~Senator Middleton~~ Senators Middleton, Garagiola, Currie, Kasemeyer, Brinkley, DeGrange, Edwards, Jones, King, Kramer, Madaleno, McFadden, Munson, Peters, Robey, Stoltzfus, and Zirkin
Zirkin, Glassman, Kittleman, and Dyson

AN ACT concerning

Maryland Estate Tax – Pilot Program for Payment Deferral for Qualified
Agricultural Property

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 1 (See Roll Call No. 1434)

The Bill was then returned to the Senate.

THE COMMITTEE ON JUDICIARY REPORT #27

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 517 – Senators Stone ~~and Jacobs~~, Jacobs, Forehand, Mooney, and Simonaire

AN ACT concerning

~~Criminal Law – Criminal Gangs – Offenses and Membership~~ Maryland Gang Prosecution Act of 2010

Favorable report adopted.

Delegate Gutierrez moved to make the Bill a Special Order for later this session.

The motion was rejected by a roll call vote as follows:

Affirmative – 22 Negative – 107 (See Roll Call No. 1435)

FLOOR AMENDMENT

SB0517/713326/1

BY: Delegate Pena-Melnyk

AMENDMENTS TO SENATE BILL 517

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 1, after “law;” insert “providing that certain fines collected for the violation of certain offenses be distributed to a certain special fund to be administered by the Department of Juvenile Services and to be used only for certain gang prevention activities;”; in line 10, strike “and” and substitute a comma; and in the same line, after “9-806” insert “, and 9-807”.

AMENDMENT NO. 2

On page 6, after line 10, insert:

“9-807.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY FINES COLLECTED FOR A VIOLATION OF THIS SUBTITLE SHALL BE DISTRIBUTED TO A SPECIAL FUND, TO BE ADMINISTERED BY THE DEPARTMENT OF JUVENILE SERVICES AND TO BE USED ONLY FOR CRIMINAL GANG PREVENTION ACTIVITIES.”.

The preceding 2 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 34 Negative – 98 (See Roll Call No. 1436)

FLOOR AMENDMENT

SB0517/613825/1

BY: Delegate Braveboy

AMENDMENT TO SENATE BILL 517

(Third Reading File Bill)

On page 6, in line 11, after “That” insert “:

(a) Each local law enforcement department and the State’s Attorney for each county shall submit annually by June 1 of each year a report to the Governor’s Office of Crime Control and Prevention on the age, race, ethnicity, and number of individuals who, in the preceding year, were charged with a violation of Title 9, Subtitle 8 of the Criminal Law Article.

(b) On or before September 1 of each year, the Governor’s Office of Crime Control and Prevention shall compile the information received under subsection (a) of this section into a single report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That”.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 32 Negative – 101 (See Roll Call No. 1437)

FLOOR AMENDMENT

SB0517/613928/1

BY: Delegate Gutierrez

AMENDMENTS TO SENATE BILL 517

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “altering” in line 4 down through “ongoing;” in line 6; and strike beginning with “altering” in line 9 down through “ongoing;” in line 16.

AMENDMENT NO. 2

On page 2, in line 20, strike the brackets.

On page 4, in line 18, strike “A” and substitute “an ongoing”.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 25 Negative – 106 (See Roll Call No. 1438)

Read the second time and ordered prepared for Third Reading.

Delegate Vallario moved to put **Senate Bill 517** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 120 Negative – 20 (See Roll Call No. 1439)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 517** was placed on Third Reading.

Senate Bill 517 – Senators Stone and ~~Jacobs~~, Jacobs, Forehand, Mooney, and Simonaire

AN ACT concerning

~~**Criminal Law – Criminal Gangs – Offenses and Membership**~~
Maryland Gang Prosecution Act of 2010

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 116 Negative – 25 (See Roll Call No. 1440)

The Bill was then returned to the Senate.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 892 – Senator Kelley

AN ACT concerning

**Child Abuse and Neglect – Reports and Records – Disclosure to Division of
Parole and Probation**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario moved to put **Senate Bill 892** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 138 Negative – 1 (See Roll Call No. 1441)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 892** was placed on Third Reading.

Senate Bill 892 – Senator Kelley

AN ACT concerning

**Child Abuse and Neglect – Reports and Records – Disclosure to Division of
Parole and Probation**

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1442)

The Bill was then returned to the Senate.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 935 – Senators Zirkin and Stone

AN ACT concerning

Denial or Dismissal of Domestic Violence Peace Order or Protective Order
Petition – ~~Expungement~~ Shielding of Records

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario moved to put **Senate Bill 935** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 139 Negative – 1 (See Roll Call No. 1443)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 935** was placed on Third Reading.

Senate Bill 935 – Senators Zirkin and Stone

AN ACT concerning

Denial or Dismissal of Domestic Violence Peace Order or Protective Order
Petition – ~~Expungement~~ Shielding of Records

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 141 Negative – 0 (See Roll Call No. 1444)

The Bill was then returned to the Senate.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 990 – Senators Forehand, Madaleno, Pinsky, and Raskin

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.

Delegate Vallario moved to put **Senate Bill 990** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 123 Negative – 13 (See Roll Call No. 1445)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 990** was placed on Third Reading.

Senate Bill 990 – Senators Forehand, Madaleno, Pinsky, and Raskin

AN ACT concerning

Courts and Judicial Proceedings – Strategic Lawsuits Against Public Participation

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 110 Negative – 29 (See Roll Call No. 1446)

The Bill was then returned to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 97** SPONSOR: **Senator Mooney**

SUBJECT: **Office of the Public Defender - Board of Trustees - Membership**

THIRD READING CALENDAR HOUSE NO. **33** SENATE NO. **57**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the House Judiciary Committee Amendments (SB0097/702313/1) be rejected.

(2) That the attached Conference Committee Amendments (SB0097/823825/1) be adopted.

SB0097/823825/1

BY: Conference Committee

AMENDMENTS TO SENATE BILL 97

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with “altering” in line 2 down through “meeting;” in line 3; in line 9, after “time” insert “and may be reappointed after the expiration of the Public Defender’s term”.

