Journal *of* Proceedings

of the

Senate
of
Maryland

2011 Regular Session

Volume II

Compiled and edited by:

Donald G. Hopkins
Journal Clerk

…

William B.C. Addison, Jr.
Secretary of the Senate

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Annapolis, Maryland
Thursday, February 24, 2011
9:15 A.M. Session

The Senate met at 9:20 A.M.

Prayer by Reverend Andrew Best, Worship World Church, guest of Senator Rosapepe.

(See Exhibit A of Appendix III)

The Journal of February 23, 2011 was read and approved.

QUORUM CALL

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

(See Roll Call No. 204)

INTRODUCTION OF BILLS

Senate Bill 927 – Senator Simonaire

AN ACT concerning

Property Tax Exemption for Charitable or Educational Purposes – Property for Benefit of Qualifying Organization

FOR the purpose of adding certain requirements for property to be eligible for a certain property tax exemption for property used for certain charitable or educational purposes; requiring the Department of Assessments and Taxation to adopt certain regulations; providing for the application of this Act; and generally relating to requirements for a certain property tax exemption.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 7–202(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

Senate Bill 928 – Senators Rosapepe and Reilly

AN ACT concerning

Procurement – Preferences – Blind Industries and Services of Maryland

FOR the purpose of altering a certain preference to allow the preference to apply to the Blind Industries and Services of Maryland when providing certain vending machine supplies and services or subcontracting for the vending machine supplies and services under certain circumstances; defining a certain term; and generally relating to procurement preferences to benefit disadvantaged individuals.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–103
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 929 – Senator Raskin

AN ACT concerning

Firearms – Knowing Violation of Specified Prohibitions – Penalty

FOR the purpose of applying a certain penalty to the knowing violation of a certain prohibition against the possession of a regulated firearm or ammunition solely designed for a regulated firearm by a person who is under a certain age, and to the knowing violation of a certain prohibition against obliterating, removing, changing, or altering the manufacturer's identification mark or number on a firearm; and generally relating to firearms violations.

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5–133(d) and 5–142
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–143
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

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

Senate Bill 930 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Dayspring Square

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

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

Senate Bill 931 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Historic Diamond Press Building

FOR the purpose of authorizing the creation of a State Debt in the amount of $100,000, the proceeds to be used as a grant to the Board of Directors of the Historic East Baltimore Community Action Coalition, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 932 – Senator Miller

AN ACT concerning

Calvert County – Alcoholic Beverages – Special Event License

FOR the purpose of establishing a Special Event (SE) beer, wine and liquor license in Calvert County; specifying that the license entitles the holder to sell beer, wine, and liquor for consumption on the licensed premises; requiring that an applicant for the license first obtain approval of the Board for certain items; specifying that an SE license may be valid for 1 or more days; authorizing the Board to approve multiple venues where alcoholic beverages may be sold on the licensed premises; authorizing the Board to require an applicant for the license to provide certain security measures; providing certain license fees; requiring

the Board to determine the number of licenses a single applicant may be issued in a year; specifying that this Act does not prohibit the license holder from holding another alcoholic beverages license; authorizing the Board to adopt certain regulations; defining certain terms; and generally relating to alcoholic beverages in Calvert County.

BY adding to
Article 2B – Alcoholic Beverages
Section 7–102
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 933 – Senator Miller

AN ACT concerning

Creation of a State Debt – Prince George's County – Maryland–National Capital Park and Planning Commission Field Lights

FOR the purpose of authorizing the creation of a State Debt not to exceed $300,000, the proceeds to be used as a grant to the Maryland–National Capital Park and Planning Commission for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

MOTION

Senator Kelley moved, duly seconded, that the Senate receive in Open Session the following Report from the Committee on Executive Nominations.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #4

Report #4
February 24, 2011

Certified Interior Designers, State Board of

1. Robyn I. Dubick — District 13
9630 Stirling Bridge Drive
Columbia, MD 21046

Member of the State Board of Certified Interior Designers; appointed to serve a term of three years from July 1, 2010

Elevator Safety Review Board

2. Charles Meeks — District 38
601 S. Pacific Avenue
Ocean City, MD 21842

Member of the Elevator Safety Review Board; appointed to serve remainder of a term of three years from October 1, 2010

Injured Workers' Insurance Fund, Board for the

3. Frank D. Boston, Jr. — District 41
3414 Duvall Avenue, Suite 202
Baltimore, MD 21216

Member of the Board for the Injured Workers' Insurance Fund; reappointed to serve a term of five years from June 1, 2010

4. Vincent Rocky Gonzalez — District 35
2901 Whitefield Road
Churchville, MD 21028

Member of the Board for the Injured Workers' Insurance Fund; reappointed to serve a term of five years from June 1, 2010

Longitudinal Data System Center Governing Board, Maryland

5. Ayana English–Brown — District 27
9501 Meadow Lark Avenue
Upper Marlboro, MD 20772

Member of the Maryland Longitudinal Data System Center Governing Board; appointed to serve remainder of a term of three years from July 1, 2010

6. Jason Perkins–Cohen District 41
4818 Keswick Road
Baltimore, MD 21210

Member of the Maryland Longitudinal Data System Center Governing Board; appointed to serve remainder of a term of three years from July 1, 2010

7. Brian A. Roberts District 17
8 Ramsdell Terrace
Gaithersburg, MD 20878

Member of the Maryland Longitudinal Data System Center Governing Board; appointed to serve remainder of a term of three years from July 1, 2010

Maryland Legal Services Corporation Board of Directors

8. Laura M. Esquivel District 20
909 Elm Avenue
Takoma Park, MD 20912

Member of the Maryland Legal Services Corporation Board of Directors; appointed to serve remainder of a term of three years from July 1, 2009

Morticians and Funeral Directors, State Board of

9. John T. Stewart, III District 26
5316 Tolson Road
Temple Hills, MD 20748

Member of the State Board of Morticians and Funeral Directors; appointed to serve a term of four years from July 1, 2010

Patuxent River Commission

10. Jacqueline U. Takacs District 33
300 Greenridge Drive
Dunkirk, MD 20754

Member of the Patuxent River Commission; appointed to serve remainder of a term of four years from October 1, 2009

Physicians, State Board of

11. Tricia J. Thompson Handel, D.O. District 38
3862 Old Post Road
Salisbury, MD 21804

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

12. John R. Lilly, M.D. District 33
1306 Eva Gude Drive
Crownsville, MD 21032

Member of the State Board of Physicians; appointed to serve remainder of a term of four years from July 1, 2010

Professional Land Surveyors, State Board for

13. John F. Jensen District 34
310 Goldeneye Court
Havre de Grace, MD 21078

Member of the State Board for Professional Land Surveyors; appointed to serve remainder of a term of five years from July 1, 2007