AMENDMENT NO. 2

On page 3, in line 22, strike “**NINE**” and substitute “**11**”; in line 26, strike “**SIX**” and substitute “**ALL**”; and in line 27, strike “**APPOINTED BY THE GOVERNOR**”.

On page 4, strike beginning with “**ONE**” in line 11 down through “**(8)**” in line 15; and in line 22, strike “**(9)**” and substitute “**(7)**”.

On page 5, in line 22, strike the brackets; and in the same line, strike “**FOUR**”.

On page 6, in line 14, after “Act” insert “and may be reappointed after the expiration of the Public Defender’s term”; and in line 16, strike “October” and substitute “June”.

Senate Members:

House Members:

Chair, **Brian E. Frosh**

Chair, **Ben Barnes**

Alexander X. Mooney

Todd Schuler

Jennie M. Forehand

Michael D. Smigiel, Sr.

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

() Chief Clerk

(X) Secretary, Senate

Conference Committee Report read and adopted.Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 137 Negative – 4 (See Roll Call No. 1447)

The Bill was then returned to the Senate.**MESSAGE TO THE HOUSE OF DELEGATES**

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0474**SPONSOR: The Spkr (Admin), et al****SUBJECT: Smart, Green, and Growing – Maryland Sustainable Growth Commission**

The Senate recedes from its position on HB 0474.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
SecretaryRead and ordered journalized.**CONFERENCE COMMITTEE REPORT****BILL NO.: SB 540 SPONSOR: Senator Harrington****SUBJECT: Child with a Disability - Individualized Education Program****THIRD READING CALENDAR HOUSE NO. 21 SENATE NO. 40**

Hon. Thomas V. Mike Miller, Jr., President of the Senate

Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the attached Committee on Ways and Means Amendments (SB0540/545067/1) be adopted.

(2) That the attached Conference Committee Amendments (SB0540/753821/1) be adopted.

SB0540/545067/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 540

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “exception.” insert “authorizing certain school personnel to provide the parents of a child with a disability a summary of certain information in a certain manner under certain circumstances.”; and in lines 7 and 8, strike “include certain documentation in certain records” and substitute “communicate certain information to the parents of a child with a disability”.

AMENDMENT NO. 2

On page 2, in line 21, after “**(1)**” insert “**(I)**”; in line 22, after “**SUBSECTION,**” insert “**AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**”; in the same line strike “**5**” and substitute “**3**”; in line 26, strike “**A**” and substitute “**AN ACCESSIBLE**”; and after line 28, insert:

“(II) SUBJECT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, AN ASSESSMENT, REPORT, DATA CHART, OR OTHER DOCUMENT PREPARED BY A SCHOOL PSYCHOLOGIST OR OTHER MEDICAL PROFESSIONAL THAT EITHER TEAM PLANS TO DISCUSS AT THE MEETING MAY BE PROVIDED TO THE PARENTS OF THE CHILD ORALLY AND IN WRITING PRIOR TO THE MEETING.”

AMENDMENT NO. 3

On page 3, strike beginning with the colon in line 3 down through “**DOCUMENT**” in line 4 and substitute “**DOCUMENT**”; and strike beginning with the

semicolon in line 4 down through “RECORD” in line 7 and substitute “AND COMMUNICATE THAT INFORMATION TO THE PARENTS OF THE CHILD”.

SB0540/753821/1

BY: Conference Committee

AMENDMENT TO SENATE BILL 540, AS AMENDED

In the Committee on Ways and Means Amendments (SB0540/545067/1), in line 3 of Amendment No. 2, strike “3” and substitute “5”.

Senate Members:

House Members:

Chair, **David C. Harrington**

Chair, **Anne R. Kaiser**

Paul G. Pinsky

Jim Gilchrist

Edward R. Reilly

LeRoy E. Myers, Jr.

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

() Chief Clerk

(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1448)

The Bill was then returned to the Senate.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0406

SPONSOR: Chr ECM (Dept)

SUBJECT: Real Estate Licensees – Services Provided Through Teams

The Senate recedes from its position on HB 0406.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #33

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 265 – Senators Exum, Garagiola, Kelley, Klausmeier, and Pugh

AN ACT concerning

**Assisted Living Programs – ~~Elevator Installation – Exemption~~
Noncommercial Elevator Units – Installation and Inspection**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis moved to put **Senate Bill 265** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 1449)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 265** was placed on Third Reading.

Senate Bill 265 – Senators Exum, Garagiola, Kelley, Klausmeier, and Pugh

AN ACT concerning

**Assisted Living Programs – ~~Elevator Installation – Exemption~~
Noncommercial Elevator Units – Installation and Inspection**

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 1450)

The Bill was then returned to the Senate.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

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**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis moved to put **Senate Bill 538** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 1451)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 538** was placed on Third Reading.

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**

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 1 (See Roll Call No. 1452)

The Bill was then returned to the Senate.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB 0275

SPONSOR: The Pres (Admin), et al

SUBJECT: Education – Maryland Longitudinal Data System

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Pinsky, Chairman

Senator Reilly

Senator Conway.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: SB 0275

SPONSOR: The Pres (Admin), et al

SUBJECT: Education – Maryland Longitudinal Data System

By the Majority Leader:

Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed: Senator Pinsky, Chair

Senator Reilly

Senator J. Conway

The House appoints: Delegate Olszewski, Chairman

Delegate Gilchrist, and
Delegate Myers.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #32

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 456 – Senator Pugh

AN ACT concerning

**Baltimore City – Park Heights Redevelopment Area – Alcoholic Beverages –
Store Opening Hours**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis moved to put **Senate Bill 456** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 132 Negative – 0 (See Roll Call No. 1453)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 456** was placed on Third Reading.

Senate Bill 456 – Senator Pugh

AN ACT concerning

**Baltimore City – Park Heights Redevelopment Area – Alcoholic Beverages –
Store Opening Hours**

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 130 Negative – 1 (See Roll Call No. 1454)

The Bill was then returned to the Senate.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 900 – ~~Senator Astle~~ Senators Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Middleton, Pipkin, and Pugh

AN ACT concerning

Title Insurers – Required Reserves, Capital Stock, and Surplus

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis moved to put **Senate Bill 900** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 131 Negative – 1 (See Roll Call No. 1455)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 900** was placed on Third Reading.

Senate Bill 900 – ~~Senator Astle~~ Senators Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Middleton, Pipkin, and Pugh

AN ACT concerning

Title Insurers – Required Reserves, Capital Stock, and Surplus

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 132 Negative – 2 (See Roll Call No. 1456)

The Bill was then returned to the Senate.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 1022 – Senator McFadden

AN ACT concerning

Baltimore City Charter – Community Benefits District – East Baltimore

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis moved to put **Senate Bill 1022** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 136 Negative – 2 (See Roll Call No. 1457)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 1022** was placed on Third Reading.

Senate Bill 1022 – Senator McFadden

AN ACT concerning

Baltimore City Charter – Community Benefits District – East Baltimore

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 1 (See Roll Call No. 1458)

The Bill was then returned to the Senate.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #34

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 377 – Senator Della

AN ACT concerning

**Baltimore City – Alcoholic Beverages – Class C Licensees to Reimburse Board
for Costs**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis moved to put **Senate Bill 377** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 1459)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 377** was placed on Third Reading.

Senate Bill 377 – Senator Della

AN ACT concerning

**Baltimore City – Alcoholic Beverages – Class C Licensees to Reimburse Board
for Costs**

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1460)

The Bill was then returned to the Senate.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

Senate Bill 378 – Senator Della

AN ACT concerning

**Baltimore City – 46th District – Alcoholic Beverages – Issuance or Transfer of
Licenses Prohibited in Certain Precincts – Food Sales**

SB0378/703297/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 378
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, before “prohibiting” insert “altering a certain capital investment amount requirement for restaurants in the 46th alcoholic beverages district for consistency with a certain other provision;”; and in line 14, after “6–201(d)(1)” insert “(vii), (viii)1., and”.

AMENDMENT NO. 2

On page 2, after line 4, insert:

“(d) (1) (vii) In addition to the other requirements provided for in this subsection, in the 46th Alcoholic Beverages District the restaurant shall have a minimum:

1. Except as provided in subparagraph (ix) of this paragraph, capital investment of [\$500,000] **\$700,000** for restaurant facilities not including the cost of the land, the building, or improvements that are not to the interior of a building on the licensed premises; and

2. Seating capacity of 75 persons, and, except as provided in subparagraph (ix) of this paragraph, a maximum seating capacity of 150 persons.

(viii) 1. Notwithstanding § 1–102(a)(22)(i)3 of this article and, except as provided in subparagraph (ix) of this paragraph, for a licensee who is issued a Class B beer, wine and liquor license for use in a restaurant in the 46th Alcoholic Beverages District, the average daily receipts from the sale of food must be at least [51%] **60%** of the total daily receipts of the restaurant.”;

and in line 5, strike “(d) (1)”.

On page 2 in line 31 and on page 3 in line 23, in each instance, strike “**THROUGH 16, INCLUSIVE**” and substitute “**, 10, 11, 12, 13, 14, 15, AND 16**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis moved to put **Senate Bill 378** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1461)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 378** was placed on Third Reading.

Senate Bill 378 – Senator Della

AN ACT concerning

**Baltimore City – 46th District – Alcoholic Beverages – Issuance or Transfer of
Licenses Prohibited in Certain Precincts – Food Sales**

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 2 (See Roll Call No. 1462)

The Bill was then returned to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 190** SPONSOR: **Delegate Malone**

SUBJECT: **Motor Vehicles - Use of Video and Electronic Display Equipment**

THIRD READING CALENDAR HOUSE NO. **58** SENATE NO. **41**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached Judicial Proceedings Committee Amendments (HB190/398470/1) be adopted.

HB0190/398470/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 190
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and Electronic”; strike beginning with “prohibiting” in line 7 down through “term” in line 14 and substitute “altering the types of video display equipment that are prohibited from being located in certain areas of a motor vehicle; altering the standards for the location of video display equipment in a motor vehicle; altering certain exceptions to the prohibition against the use of video display equipment in certain locations in a motor vehicle”; and in line 14, strike “and electronic”.

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 2 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 21 through 26, inclusive; in line 28, strike “A” and substitute “**SUBJECT TO SUBSECTION (B) OF THIS SECTION, A**”; in line 29, strike “television-type receiving” and substitute “**VIDEO DISPLAY**”; strike beginning with “in” in line 29 down through “otherwise” in line 30 and substitute “**THAT IS**”; and in line 30, after “driver” insert “**WHILE DRIVING**”.

On page 3, in line 1, strike “television-type receiving” and substitute “**VIDEO DISPLAY**”; in line 2, after “exclusively” insert “**BY A PUBLIC SERVICE COMPANY OR**”; in the same line, after “for” insert “**PUBLIC**”; in line 5, strike “or”; in line 6, strike “electronic” and substitute “**VIDEO**”; strike beginning with the colon in line 7 down through “A” in line 9 and substitute “**THAT IS USED AS A**”; strike in their entirety lines 10 through 13, inclusive; after line 13, insert:

“(4) THE USE IN A VEHICLE OF VIDEO DISPLAY EQUIPMENT EXCLUSIVELY FOR SAFETY, WHEN THE EQUIPMENT IS DESIGNED, INSTALLED, AND USED IN CONFORMANCE WITH THE INTENDED PURPOSE OF THE EQUIPMENT OR VEHICLE MANUFACTURER.”;

and strike in their entirety lines 14 through 24, inclusive.