Psychologists, State Board of

14. Harriet B. Rakes District 13
8357 Tamar Drive #423
Columbia, MD 21045–5713

Member of the State Board of Psychologists; appointed to serve remainder of a term of four years from July 1, 2008

Public Defender, Office of the Board of Trustees of the

15. Eun Kyung "Jeannie" Cho, Esq. District 19
15722 Thistlebridge Drive
Rockville, MD 20853

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term to expire May 31, 2013

16. Roger A. Fairfax, Esq. District 18
3304 Glenmoor Drive
Chevy Chase, MD 20815

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term to expire May 31, 2013

17. Harry S. Johnson, Esq. District 7
28 Warren Manor Court
Cockeysville, MD 21030

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term to expire May 31, 2013

18. T. Wray McCurdy, Esq. District 42
223 West Seminary Avenue
Lutherville, MD 21093

Member of the Board of Trustees of the Office of the Public Defender; reappointed to serve a term to expire May 31, 2012

19. Margaret Ann Mead, Esq. District 7
4303 Conifer Court
Glen Arm, MD 21057

Member of the Board of Trustees of the Office of the Public Defender; reappointed to serve a term to expire May 31, 2012

20. Stephen Z. Meehan, Esq. District 36
105 Riverview Place
Chestertown, MD 21620

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term to expire May 31, 2012

21. Arthur Schneider, Esq. District 2
13212 Woodbine Lane
Hagerstown, MD 21742

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term to expire May 31, 2012

School for the Deaf, Board of Trustees of the Maryland

22. Sheryl B. Cooper, Ph.D. District 42
2002 Myrtlewood Road
Baltimore, MD 21209

Member of the Board of Trustees of the Maryland School for the Deaf; appointed to serve remainder of a term of six years from October 1, 2008

23. Sandra N. Harriman District 13
7335 Brookview Road, Unit 106
Elkridge, MD 21075

Member of the Board of Trustees of the Maryland School for the Deaf; reappointed to serve a term of six years from October 1, 2009

Statewide Nominees

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

Physicians, State Board of

S–1. Richard C. Bittner District 31
1627 Concordia Drive
Pasadena, MD 21122

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2010

S–2. Suresh K. Gupta, M.D. District 15
109 Autumn Wind Way
Rockville, MD 20850

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2010

S–3. Hilary T. O'Herlihy, M.D. District 33
5 St. Andrews Crossover
Severna Park, MD 21146

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2010

Local Nominees

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

Allegany County Board of License Commissioners

L–1. Charles R. Miller — District 1
12712 Lewis Heights Drive, S.W.
Cumberland, MD 21502

Member of the Allegany County Board of License Commissioners; appointed to serve a term to expire on May 2, 2011

Baltimore City Community College, Board of Trustees for

L–2. Jo–Wayne McCurbyn — District 43
500 West University Parkway
Baltimore, MD 21210

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of one year from July 1, 2010

Calvert County Board of License Commissioners

L–3. Beth E. Swoap — District 29
2118 Loblolly Lane
St. Leonard, MD 20685

Member of the Calvert County Board of License Commissioners; appointed to serve remainder of a term to expire June 6, 2011

Caroline County Board of Elections

L–4. Warner G. Johnson — District 37
27320 Chipmans Lane
Federalsburg, MD 21632

Member of the Caroline County Board of Elections; appointed to serve for the remainder of a term of four years from June 4, 2007

L–5. Greta H. Scanlan District 36
24561 Mill Creek Lane
Denton, MD 21629

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

Carroll County Board of Elections

L–6. Hope Jacobs District 9
670 Tanglewood Drive
Sykesville, MD 21784

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

Cecil Community College Board of Trustees

L–7. David A. Leatherwood, D.D.S. District 34
89 Calvert Road
Rising Sun, MD 21911

Member of the Cecil Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2010

L–8. Wyatt K. Wallace District 34
283 Poplar Point Road
Perryville, MD 21903

Member of the Cecil Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2010

Howard County Board of Elections

L–9. Patricia A. Neidig District 9
9867 Foxhill Court
Ellicott City, MD 21043

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

Prince George's County Board of License Commissioners

L–10. Earl J. Howard District 24
3706 Baskerville Drive
Mitchellville, MD 20721

Member of the Prince George's County Board of License Commissioners; reappointed to serve a term of three years from June 1, 2010

St. Mary's County Board of Elections

L–11. James J. Davis District 29
20832 Waterside Drive
Leonardtown, MD 20650

Member of the St. Mary's County Board of Elections; appointed to serve remainder of a term of four years from June 4, 2007

Senator Kelley moved, duly seconded, to make the Report a Special Order for February 25, 2011.

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 5 – Senators Klausmeier, Rosapepe, and Stone

AN ACT concerning

Physicians – Professional Liability Insurance Coverage – Notification and Posting Requirements

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

Senator Conway moved, duly seconded, to reconsider the vote by which the Committee amendments were adopted.

The motion was adopted.

SB0005/804535/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 5
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "coverage;" insert "providing that certain provisions of this Act do not apply to certain physicians;".

AMENDMENT NO. 2

On page 1, after line 21, insert:

"**(A) THIS SECTION DOES NOT APPLY TO:**

(1) A PHYSICIAN WHO PROVIDES SERVICES WHILE ON CALL FOR A HOSPITAL THAT IS SUBJECT TO THE FEDERAL EMERGENCY MEDICAL TRANSFER AND ACTIVE LABOR ACT;

(2) A PHYSICIAN WHO IS EMPLOYED BY THE FEDERAL GOVERNMENT TO PRACTICE MEDICINE AND TO WHOM THE PROVISIONS OF THE FEDERAL TORT CLAIMS ACT APPLY, WHILE PRACTICING WITHIN THE SCOPE OF THE PHYSICIAN'S EMPLOYMENT BY THE FEDERAL GOVERNMENT; OR

(3) A PHYSICIAN WHO IS EMPLOYED BY THE STATE GOVERNMENT TO PRACTICE MEDICINE AND TO WHOM THE PROVISIONS OF THE MARYLAND TORT CLAIMS ACT APPLY, WHILE PRACTICING WITHIN THE SCOPE OF THE PHYSICIAN'S EMPLOYMENT BY THE STATE GOVERNMENT.";

and in line 22, strike "**(A)**" and substitute "**(B)**".

On page 2, in line 7, strike "**(B)**" and substitute "**(C)**"; in the same line, strike "**(A)**" and substitute "**(B)**"; and in line 19, strike "**(C)**" and substitute "**(D)**".

The preceding 2 Committee amendments were withdrawn.

SB0005/844435/1

BY: Education, Health, and Environmental Affairs Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL 5
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Professional" insert "Medical"; in line 5, after "to" insert "medical"; in line 8, strike "physician's patient" and substitute "patient's medical"; in line 11, after "requirements;" insert "defining a certain term;"; in the same line, after the second "and" insert "medical".