Senate Members:

House Members:

Chair, **Norman R. Stone, Jr.**

Chair, **Dana Stein**

Jennie M. Forehand

H. Wayne Norman

C. Anthony Muse

Cheryl D. Glenn

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk

() Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 136 Negative – 5 (See Roll Call No. 1463)

The Bill was then sent to the Senate.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #31

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 554 – Senator Gladden

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.

Delegate McIntosh moved to put **Senate Bill 554** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 139 Negative – 1 (See Roll Call No. 1464)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 554** was placed on Third Reading.

Senate Bill 554 – Senator Gladden

AN ACT concerning

Rental Housing – Protection for Victims of Domestic Violence and Sexual Assault

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 1465)

The Bill was then returned to the Senate.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 914 – Senators Harrington, Lenett, Madaleno, and Raskin

AN ACT concerning

Forest Conservation Fund – Contribution Rates – Priority Funding Areas

SB0914/770615/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 914

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 10, strike “**24**” and substitute “**30**”; in line 12, strike “**30**” and substitute “**36**”; strike beginning with “**THAT**” in line 17 down through “**SUBSECTION**” in line 18 and substitute “adjusted for inflation as determined by the Department annually by regulation”; strike beginning with “**ADJUSTED**” in line 21 down through “**REGULATION**” in line 22 and substitute “**THAT IS 20% HIGHER THAN THE RATE SET UNDER ITEM (2)(I) OF THIS SUBSECTION**”; in line 29, after “(2)” insert “**(I)**”; in the same line, strike “The” and substitute “**SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**”; in line 30, strike “**(I)**” and substitute “**1.**”; and strike beginning with “**A**” in line 32 down through “**PARAGRAPH**” in line 33 and substitute

“LEAST the same as the [rate] RATES established for the State Forest Conservation Fund under subsection (c) of this section”.

AMENDMENT NO. 2

On page 3, in line 1, strike “(II)” and substitute “2.”; strike beginning with “AT” in line 3 down through “SECTION” in line 4 and substitute “20% HIGHER THAN THE RATES ESTABLISHED UNDER ITEM 1 OF THIS SUBPARAGRAPH”; and after line 4, insert:

“(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF A LOCAL JURISDICTION ESTABLISHES RATES FOR PROJECTS THAT ARE HIGHER THAN THE MINIMUM RATES ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION, THE LOCAL AUTHORITY MAY USE A RATE FOR A PROJECT:

1. INSIDE A PRIORITY FUNDING AREA THAT IS 20% LOWER THAN THE RATE CALCULATED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH; OR

2. OUTSIDE A PRIORITY FUNDING AREA THAT IS 20% HIGHER THAN THE RATE CALCULATED UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH.

(III) THE RATE ESTABLISHED UNDER SUBPARAGRAPH (II)1 OF THIS PARAGRAPH FOR A PROJECT INSIDE A PRIORITY FUNDING AREA MAY NOT BE LOWER THAN THE RATE ESTABLISHED FOR THE STATE FOREST CONSERVATION FUND UNDER SUBSECTION (C) OF THIS SECTION.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh moved to put **Senate Bill 914** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 124 Negative – 12 (See Roll Call No. 1466)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 914** was placed on Third Reading.

Senate Bill 914 – Senators Harrington, Lenett, Madaleno, and Raskin

AN ACT concerning

Forest Conservation Fund – Contribution Rates – Priority Funding Areas

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 113 Negative – 27 (See Roll Call No. 1467)

The Bill was then returned to the Senate.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 1128 – Senator Colburn

EMERGENCY BILL

AN ACT concerning

**Board of Public Works – Licenses to Dredge and Fill on State Wetlands –
Working Marinas**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh moved to put **Senate Bill 1128** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 130 Negative – 2 (See Roll Call No. 1468)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 1128** was placed on Third Reading.

Senate Bill 1128 – Senator Colburn

EMERGENCY BILL

AN ACT concerning

**Board of Public Works – Licenses to Dredge and Fill on State Wetlands –
Working Marinas**

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 3 (See Roll Call No. 1469)

The Bill was then returned to the Senate.

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER

SPONSOR

HB 243	Del. Hixson
HB 406	Ch., Econ Matters Co.
HB 474	The Speaker
HB 476	Frederick County Del.
HB 559	Prince George's Del.
HB 699	Del. Reznik
HB 823	Montgomery Co. Del.
HB 1117	Del. Riley
HB 1182	Del. Ivey
HB 1375	Del. Mizeur
HB 1555	Del. Conway

Read and ordered journalized.

THE COMMITTEE ON WAYS AND MEANS REPORT #24

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

Senate Bill 882 – Senators Edwards and Miller

AN ACT concerning

Gaming – Video Lottery Terminals

SB0882/405965/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 882

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after “proceeds” insert “from a certain account”; and in line 21, after the second “the” insert “State Racing”.

AMENDMENT NO. 2

On page 8, in line 32, after “FACILITY” insert “LOCATED IN ALLEGANY COUNTY”.

AMENDMENT NO. 3

On page 15, in line 11, strike “issuance” and substitute “AWARD”.

AMENDMENT NO. 4

On page 15, strike beginning with “BECOMES” in line 19 down through “FACILITY” in line 20, and substitute “IS ISSUED THE LICENSE BY THE COMMISSION”.

AMENDMENT NO. 5

On page 17, in line 19, after “(5)” insert “(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM,”; after line 21, insert:

“(II) FOR THE FIRST 5 YEARS OF OPERATIONS AT A VIDEO LOTTERY FACILITY IN ALLEGANY COUNTY, 2.5% TO THE VIDEO LOTTERY OPERATION LICENSEE THAT SATISFIES THE REQUIREMENT UNDER SUBSECTION (B) OF THIS SECTION;”;

in line 26, strike “FOR A LOCATION” and substitute “FOR THE FIRST 5 YEARS OF OPERATIONS AT A VIDEO LOTTERY FACILITY”; in line 28, strike “PERCENTAGE” and substitute “PERCENTAGES AUTHORIZED IN SUBSECTION (A)(2) AND (5)(II) OF THIS SECTION AS”; strike beginning with the colon in line 29 down through “YEARS” in line 30; in line 30, after “APPLICANT” insert “THAT IS AWARDED THE”; in line 31, strike “FOR A”; and in line 32, strike “; AND” and substitute a period.