AMENDMENT NO. 2

On page 1, after line 21, insert:

"**(A) IN THIS SECTION, "MEDICAL PROFESSIONAL LIABILITY INSURANCE COVERAGE" INCLUDES:**

(1) MEDICAL PROFESSIONAL LIABILITY INSURANCE COVERAGE WRITTEN AS AN INDIVIDUAL POLICY;

(2) MEDICAL PROFESSIONAL LIABILITY INSURANCE COVERAGE PROVIDED UNDER A GROUP POLICY OR SELF–INSURANCE PROGRAM BY A HOSPITAL OR OTHER HEALTH CARE FACILITY COVERING THE LICENSEES WHO PRACTICE MEDICINE AT OR FOR THE HOSPITAL OR OTHER HEALTH CARE FACILITY; AND

(3) PROTECTION PROVIDED UNDER LOCAL GOVERNMENT INSURANCE PROGRAMS, THE FEDERAL TORT CLAIMS ACT, OR THE MARYLAND TORT CLAIMS ACT.";

and in line 22, strike "**(A)**" and substitute "**(B)**".

On page 2, in lines 1, 10, and 20, in each instance, strike "**MAINTAIN**" and substitute "**HAVE MEDICAL**"; in line 3, after "**LICENSEE'S**" insert "**MEDICAL PROFESSIONAL**"; in line 4, after "**CARRIER**" insert "**OR PROVIDER**"; in lines 4 and 14, in each instance, after "**LICENSEE'S**" insert "**MEDICAL**"; in lines 7 and 19, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively; in line 7, strike "**(A)**" and substitute "**(B)**"; and strike beginning with "**LICENSEE'S**" in line 17

down through "**RECORDS**" in line 18 and substitute "**PATIENT'S MEDICAL RECORDS**".

The preceding 2 Substitute Committee amendments were read only.

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

The motion was adopted.

Senate Bill 225 – Senators Dyson and Middleton

AN ACT concerning

Election Law – Access to Voting Room and Voting Booth by Minors Not Eligible to Vote

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENT (1) OFFERED FROM THE FLOOR BY SENATOR KITTLEMAN.

FLOOR AMENDMENT

SB0225/933225/1
BY: Senator Kittleman

AMENDMENT TO SENATE BILL 225
(First Reading File Bill)

On page 2, in line 3, strike "an individual" and substitute "**A MINOR**"; in the same line, strike the brackets; in the same line, strike "**18**" and substitute "**YEARS OR, IF THE MINOR IS A RELATIVE OF THE VOTER, OVER THE AGE OF 13 YEARS,**"; in line 5, strike "individual" and substitute "**MINOR**"; in line 7, strike "**INDIVIDUAL**" and substitute "**MINOR**"; and in line 11, strike "individuals" and substitute "**MINORS**".

On page 3, in line 15, strike the brackets; and in the same line, strike "**17**" and substitute "**YEARS OR, IF THE INDIVIDUAL IS A RELATIVE OF THE VOTER, OVER 17**".

The preceding amendment was withdrawn.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 205)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #12

Senate Bill 116 – Senators Garagiola, Madaleno, Raskin, Ferguson, Forehand, Frosh, Gladden, Jones–Rodwell, Kelley, King, Manno, McFadden, Montgomery, Pinsky, Pugh, Ramirez, Young, and Zirkin

AN ACT concerning

~~**Religious Freedom and**~~ **Civil Marriage Protection Act**

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 244 – Senator Thomas M. Middleton:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Maurice J. McDonough High School Football Team
in recognition of
your winning the Maryland 2A Football State Championship on December 4, 2010.
We applaud your outstanding season and wish you many more. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 24th day of February 2011.

Read and adopted by a roll call vote as follows:

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

Senate Resolution No. 245 – Senator Nathaniel J. McFadden:

Be it hereby known to all that

The Senate of Maryland
offers its sincerest congratulations to
Kappa Alpha Psi Fraternity, Inc.
in recognition of
your 100th Anniversary of serving as a leader around the world in the promotion of excellence and achievement
in every field of human endeavor.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 24th day of February 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 207)

THIRD READING CALENDAR (SENATE BILLS) #12

Senate Bill 116 – Senators Garagiola, Madaleno, Raskin, Ferguson, Forehand, Frosh, Gladden, Jones–Rodwell, Kelley, King, Manno, McFadden, Montgomery, Pinsky, Pugh, Ramirez, Young, and Zirkin

AN ACT concerning

~~**Religious Freedom and**~~ **Civil Marriage Protection Act**

QUORUM CALL

The presiding officer announced a quorum call, showing 41 Members present.

(See Roll Call No. 208)

RECESS

At 11:08 A.M. on motion of Senator Garagiola, seconded, the Senate recessed until 11:10 A.M. Thursday, February 24, 2011 to the House of Delegates Chamber for the election of the State Treasurer.

AFTER RECESS
Annapolis, Maryland
Thursday, February 24, 2011

At 11:13 A.M. the Senate resumed its session.

JOINT SESSION

President Miller called for the Senate roll.

SENATE QUORUM CALL

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

(See Roll Call No. 208A)

Speaker Busch called for the House roll.

HOUSE QUORUM CALL

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

(See House Roll Call No. 95)

A majority of both the House and the Senate being present, Speaker Busch declared both bodies in Joint Session.

The House Reading Clerk read the Report of the Committee on the Selection of the Treasurer:

REPORT OF THE SPECIAL JOINT LEGISLATIVE COMMITTEE TO CONSIDER THE CANDIDATES FOR STATE TREASURER

FEBRUARY 24, 2011

The Special Joint Legislative Committee to Select the State Treasurer nominates the current State Treasurer Nancy K. Kopp to serve as the State Treasurer for the 2011-2014 term.

Norman R. Stone, Jr.
Senate Chairman

Adrienne A. Jones
House Chairman

Read and ordered journalized.

Staff members of the Secretary of the Senate's Office and the Chief Clerk of the House of Delegates' Office distributed the following ballots to the Members of the Senate and House of Delegates present on the Floor and returned any extra ballots to the Desk.

SELECTION OF THE STATE TREASURER
BALLOT

February 24, 2011

VOTE FOR ONLY ONE APPLICANT

	APPLICANT
	William H. Campbell
	Nancy K. Kopp
	Write in Candidate

A total of 185 ballots were distributed.

Said ballots were then collected by the same staff members and placed in the Ballot Box on the Clerk's Desk at the Lower Rostrum.

The Majority and Minority Leaders of both Houses came to the Rostrum to observe the opening of the Ballots.

The Secretary of the Senate removed and opened each ballot individually and handed it to the Chief Clerk of the House of Delegates who announced openly the name selected.