On page 18, strike in their entirety lines 1 through 4, inclusive.

AMENDMENT NO. 6

On page 26, in line 12, after “Resort,” insert “Section 2 of”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate F. Turner moved to put **Senate Bill 882** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 119 Negative – 6 (See Roll Call No. 1470)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 882** was placed on Third Reading.

Senate Bill 882 – Senators Edwards and Miller

AN ACT concerning

Gaming – Video Lottery Terminals

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 104 Negative – 26 (See Roll Call No. 1471)

The Bill was then returned to the Senate.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 1007 – Senator Pugh

AN ACT concerning

**Public Schools – Law Enforcement Officers – Cultural Competency Model
Training ~~Program~~ Curriculum**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Jones moved to put **Senate Bill 1007** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 126 Negative – 8 (See Roll Call No. 1472)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 1007** was placed on Third Reading.

Senate Bill 1007 – Senator Pugh

AN ACT concerning

**Public Schools – Law Enforcement Officers – Cultural Competency Model
Training ~~Program~~ Curriculum**

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 121 Negative – 14 (See Roll Call No. 1473)

The Bill was then returned to the Senate.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

**Senate Bill 1036 – ~~Senator Muse~~ Senators Muse, Klausmeier, Exum,
Garagiola, Glassman, Middleton, and Pugh**

AN ACT concerning

**Commissioner of Financial Regulation – Financial Education Resources
Clearinghouse**

SB1036/285065/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 1036
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “authorizing” and substitute “requiring”.

AMENDMENT NO. 2

On page 2, in line 25, strike “MAY” and substitute “SHALL”.

The preceding 2 amendments were read only.

Delegate Howard moved to make the Bill and Amendments a Special Order for later this session.

The motion was adopted.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 1081 – Senators DeGrange and Garagiola

AN ACT concerning

Rebate Programs for Retail Sales – Collection of Sales and Use Tax

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson moved to put **Senate Bill 1081** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 138 Negative – 1 (See Roll Call No. 1474)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 1081** was placed on Third Reading.

Senate Bill 1081 – Senators DeGrange and Garagiola

AN ACT concerning

Rebate Programs for Retail Sales – Collection of Sales and Use Tax

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 1 (See Roll Call No. 1475)

The Bill was then returned to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 248** SPONSOR: **Senator Frosh**

SUBJECT: **Civil Cases - Maryland Legal Services Corporation Fund - Surcharges**

THIRD READING CALENDAR HOUSE NO. **17** SENATE NO. **27**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the attached House Judiciary Committee Amendments (SB0248/202910/1) be adopted.

(2) That the attached Conference Committee Amendment (SB0248/733320/3) be adopted.

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 GRANTEEES;

(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”.

SB0248/733320/3

BY: Conference Committee

AMENDMENT TO SENATE BILL 248, AS AMENDED

On page 1 of the House Judiciary Committee Amendments (SB0248/202910/1), in line 1 of Amendment No. 2, strike “\$50” and substitute “\$55”; in line 2, strike “\$7” and substitute “\$8”; and in the same line, strike “\$15” and substitute “\$18”.

Senate Members:

House Members:

Chair, **Brian E. Frosh**

Chair, **Curt Anderson**

did not sign

Lisa A. Gladden

Benjamin F. Kramer

Jamie Raskin

Todd Schuler

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

() Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

Delegate Wood moved to make the Bill a Special Order for later this session.

The motion was rejected by a roll call vote as follows:

Affirmative – 37 Negative – 93 (See Roll Call No. 1476)

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 96 Negative – 43 (See Roll Call No. 1477)

The Bill was then returned to the Senate.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 899** SPONSOR: **The President**

SUBJECT: **Education Reform Act of 2010**

THIRD READING CALENDAR HOUSE NO. **26** SENATE NO. **53**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Ways and Means Committee Amendments (SB0899/305169/1) be rejected.

(2) That the attached Conference Committee Amendments (SB0899/483628/1) be adopted.

SB0899/483628/1

BY: Conference Committee

AMENDMENTS TO SENATE BILL 899

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 4, strike “public” and substitute “local”; and in line 15, after “circumstances,” insert “requiring the State Board to adopt certain regulations that establish general standards for

certain performance evaluations including certain model performance criteria; requiring the State Board to solicit certain information and recommendations from local school systems before proposing certain regulations and convene a certain meeting;”.

On page 2, strike beginning with “authorizing” in line 2 down through “measures” in line 3 and substitute “requiring certain performance evaluation criteria adopted by the State Board to take effect in a local jurisdiction at a certain time under certain circumstances”; in line 5, strike “may include certain elements” and substitute “meets certain requirements; authorizing the program to include certain incentives”; strike beginning with “restricting” in line 5 down through “purposes;” in line 6; in line 9, after “Certification;” insert “requiring each local school system, on or before a certain date, to submit to the State Board certain information relating to the local school system’s teacher monitoring program; providing for the construction of certain provisions of this Act;”; in line 10, after “Act;” insert “making this Act an emergency measure;”; and in line 11, strike “public” and substitute “local”.

AMENDMENT NO. 2

On page 3, in line 17, strike “public” and substitute “LOCAL”; in line 32, strike “**IF**” and substitute “**SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF**”; and in line 33, after “**TENURE**” insert “**AT ANY FORMAL EVALUATION POINT**”.

On page 4, in line 1, after “**MENTOR**” insert “**PROMPTLY**”; after line 5, insert:

“(III) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROHIBIT A COUNTY BOARD FROM ASSIGNING A MENTOR AT ANY TIME DURING A NONTENURED CERTIFICATED EMPLOYEE’S EMPLOYMENT.”;

and in line 31, strike “1.”.

On pages 4 and 5, strike beginning with “THAT” in line 32 on page 4 down through “MENTORING” in line 3 on page 5 and substitute “**, INCLUDING PROVISIONS TO ENSURE THAT MENTORS PROVIDE MENTORING**”.

On page 5, in lines 4, 5, 6, 7, 8, 10, and 11, strike “A.”, “B.”, “C.”, “D.”, “E.”, “F.”, and “G.”, respectively, and substitute “1.”, “2.”, “3.”, “4.”, “5.”, “6.”, and “7.”, respectively.

AMENDMENT NO. 3

On page 5, in line 21, strike "THE" and substitute "(I) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE"; after line 25, insert:

"(II) THE REGULATIONS ADOPTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE MODEL PERFORMANCE EVALUATION CRITERIA.

(III) BEFORE THE PROPOSAL OF THE REGULATIONS REQUIRED UNDER THIS PARAGRAPH, THE STATE BOARD SHALL SOLICIT INFORMATION AND RECOMMENDATIONS FROM EACH LOCAL SCHOOL SYSTEM AND CONVENE A MEETING WHEREIN THIS INFORMATION AND RECOMMENDATIONS ARE DISCUSSED AND CONSIDERED.

(3) SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION:";

in line 26, strike "(3)" and substitute "(I)"; and after line 30, insert:

"(II) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO REQUIRE MUTUAL AGREEMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO BE GOVERNED BY SUBTITLES 4 AND 5 OF THIS TITLE."

On page 6, in line 8, after "(5)" insert "(I)"; and after line 9, insert:

"(II) NO SINGLE CRITERION SHALL ACCOUNT FOR MORE THAN 35% OF THE TOTAL PERFORMANCE EVALUATION CRITERIA.

(6) IF A LOCAL SCHOOL SYSTEM AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE FAIL TO MUTUALLY AGREE UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE MODEL PERFORMANCE EVALUATION CRITERIA ADOPTED BY THE STATE BOARD UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION SHALL TAKE EFFECT IN THE LOCAL JURISDICTION 6 MONTHS FOLLOWING THE FINAL ADOPTION OF THE REGULATIONS."

AMENDMENT NO. 4

On pages 6 and 7, strike beginning with "(I)" in line 11 on page 6 down through "RESTRUCTURING." in line 10 on page 7 and substitute:

“(I) 1. THE STATE BOARD SHALL ESTABLISH A PROGRAM TO SUPPORT LOCALLY NEGOTIATED INCENTIVES, GOVERNED UNDER SUBTITLES 4 AND 5 OF THIS TITLE, FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN PUBLIC SCHOOLS THAT ARE:

A. IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING;

B. CATEGORIZED BY THE LOCAL SCHOOL SYSTEM AS A TITLE I SCHOOL; OR

C. IN THE HIGHEST 25% OF SCHOOLS IN THE STATE BASED ON A RANKING OF THE PERCENTAGE OF STUDENTS WHO RECEIVE FREE AND REDUCED PRICED MEALS.

2. THE PROGRAM ESTABLISHED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY INCLUDE FINANCIAL INCENTIVES, LEADERSHIP CHANGES, OR OTHER INCENTIVES.”.

On page 7, in line 11, strike “(IV)” and substitute “(II)”.

AMENDMENT NO. 5

On page 7, in line 19, after “Article” insert “, as enacted by Section 1 of this Act.”; after line 20, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 31, 2010, each local school system shall submit to the State Board of Education a description of the local school system’s teacher mentoring program, including data relating to the number of mentors who have been assigned, the number of teachers to whom the mentors have been assigned, and how, if at all, the effectiveness of the mentoring program is measured.”;

in line 21, strike “3.” and substitute “4.”; in line 23, strike “public” and substitute “local”; and strike in their entirety lines 25 and 26 and substitute:

“SECTION 5. 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.”.

Senate Members:

House Members:

Chair, **Paul G. Pinsky**

Chair, **Anne R. Kaiser**

Joan Carter Conway

Craig L. Rice

Jim Rosapepe

John A. Olszewski, Jr.

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

() Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 139 Negative – 1 (See Roll Call No. 1478)

The Bill was then returned to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 459 – Senator Middleton

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2009 – ~~Charles County~~
~~Hospice House~~ Anne Arundel County – Maryland Hall for the Creative Arts**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2009 to authorize the matching fund for a certain grant ~~to the Board of Directors of the Hospice of Charles County, Inc.~~ to consist of real property, in kind contributions, and funds expended prior to a certain date.

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item ~~ZA02(AB) and ZA03(AE)~~ ZA00(M)

Read the first time and referred to the Committee on Appropriations.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 1479)

ADJOURNMENT

At 11:37 P.M. on motion of Delegate Barve the House adjourned until 11:38 P.M. on Legislative Day April 9, 2010, Calendar Day Monday, April 12, 2010.

Annapolis, Maryland
Legislative Day: April 9, 2010
Calendar Day: Monday, April 12, 2010

The House met at 11:37 P.M. and pledged Allegiance to the Flag.

Prayer by Speaker Michael E. Busch of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 1480)

The Journal of April 8, 2010 was read and approved.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #53

Senate Bill 551 – Senator Edwards

AN ACT concerning

**Education – Public School Construction – Procurement – Preference for
State and Local Business Entities**

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 1 (See Roll Call No. 1481)

The Bill was then returned to the Senate.

Senate Bill 660 – Senator Klausmeier

AN ACT concerning

**State Personnel – Natural Resources Law Enforcement Officers –
Appointment to Major or Lieutenant Colonel**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 1482)

The Bill was then returned to the Senate.

Senate Bill 1000 – Senator Robey

AN ACT concerning

**State Employee and Retiree Health and Welfare Benefits Program –
Baltimore Metropolitan Council – Eligibility**

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 1 (See Roll Call No. 1483)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #54

**Senate Bill 292 – Senators Raskin, Brochin, Conway, Forehand, Garagiola,
Glassman, Kramer, Lenett, Madaleno, Muse, Peters, Pinsky, Pugh,
Rosapepe, and Stone**

AN ACT concerning

~~**Elections – Voter Registration and Voting – Age**~~
**Election Law – Voter Registration and Nomination by Petition –
Requirements**

Read the third time and passed by yeas and nays as follows:

Affirmative – 100 Negative – 40 (See Roll Call No. 1484)

The Bill was then returned to the Senate.