The Assistant Chief Clerk of the House of Delegates and the Journal Clerk of the House of Delegates recorded a tally of each vote announced.

When the Clerk announced the 93rd vote cast for Nancy K. Kopp, a majority of members present, the Clerk declared a result had been established.

The Results were as follows:

Candidates
William H. Campbell – 31
Nancy K. Kopp – 127

Write–In Candidates
Gary Dell Abate – 1

Jeremy Baker – 1
Larry Barnes – 2
James Brochin – 1
Chuck Brown – 11
Jon S. Cardin – 1
D. Davis – 1
Vicki Gruber – 5
Martin G. Madden – 1
Alex Mooney – 1
Joe Vallario – 2

FINAL TALLY 185

The Speaker announced the State Treasurer-Elect to be Nancy K. Kopp.

Senators Pugh and Colburn and Delegates Vaughn and Frank escorted the Lieutenant Governor Anthony G. Brown to the Speaker's Rostrum.

Senators Garagiola and Jacobs and Delegates Eckardt and Donoghue escorted the Chief Executive to the Speaker's Rostrum to witness the administering of the Oaths of Office to the Treasurer-Elect.

Senators Stone and Pipkin and Delegates Glenn and Lee escorted the Treasurer-Elect Nancy K. Kopp to the Speaker's Rostrum.

Speaker Busch and President Miller administered both Oaths of Office to the Treasurer-Elect.

Treasurer Nancy K. Kopp addressed the General Assembly.

RECESS

At 11:46 A.M. on motion of Senator Garagiola, seconded, the Senate recessed until 5:30 P.M. on Thursday, February 24, 2011.

AFTER RECESS
Annapolis, Maryland
Thursday, February 24, 2011

At 5:36 P.M. the Senate resumed its session.

QUORUM CALL

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

(See Roll Call No. 210)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

QUORUM CALL

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

(See Roll Call No. 211)

THIRD READING CALENDAR (SENATE BILLS) #12

Senate Bill 116 – Senators Garagiola, Madaleno, Raskin, Ferguson, Forehand, Frosh, Gladden, Jones–Rodwell, Kelley, King, Manno, McFadden, Montgomery, Pinsky, Pugh, Ramirez, Young, and Zirkin

AN ACT concerning

~~Religious Freedom and~~ Civil Marriage Protection Act

Senator Garagiola moved, duly seconded, to limit the debate on **Senate Bill 116**.

MOTION TO LIMIT DEBATE

PURSUANT TO THE PROVISIONS OF SENATE RULE 77(B) DEBATE ON **SENATE BILL 116** SHALL BE LIMITED TO 60 MINUTES IN THE AGGREGATE FOR CONSIDERATION OF THIRD READING AND FINAL PASSAGE, AND ON

ALL SUBSEQUENT QUESTIONS AND MOTIONS SO RELATED TO SUCH READING AND OTHER ACTIONS. THE PRESIDENT SHALL ALLOCATE THE MINUTES AGGREGATE TIME AMONG THOSE SENATORS DESIRING TO SPEAK THEREON, PROVIDED THAT NOT MORE THAN 30 MINUTES SHALL BE ALLOCATED FOR THE PROPONENTS AND NOT MORE THAN 30 MINUTES SHALL BE ALLOCATED FOR THE OPPONENTS OF SUCH BILL.

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

Affirmative – 30 Negative – 17 (See Roll Call No. 212)

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

Affirmative – 25 Negative – 21 (See Roll Call No. 213)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 214)

ADJOURNMENT

At 6:23 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 11:00 A.M. on Friday, February 25, 2011.

Annapolis, Maryland
Friday, February 25, 2011
11:00 A.M. Session

The Senate met at 11:10 A.M.

Prayer by Pastor Conrad D. Parker, Grace United Methodist Church, guest of Senator Muse.

(See Exhibit A of Appendix III)

The Journal of February 24, 2011 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 216)

INTRODUCTION OF BILLS

Senate Bill 934 – Senators Muse, Kelley, and Madaleno

AN ACT concerning

Nursing Homes – Staffing Requirements

FOR the purpose of requiring a nursing home to display a certain notice that lists the names of certain health care providers that are providing direct care to the residents on a floor during a shift and that lists the minimum shift ratios required by a certain provision of law; requiring that the notice be posted in certain areas on a floor of a nursing home and be in a form that prevents the information from being erased; requiring a nursing home employee to wear a certain name tag; requiring certain individuals hired by the nursing home through a nursing staff agency to wear certain photo identification; requiring a nursing home to employ sufficient staff to adequately meet the direct care needs of each resident of the nursing home; requiring a nursing home, on or before certain dates, to provide sufficient staff to ensure that at least a certain number of hours of direct care is provided per resident per day; requiring a nursing

home, on or before certain dates, to distribute nursing staff to meet certain minimum shift ratios; authorizing the Office of Health Care Quality to authorize a nursing home to meet alternate shift ratios if certain requirements are met; specifying that the alternate shift ratios may not be less than certain shift ratios; requiring a nursing home that is authorized to meet alternate shift ratios to comply with the alternate shift ratios within a certain time period; specifying that a nursing home may only include hours of direct care that are provided by certain staff under certain circumstances when calculating the hours of direct care; requiring a nursing home to give certain notice to the Office and provide the Office with certain documentation under certain circumstances; authorizing a nursing home that is unable to meet certain minimum shift ratio requirements to apply to the Office for a waiver; requiring the Secretary of Health and Mental Hygiene to adopt certain regulations; requiring a nursing home to submit a proposed shift schedule to the Office within a certain time period before the schedule is to be implemented; requiring the Office to review certain schedules and notify a nursing home of certain information under certain circumstances; prohibiting a nursing home from implementing a proposed shift schedule before the nursing home has received a certain notification from the Office; specifying that certain staffing requirements may not be construed to limit the ability of a nursing home to employ additional staff; requiring a nursing home to employ additional staff under certain circumstances; authorizing the Office to require a nursing home to meet certain staffing requirements under certain circumstances; requiring a nursing home to employ, beginning on a certain date, a director of nursing who meets certain requirements; requiring a director of nursing to complete a certain training program within a certain time period after being employed by a nursing home; requiring the Secretary to make a certain determination and, under certain circumstances, adopt certain regulations; requiring the Secretary to develop a certain training program; defining certain terms; and generally relating to staffing requirements for nursing homes.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–1410(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health – General
Section 19–1410(d) and 19–1410.2
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 935 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Clay Street Development

FOR the purpose of authorizing the creation of a State Debt not to exceed $250,000, the proceeds to be used as a grant to the Board of Directors of the Bowman Community Development Corporation for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 936 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Annapolis Market House

FOR the purpose of authorizing the creation of a State Debt not to exceed $300,000, the proceeds to be used as a grant to the Mayor and City Council of the City of Annapolis for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 937 – Senator Dyson

AN ACT concerning

Natural Resources Police Force – Number of Officers

FOR the purpose of stating the intent of the General Assembly that the Natural Resources Police Force employ a certain number of Natural Resources police officers by a certain date; requiring the Governor to include certain amounts in the annual budget bills for certain fiscal years to make certain progress toward achieving a certain employment goal; and generally relating to the Natural Resources Police Force.