THE COMMITTEE ON APPROPRIATIONS REPORT #19

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 459 – Senator Middleton

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2009 – ~~Charles County~~
~~Hospice House~~ Anne Arundel County – Maryland Hall for the Creative Arts**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Speaker Busch moved to put **Senate Bill 459** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 131 Negative – 2 (See Roll Call No. 1485)

Two-thirds of the Delegates elected having voted in the affirmative, **Senate Bill 459** was placed on Third Reading.

Senate Bill 459 – Senator Middleton

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2009 – ~~Charles County~~
~~Hospice House~~ Anne Arundel County – Maryland Hall for the Creative Arts**

STATUS OF BILL: BILL ON 3RD READING

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 1 (See Roll Call No. 1486)

The Bill was then returned to the Senate.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #35

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

Senate Bill 507 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Status ~~and~~, Renaming, and Study

SB0507/863893/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 507

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Injured Workers’ Insurance Fund – Study”; and strike beginning with “renaming” in line 3 down through “Company;” in line 4.

On page 2, strike beginning with “providing” in line 4 down through “time;” in line 9; strike beginning with “requiring” in line 19 down through “terminology;” in line 21; in line 23, strike “the status and renaming of”; and strike in their entirety lines 25 through 38, inclusive.

On page 3, strike in their entirety lines 1 through 10, inclusive.

AMENDMENT NO. 2

On pages 3 through 19, strike in their entirety the lines beginning with line 22 on page 3 through line 15 on page 19, inclusive.

On page 19, after line 15, insert:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:”;

in lines 17, 23, and 27, in each instance, strike “Chesapeake Employers’ Insurance Company” and substitute “Injured Workers’ Insurance Fund”; in lines 18, 20, 22, and 30, in each instance, strike “Company” and substitute “Fund”; strike beginning with “Chesapeake” in line 27 down through “Company” in line 28 and substitute “Injured Workers’ Insurance Fund”; strike beginning with “Chesapeake” in line 35 down through “Company” in line 36 and substitute “Injured Workers’ Insurance Fund”; and strike beginning with “Chesapeake” in line 38 down through “Company’s” in line 39 and substitute “Injured Workers’ Insurance Fund’s”.

On page 20, in line 4, strike “4.” and substitute “2.”; in line 7, strike “Chesapeake Employers’ Insurance Company’s” and substitute “Injured Workers’ Insurance Fund’s”; in line 13, strike “Chesapeake Employers’ Insurance Company”

and substitute “Injured Workers’ Insurance Fund”; strike in their entirety lines 18 through 23, inclusive; and in line 24, strike “6.” and substitute “3.”.

The preceding 2 amendments were read only.

Delegate Davis moved to make the Bill and Amendments a Special Order for later this session.

The motion was adopted.

CONCURRENCE CALENDAR #9

AMENDED IN THE SENATE

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

Delegate McIntosh moved that the House concur in the Senate amendments.

HB1481/334231/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1481

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; and in line 8, after “County;” insert “making this Act an emergency measure.”.

AMENDMENT NO. 2

On pages 2 and 3, strike beginning with “**PROHIBITS**” in line 39 on page 2 down through “**AGREEMENT**” in line 2 on page 3 and substitute “**GRANTS A PERSON OTHER THAN THE COMMISSION THE AUTHORITY TO CLOSE OR REQUIRE THE CLOSING OF AN EXISTING PARK OR PARK FACILITY UNDER THE JURISDICTION OF THE COMMISSION TO PREVENT COMPETITION**”.

On page 3, strike in their entirety lines 3 and 4 and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye 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 – 132 Negative – 2 (See Roll Call No. 1487)

CONCURRENCE CALENDAR #10

AMENDED IN THE SENATE

House Bill 1053 – Delegates Simmons and Stifler

AN ACT concerning

Child Pornography – Matter Reflecting Belief That a Minor Is Depicted in a Certain Manner

Delegate Vallario moved that the House concur in the Senate amendments.

HB1053/108877/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1053

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “presenting,”; in lines 6 and 11, in each instance, strike “purported matter,”; and in line 10, strike “, presenting,”.

AMENDMENT NO. 2

On page 2, in line 10, strike “**PRESENT**,”; and in lines 11 and 16 and 17, in each instance, strike “**PURPORTED MATTER**,”.

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 – 141 Negative – 0 (See Roll Call No. 1488)

AMENDED IN THE SENATE

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

Delegate Hixson moved that the House concur in the Senate amendments.

HB1362/964430/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1362 (Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after “terms;” insert “providing for a delayed effective date;”.

AMENDMENT NO. 2

On page 5, in line 12, strike “October 1, 2010” and substitute “September 1, 2011”.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 136 Negative – 1 (See Roll Call No. 1489)

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 275** SPONSOR: **The President**

SUBJECT: **Education – Maryland Longitudinal Data System**

THIRD READING CALENDAR HOUSE NO. **44** SENATE NO. **51**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the attached Committee on Ways and Means Amendments (SB0275/945666/1) be adopted.

(2) That the attached Conference Committee Amendment (SB0275/233721/1) be adopted.

SB0275/945666/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 275 (Third Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with “requiring” in line 24 on page 1 down through “plan;” in line 4 on page 2.

On page 2, in lines 4 and 5, strike “providing for the termination of a certain provision of this Act;”.

AMENDMENT NO. 2

On page 3, in line 10, strike “AND”; in line 11, after “DATA” insert “;AND”

(IX) SUSPENSION AND EXPULSION RECORDS”;

in line 14, after the semicolon insert “AND”; and strike beginning with “; AND” in line 15 down through “RECORDS” in line 16.