BY adding to
Article – Natural Resources
Section 1–201.2
Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 217)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #10

Senate Bill 72 – Senator Benson

AN ACT concerning

State Board of Morticians and Funeral Directors – Surviving Spouse Licenses – Deadlines and Examination Requirements

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

Affirmative – 46 Negative – 0 (See Roll Call No. 218)

The Bill was then sent to the House of Delegates.

Senate Bill 124 – ~~Senator Astle~~ Senators Astle, Conway, Dyson, Benson, Ferguson, Jennings, Montgomery, Pinsky, Reilly, Rosapepe, Simonaire, and Young

AN ACT concerning

Flag Display on State House Grounds – Honor and Remember and POW/MIA Flags

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

Affirmative – 46 Negative – 0 (See Roll Call No. 219)

The Bill was then sent to the House of Delegates.

Senate Bill 163 – **Senators Brinkley ~~and Young~~, Young, and Middleton**

AN ACT concerning

Charles County and Frederick County – ~~Board~~ Boards of Elections – Membership

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

Affirmative – 46 Negative – 0 (See Roll Call No. 220)

The Bill was then sent to the House of Delegates.

Senate Bill 170 – **Senator McFadden**

AN ACT concerning

Baltimore City – Education – Construction Bond Authority

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

Affirmative – 46 Negative – 0 (See Roll Call No. 221)

The Bill was then sent to the House of Delegates.

Senate Bill 188 – **Senators Kittleman, Astle, Brinkley, Brochin, Colburn, Conway, Dyson, Edwards, Garagiola, Getty, Glassman, Jacobs, Jennings, McFadden, Middleton, Peters, Pipkin, Raskin, Reilly, Shank, Simonaire, and Young**

AN ACT concerning

Recreational Fishing Licenses – Exemption ~~for Disabled Armed Forces Members~~

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

Affirmative – 46 Negative – 0 (See Roll Call No. 222)

The Bill was then sent to the House of Delegates.

Senate Bill 192 – **Harford County Senators**

AN ACT concerning

Harford County – Board of Elections – Membership

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

Affirmative – 46 Negative – 0 (See Roll Call No. 223)

The Bill was then sent to the House of Delegates.

Senate Bill 272 – Senator Edwards

AN ACT concerning

Garrett County – Tax Sales – Auctioneer's Fees

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

Affirmative – 46 Negative – 0 (See Roll Call No. 224)

The Bill was then sent to the House of Delegates.

Senate Bill 322 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

State Board of Veterinary Medical Examiners – Registered Veterinary Technician

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

Affirmative – 45 Negative – 1 (See Roll Call No. 225)

The Bill was then sent to the House of Delegates.

Senate Bill 373 – Senators Kasemeyer and DeGrange

EMERGENCY BILL

AN ACT concerning

Video Lottery Operation Licensees – Noninterference

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

Affirmative – 43 Negative – 1 (See Roll Call No. 226)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #11

Senate Bill 98 – Senator McFadden

AN ACT concerning

Baltimore City Board of School Commissioners – Annual Report Requirement – Repeal

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

Affirmative – 46 Negative – 0 (See Roll Call No. 227)

The Bill was then sent to the House of Delegates.

Senate Bill 207 – Calvert County Senators

AN ACT concerning

Calvert County – Public Facilities Bonds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 228)

The Bill was then sent to the House of Delegates.

Senate Bill 210 – Senators Kelley, Conway, Jones–Rodwell, Middleton, and Pugh

AN ACT concerning

Real Estate Settlements – Paying or Receiving Consideration – Penalties

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

Affirmative – 46 Negative – 0 (See Roll Call No. 229)

The Bill was then sent to the House of Delegates.

Senate Bill 228 – Senators Glassman, Astle, Garagiola, Jennings, Kelley, Klausmeier, Middleton, Montgomery, Pipkin, Pugh, Shank, and Simonaire

AN ACT concerning

Agricultural Product Sales – Producer Mobile Farmer's Market License – Public Festival and Event Authorization

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

Affirmative – 46 Negative – 0 (See Roll Call No. 230)

The Bill was then sent to the House of Delegates.

Senate Bill 255 – Senator Middleton

AN ACT concerning

Life Insurance – Definition and Permitted Riders and Provisions

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

Affirmative – 46 Negative – 0 (See Roll Call No. 231)

The Bill was then sent to the House of Delegates.

Senate Bill 256 – Senators Middleton and Kelley

AN ACT concerning

Business Regulation – Definition of Home Builder

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

Affirmative – 46 Negative – 0 (See Roll Call No. 232)

The Bill was then sent to the House of Delegates.

Senate Bill 271 – Senator Edwards

AN ACT concerning

Public Utilities – Net Energy Metering – Hydroelectric

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

Affirmative – 46 Negative – 0 (See Roll Call No. 233)

The Bill was then sent to the House of Delegates.

Senate Bill 279 – Senator Colburn

AN ACT concerning

Dorchester County – Tax Sales – Advertisement and Auctioneer Fees

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

Affirmative – 46 Negative – 0 (See Roll Call No. 234)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 127 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
University of Maryland Medical Center
in recognition of
being named one of two nationally recognized "Leapfrog Top Hospitals of the Decade"
by The Leapfrog Group,
along with 5 consecutive years of making
their "Top Hospitals" List.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 25th day of February 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 235)

THIRD READING CALENDAR (SENATE BILLS) #13

Senate Bill 159 – Senators Frosh, Benson, Conway, Forehand, King, Klausmeier, Montgomery, Pinsky, Ramirez, Robey, Rosapepe, ~~and Young~~ Young, Simonaire, and Ferguson

AN ACT concerning

Natural Resources – Oyster Poaching – Hearing

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

Affirmative – 46 Negative – 0 (See Roll Call No. 236)

The Bill was then sent to the House of Delegates.

Senate Bill 221 – Senator Conway

EMERGENCY BILL

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Trace Amounts

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

Affirmative – 46 Negative – 0 (See Roll Call No. 237)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 133 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Courts and Judicial Proceedings – Juvenile Records – Access by the Division of Pretrial Detention and Services

FOR the purpose of providing that certain laws relating to the confidentiality of juvenile ~~police and court~~ records do not prohibit access to and use of ~~certain~~ juvenile court records by the Maryland Division of Pretrial Detention and Services under certain circumstances; and generally relating to juvenile records.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–27
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 176 – Delegate Eckardt

AN ACT concerning

State Retirement and Pension System – Reemployment of Retirees – Exemptions

FOR the purpose of altering the number of years required after retirement for certain retirees of the State Retirement and Pension System to be exempt from a certain earnings offset of their retirement allowance when reemployed by certain employers; and generally relating to the reemployment of retirees in the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 22–406(c)(4)(i) and 23–407(c)(4)(iii)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 249 – Delegate Proctor

AN ACT concerning

State Retirement and Pension System – Direct Mailings by Retiree Organizations ~~– Repeal of Sunset Provision~~

FOR the purpose of providing that certain retiree organizations may make a certain number of requests during a certain period of time to the Board of Trustees of the State Retirement and Pension System for certain retiree information that is necessary for certain direct mailings by the retiree organizations; repealing the termination of certain provisions of law that allow retiree organizations to send direct mailings to retirees of the State Retirement and Pension System; defining a certain term; providing for the effective date of this Act; and generally relating to direct mailings by retiree organizations to retirees of the State Retirement and Pension System.

BY repealing and reenacting, ~~without~~ with amendments,
Article – State Personnel and Pensions
Section 21–128 ~~and 21–504(c)~~
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Chapter 714 of the Acts of the General Assembly of 2010
Section 2

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

House Bill 257 – Delegates Murphy, Barve, Branch, Busch, Cardin, Fisher, Frick, Jameson, Myers, O'Donnell, Reznik, Ross, V. Turner, Wilson, ~~and Wood~~ Wood, and Bohanan

AN ACT concerning

Election Law – Access to Voting Room and Voting Booth by Minors Not Eligible to Vote

FOR the purpose of increasing the maximum age at which a minor may accompany a voter in the voting room and voting booth at a polling place under certain circumstances; and generally relating to access to the voting room and voting booth by minors at the polling place.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 10–308 and 10–310(c)
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 280 – Carroll County Delegation

AN ACT concerning

Carroll County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Carroll County, from time to time, to borrow not more than $16,000,000 in order to finance the construction, improvement, or development of certain public facilities in Carroll County, including water and sewer projects, to finance loans for fire or emergency–related equipment, buildings, and other facilities of volunteer fire departments in the County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; providing that such borrowing may be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring agricultural land and woodland preservation easements; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the

interest thereon and any income derived therefrom from all State, County, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and relating generally to the issuance and sale of such bonds.

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

House Bill 333 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Administration – Simplification

FOR the purpose of clarifying that certain employees of the Baltimore Metropolitan Council may participate in the State Employee and Retiree Health and Welfare Benefits Program; clarifying that the definition of "Social Security integration level" for purposes of calculating certain State Retirement and Pension System benefits only applies to certain members of the several systems who are eligible to receive certain benefits; clarifying that the State is required to pay a certain amount of the cost of special death benefits for members of the State Police Retirement System; clarifying that certain retirees of withdrawn participating governmental units of the State Retirement and Pension System are subject to a certain break in service before becoming reemployed by the same withdrawn participating governmental unit; clarifying that a certain death benefit may not be paid for certain members of the Law Enforcement Officers' Pension System if a certain other death benefit is also payable; and generally relating to simplifying the administration of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–511, 20–101(nn), 21–307(e), 22–406(d), 23–407(d), 25–403(h), 26–403(f), and 29–202
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 335 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Eligibility

FOR the purpose of altering the criteria used to determine the eligibility of certain members of the State Retirement and Pension System to receive service credit

for military service so as to require a certain amount of service credit in the State Retirement and Pension System in a certain manner; and generally relating to eligibility criteria for certain members of the State Retirement and Pension System to receive service credit for military service.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 38–104(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 338 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Unclaimed Money – Former Members, Retirees, and Beneficiaries

FOR the purpose of authorizing the State Retirement Agency to publish the names of certain former members, retirees, or beneficiaries of former members or retirees of the State Retirement and Pension System and the names of certain participating employers in a certain manner, if the individuals are entitled to certain money from the State Retirement and Pension System; and generally relating to notifying former members, retirees, and beneficiaries of the State Retirement and Pension System of unclaimed money due the individuals.

BY adding to
Article – State Personnel and Pensions
Section 21–506
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 345 – Delegates Simmons, Cullison, Frank, Haddaway–Riccio, Hucker, Lee, Luedtke, W. Miller, Tarrant, F. Turner, and Wilson

AN ACT concerning

Wiretapping and Electronic Surveillance – Investigation of Human Trafficking

FOR the purpose of adding certain human trafficking offenses to those crimes for which evidence may be gathered by, and a judge may grant an order

authorizing, interception of oral, wire, or electronic communications; and generally relating to wiretap and electronic surveillance and human trafficking.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 10–402(c)(2) and 10–406(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 34 – Delegates Malone and Aumann

AN ACT concerning

Commission to Study the Impact of Immigrants in Maryland – Sunset Extension

FOR the purpose of altering the date on which a certain report by the Commission to Study the Impact of Immigrants in Maryland is due; extending the termination date of the Commission; clarifying language; and generally relating to the Commission to Study the Impact of Immigrants in Maryland.

BY repealing and reenacting, with amendments,
Chapter 553 of the Acts of the General Assembly of 2008
Section 1 and 2

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 49 – Delegates Haddaway–Riccio and Eckardt

AN ACT concerning

Juvenile Law – Truancy Reduction Pilot Program – Talbot County

FOR the purpose of authorizing the Circuit Administrative Judge of the Second Circuit to establish a Truancy Reduction Pilot Program in the juvenile court in Talbot County; making certain provisions relating to Truancy Reduction Pilot Programs in certain counties applicable to Talbot County; and generally relating to Truancy Reduction Pilot Programs.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–8C–01
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8C–02
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 53 – Delegate Hubbard

AN ACT concerning

Environment – ~~Commercial Dishwashing Detergent – Prohibition~~
Phosphorus – Commercial Dishwashing Detergent

FOR the purpose of prohibiting a person from using, selling, manufacturing, or distributing for use or sale certain commercial dishwashing detergents that contain greater than a certain amount of phosphorus after a certain date; repealing certain obsolete language; and generally relating to phosphorus in commercial dishwashing detergents.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1503
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 57 – Delegates Costa and Vitale

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses

FOR the purpose of authorizing certain fee revenue collected for the Bay Restoration Fund to be used to pay the cost of connecting properties served by onsite sewage disposal systems to certain existing municipal wastewater facilities under certain circumstances; establishing certain conditions for certain funding of certain costs; and generally relating to authorized uses of the Bay Restoration Fund.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1605.2(a) and (h)(1)

Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.2(h)(2) and (3)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 105 – Chair, Judiciary Committee (By Request – Departmental – State Police)