On page 4, in line 3, after “SYSTEM” insert “THAT SHALL BE FULLY OPERATIONAL BY DECEMBER 31, 2014”.

On page 11, strike in their entirety lines 20 through 22, inclusive.

On page 12, in line 13, strike “and”; in line 16, after “Board” insert “; and

(3) a data security and safeguarding plan for the Center”;

strike in their entirety lines 17 through 24, inclusive; in lines 26 and 27, strike “federal or other funds that are not from the General Fund of the State be used first for the funding of” and substitute “the State shall make every effort to seek federal funding to support”; strike in their entirety lines 30 through 36, inclusive; in lines 8, 25, and 37, strike “3.”, “5.”, and “8.”, respectively, and substitute “2.”, “3.”, and “4.”, respectively; and in lines 37 and 38, strike “, except as provided in Section 7 of this Act.”.

SB0275/233721/1

BY: Conference Committee

AMENDMENT TO SENATE BILL 275, AS AMENDED

(Third Reading File Bill)

On page 3 of the bill, in line 10, after “ENROLLMENT;” insert “AND”; and in line 15, after “RECORDS” insert “; AND

(IV) DISCIPLINE RECORDS”.

On page 1 of the Committee on Ways and Means Amendments (SB0275/945666/1), in Amendment No. 2, strike beginning with “; AND” in line 1 down through “RECORDS” in line 2; and in line 3, strike the first “AND”.

Senate Members:

House Members:

Chair, **Paul G. Pinsky**

Chair, **John A. Olszewski, Jr.**

did not sign
Edward R. Reilly

Jim Gilchrist

Joan Carter Conway

LeRoy E. Myers, Jr.

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

() Chief Clerk

(X) Secretary, Senate

Conference Committee Report read and adopted.Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 121 Negative – 19 (See Roll Call No. 1490)

The Bill was then returned to the Senate.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0254**SPONSOR:** Dels Schuh and Smigiel**SUBJECT:** Crimes – Sexual Offenses Against Children –
Jessica's Law Enhancement

The Senate recedes from its position on HB 0254.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
SecretaryRead and ordered journalized.

YEAS AND NAYS**HOUSE BILLS PASSED IN THE SENATE**

<u>NUMBER</u>	<u>SPONSOR</u>
HB 272	Del. King
HB 470	The Speaker
HB 517	Del. Simmons
HB 576	PG/Montgomery Co. Del.
HB 599	Del. Olszewski
HB 635	Del. Frush
HB 678	Frederick County Del.
HB 686	Del. Wood
HB 934	Del. McIntosh
HB 973	Del. Aumann
HB 1011	Del. Carter
HB 1156	Del. Dwyer
HB 1164	Del. Niemann
HB 1175	Kent Co. Del.
HB 1454	Del. McConkey
HB 1473	Del. Anderson
HB 1512	Frederick County Del.
HB 1514	Del. Beidle
HB 1568	Del. Conway

Read and ordered journalized.

YEAS AND NAYS**HOUSE BILLS PASSED IN THE SENATE**

<u>NUMBER</u>	<u>SPONSOR</u>
HB 254	Del. Schuh
HB 359	Del. James
HB 392	Del. Vaughn
HB 409	Ch., Econ Matters Co.
HB 870	Del. Reznik
HB 927	Del. Nathan–Pulliam
HB 1188	Del. Hubbard
HB 1389	Del. Vallario

Journalized.

JOINT CHAIRMEN'S REPORT

REPORT ON THE STATE OPERATING BUDGET (SENATE BILL 140) AND THE STATE CAPITAL BUDGET (SENATE BILL 142) AND RELATED RECOMMENDATIONS BY THE CHAIRMEN OF THE SENATE BUDGET AND TAXATION COMMITTEE AND HOUSE APPROPRIATIONS COMMITTEE –
JOINT CHAIRMEN'S REPORT

(See Exhibit T of Appendix II)

CHIEF CLERK'S OFFICE RECEIPTS FOR BILLS DELIVERED TO THE GOVERNOR

(See Exhibit U of Appendix II)

MESSAGE TO THE SENATE

APRIL 12, 2010

BY THE MAJORITY LEADER:

LADIES AND GENTLEMEN OF THE SENATE:

WE PROPOSE WITH YOUR CONCURRENCE, THAT WHEN THE GENERAL ASSEMBLY ADJOURNS APRIL 12, 2010 AT TWELVE O'CLOCK MIDNIGHT, IT STANDS ADJOURNED SINE DIE.

WE FURTHER PROPOSE THE APPOINTMENT OF A JOINT COMMITTEE, TWO ON THE PART OF THE SENATE AND TWO ON THE PART OF THE HOUSE, TO WAIT UPON HIS EXCELLENCY, THE GOVERNOR OF MARYLAND, TO INFORM HIM THAT THE GENERAL ASSEMBLY WILL ADJOURN APRIL 12, 2010, AT TWELVE O'CLOCK SINE DIE, IN ACCORDANCE WITH THE PROVISIONS OF THE CONSTITUTION AND TO INQUIRE IF HE HAS ANY FURTHER COMMUNICATIONS TO MAKE TO THE GENERAL ASSEMBLY.

WE HAVE APPOINTED ON THE PART OF THE HOUSE, DELEGATES BARVE AND O'DONNELL.

BY ORDER,

MARY MONAHAN
CHIEF CLERK

Journalized.

MESSAGE FROM THE SENATE

April 12, 2010

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

We have received your message proposing that when the General Assembly adjourns, April 12, 2010, at Twelve o'clock Midnight, it stands adjourned Sine Die.

The Senate concurs therein.

We agree to the Joint Committee to wait upon his Excellency, the Honorable Martin O'Malley, Governor of Maryland. The Senate appoints Senators Kasemeyer and Kittleman.

By Order,

William B.C. Addison, Jr.
Secretary

Journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 1491)

At 12:01 A.M. on motion of Delegate Barve the House adjourned Sine Die.