AN ACT concerning

Vehicle Laws – Races and Speed Contests – Enforcement and Penalties

FOR the purpose of authorizing a police officer to arrest without a warrant a person who ~~participates~~ drives a vehicle in a certain race or speed contest that results in serious bodily injury to another person under certain circumstances; altering the penalty for a conviction of ~~participating~~ driving a vehicle in a certain race or speed contest that results in serious bodily injury to another person; and generally relating to the prohibition against ~~participating~~ driving a vehicle in certain races or speed contests.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–1116
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 26–202(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 27–101(ee)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 112 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Equipment – Public Transit Vehicles – Flashing Lights

FOR the purpose of authorizing public transit service vehicles to be equipped with or display amber flashing lights or a certain white flashing light; and generally relating to the display of flashing lights on vehicles used to provide public transit service.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 22–218
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 117 – Delegate Beitzel

AN ACT concerning

Real Property – ~~Interference With~~ Obliterating, Damaging, or Removing Property Markers – Penalty Increase

FOR the purpose of ~~altering~~ increasing the penalty for willfully obliterating, damaging, or removing any stake, marker, monument, or other landmark set in the property of another person by any civil engineer, surveyor, or real estate appraiser or any of their assistants except under certain circumstances; and generally relating to the penalty for ~~interfering with~~ obliterating, damaging, or removing property markers.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 14–111(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

House Bill 125 – Delegates Stukes, Alston, Anderson, Barnes, Boteler, Clippinger, Conaway, Glenn, Gutierrez, Harrison, Haynes, Howard, A. Miller, Murphy, B. Robinson, Ross, and Walker

AN ACT concerning

Vehicle Laws – Accidents Involving Self–Insured Vehicles – Required Information

FOR the purpose of requiring the driver of a certain self–insured vehicle involved in an accident to give evidence of self–insurance in the form required by the Motor Vehicle Administration to certain persons; requiring the Administration to adopt certain regulations; requiring the evidence of self–insurance to include certain information; and generally relating to evidence of self–insurance for self–insured vehicles.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 20–104(b) and (c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 20–105.1
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

LAID OVER BILLS

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

Senate Bill 5 – Senators Klausmeier, Rosapepe, and Stone

AN ACT concerning

Physicians – Professional Liability Insurance Coverage – Notification and Posting Requirements

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE SUBSTITUTE COMMITTEE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR CONWAY.

SB0005/844435/1

BY: Education, Health, and Environmental Affairs Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL 5
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Professional" insert "Medical"; in line 5, after "to" insert "medical"; in line 8, strike "physician's patient" and substitute "patient's medical"; in line 11, after "requirements;" insert "defining a certain term;"; in the same line, after the second "and" insert "medical".

AMENDMENT NO. 2

On page 1, after line 21, insert:

"**(A) IN THIS SECTION, "MEDICAL PROFESSIONAL LIABILITY INSURANCE COVERAGE" INCLUDES:**

(1) MEDICAL PROFESSIONAL LIABILITY INSURANCE COVERAGE WRITTEN AS AN INDIVIDUAL POLICY;

(2) MEDICAL PROFESSIONAL LIABILITY INSURANCE COVERAGE PROVIDED UNDER A GROUP POLICY OR SELF–INSURANCE PROGRAM BY A HOSPITAL OR OTHER HEALTH CARE FACILITY COVERING THE LICENSEES WHO PRACTICE MEDICINE AT OR FOR THE HOSPITAL OR OTHER HEALTH CARE FACILITY; AND

(3) PROTECTION PROVIDED UNDER LOCAL GOVERNMENT INSURANCE PROGRAMS, THE FEDERAL TORT CLAIMS ACT, OR THE MARYLAND TORT CLAIMS ACT.";

and in line 22, strike "**(A)**" and substitute "**(B)**".

On page 2, in lines 1, 10, and 20, in each instance, strike "**MAINTAIN**" and substitute "**HAVE MEDICAL**"; in line 3, after "**LICENSEE'S**" insert "**MEDICAL PROFESSIONAL**"; in line 4, after "**CARRIER**" insert "**OR PROVIDER**"; in lines 4 and 14, in each instance, after "**LICENSEE'S**" insert "**MEDICAL**"; in lines 7 and 19, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively; in line 7, strike "**(A)**" and substitute "**(B)**"; and strike beginning with "**LICENSEE'S**" in line 17

down through "**RECORDS**" in line 18 and substitute "**PATIENT'S MEDICAL RECORDS**".

The preceding 2 substitute committee amendments were read and adopted.

Senator Zirkin moved, duly seconded, to make the Bill and Report a Special Order for February 28, 2011.

The motion was adopted.

SPECIAL ORDERS

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

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #4

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

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #4
February 24, 2011

Certified Interior Designers, State Board of

1. Robyn I. Dubick — District 13
9630 Stirling Bridge Drive
Columbia, MD 21046

Member of the State Board of Certified Interior Designers; appointed to serve a term of three years from July 1, 2010

Elevator Safety Review Board

2. Charles Meeks — District 38
601 S. Pacific Avenue
Ocean City, MD 21842

Member of the Elevator Safety Review Board; appointed to serve remainder of a term of three years from October 1, 2010

Injured Workers' Insurance Fund, Board for the

3. Frank D. Boston, Jr. District 41
3414 Duvall Avenue, Suite 202
Baltimore, MD 21216

Member of the Board for the Injured Workers' Insurance Fund; reappointed to serve a term of five years from June 1, 2010

4. Vincent Rocky Gonzalez District 35
2901 Whitefield Road
Churchville, MD 21028

Member of the Board for the Injured Workers' Insurance Fund; reappointed to serve a term of five years from June 1, 2010

Longitudinal Data System Center Governing Board, Maryland

5. Ayana English–Brown District 27
9501 Meadow Lark Avenue
Upper Marlboro, MD 20772

Member of the Maryland Longitudinal Data System Center Governing Board; appointed to serve remainder of a term of three years from July 1, 2010

6. Jason Perkins–Cohen District 41
4818 Keswick Road
Baltimore, MD 21210

Member of the Maryland Longitudinal Data System Center Governing Board; appointed to serve remainder of a term of three years from July 1, 2010

7. Brian A. Roberts District 17
8 Ramsdell Terrace
Gaithersburg, MD 20878

Member of the Maryland Longitudinal Data System Center Governing Board; appointed to serve remainder of a term of three years from July 1, 2010

Maryland Legal Services Corporation Board of Directors

8. Laura M. Esquivel — District 20
909 Elm Avenue
Takoma Park, MD 20912

Member of the Maryland Legal Services Corporation Board of Directors; appointed to serve remainder of a term of three years from July 1, 2009

Morticians and Funeral Directors, State Board of

9. John T. Stewart, III — District 26
5316 Tolson Road
Temple Hills, MD 20748

Member of the State Board of Morticians and Funeral Directors; appointed to serve a term of four years from July 1, 2010

Patuxent River Commission

10. Jacqueline U. Takacs — District 33
300 Greenridge Drive
Dunkirk, MD 20754

Member of the Patuxent River Commission; appointed to serve remainder of a term of four years from October 1, 2009

Physicians, State Board of

11. Tricia J. Thompson Handel, D.O. — District 38
3862 Old Post Road
Salisbury, MD 21804

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

12. John R. Lilly, M.D. — District 33
1306 Eva Gude Drive
Crownsville, MD 21032

Member of the State Board of Physicians; appointed to serve remainder of a term of four years from July 1, 2010

Professional Land Surveyors, State Board for

13. John F. Jensen District 34
310 Goldeneye Court
Havre de Grace, MD 21078

Member of the State Board for Professional Land Surveyors; appointed to serve remainder of a term of five years from July 1, 2007

Psychologists, State Board of

14. Harriet B. Rakes District 13
8357 Tamar Drive #423
Columbia, MD 21045–5713

Member of the State Board of Psychologists; appointed to serve remainder of a term of four years from July 1, 2008

Public Defender, Office of the Board of Trustees of the

15. Eun Kyung "Jeannie" Cho, Esq. District 19
15722 Thistlebridge Drive
Rockville, MD 20853

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term to expire May 31, 2013

16. Roger A. Fairfax, Esq. District 18
3304 Glenmoor Drive
Chevy Chase, MD 20815

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term to expire May 31, 2013

17. Harry S. Johnson, Esq. District 7
28 Warren Manor Court
Cockeysville, MD 21030

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term to expire May 31, 2013

18. T. Wray McCurdy, Esq. District 42
223 West Seminary Avenue
Lutherville, MD 21093

Member of the Board of Trustees of the Office of the Public Defender; reappointed to serve a term to expire May 31, 2012

19. Margaret Ann Mead, Esq. District 7
4303 Conifer Court
Glen Arm, MD 21057

Member of the Board of Trustees of the Office of the Public Defender; reappointed to serve a term to expire May 31, 2012

20. Stephen Z. Meehan, Esq. District 36
105 Riverview Place
Chestertown, MD 21620

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term to expire May 31, 2012

21. Arthur Schneider, Esq. District 2
13212 Woodbine Lane
Hagerstown, MD 21742

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term to expire May 31, 2012

School for the Deaf, Board of Trustees of the Maryland

22. Sheryl B. Cooper, Ph.D. District 42
2002 Myrtlewood Road
Baltimore, MD 21209

Member of the Board of Trustees of the Maryland School for the Deaf; appointed to serve remainder of a term of six years from October 1, 2008

23. Sandra N. Harriman District 13
7335 Brookview Road, Unit 106
Elkridge, MD 21075

Member of the Board of Trustees of the Maryland School for the Deaf; reappointed to serve a term of six years from October 1, 2009

Statewide Nominees

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

Physicians, State Board of

S–1. Richard C. Bittner District 31
1627 Concordia Drive
Pasadena, MD 21122

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2010

S–2. Suresh K. Gupta, M.D. District 15
109 Autumn Wind Way
Rockville, MD 20850

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2010

S–3. Hilary T. O'Herlihy, M.D. District 33
5 St. Andrews Crossover
Severna Park, MD 21146

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2010

Local Nominees

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

Allegany County Board of License Commissioners

L–1. Charles R. Miller District 1
12712 Lewis Heights Drive, S.W.
Cumberland, MD 21502

Member of the Allegany County Board of License Commissioners; appointed to serve a term to expire on May 2, 2011

Baltimore City Community College, Board of Trustees for

L–2. Jo–Wayne McCurbyn District 43
500 West University Parkway
Baltimore, MD 21210

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of one year from July 1, 2010

Calvert County Board of License Commissioners

L–3. Beth E. Swoap District 29
2118 Loblolly Lane
St. Leonard, MD 20685

Member of the Calvert County Board of License Commissioners; appointed to serve remainder of a term to expire June 6, 2011

Caroline County Board of Elections

L–4. Warner G. Johnson District 37
27320 Chipmans Lane
Federalsburg, MD 21632

Member of the Caroline County Board of Elections; appointed to serve for the remainder of a term of four years from June 4, 2007

L–5. Greta H. Scanlan District 36
24561 Mill Creek Lane
Denton, MD 21629

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

Carroll County Board of Elections

L–6. Hope Jacobs District 9
670 Tanglewood Drive
Sykesville, MD 21784

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

Cecil Community College Board of Trustees

L–7. David A. Leatherwood, D.D.S. District 34
89 Calvert Road
Rising Sun, MD 21911

Member of the Cecil Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2010

L–8. Wyatt K. Wallace District 34
283 Poplar Point Road
Perryville, MD 21903

Member of the Cecil Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2010

Howard County Board of Elections

L–9. Patricia A. Neidig District 9
9867 Foxhill Court
Ellicott City, MD 21043

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

Prince George's County Board of License Commissioners

L–10. Earl J. Howard District 24
3706 Baskerville Drive
Mitchellville, MD 20721

Member of the Prince George's County Board of License Commissioners; reappointed to serve a term of three years from June 1, 2010

St. Mary's County Board of Elections

L–11. James J. Davis District 29
20832 Waterside Drive
Leonardtown, MD 20650

Member of the St. Mary's County Board of Elections; appointed to serve remainder of a term of four years from June 4, 2007

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

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

The above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 238)

Senate Bill 65 – Chair, Judicial Proceedings Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Courts – Natural Resources Violations – Jurisdiction

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

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

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

Affirmative – 17 Negative – 28 (See Roll Call No. 239)

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for February 28, 2011.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 240)

ADJOURNMENT

At 12:13 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 8:00 P.M. on Monday, February 28, 2011.

Annapolis, Maryland
Monday, February 28, 2011
8:00 P.M. Session

The Senate met at 8:10 P.M.

Prayer by Reverend Rebecca Iannicelli, Community United Methodist Church, guest of Senator Reilly.

(See Exhibit A of Appendix III)

The Journal of February 25, 2011 was read and approved.

On motion of Senator Garagiola it was ordered that Senators Dyson and Muse be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 242)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 259 – Senator Jim Rosapepe:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
University of Maryland College Park
in recognition of
"Terrapin Pride Day" and the outstanding achievements of the State's flagship campus
and the benefits the
University brings to Maryland.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 28th day of February 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 243)

INTRODUCTION OF BILLS

Senate Bill 938 – Senator Klausmeier (By Request – Baltimore County Administration)

AN ACT concerning

Parking Violations – Administrative Enforcement by Baltimore County – Pilot Program

FOR the purpose of authorizing Baltimore County, by ordinance, to establish an alternative enforcement program for the issuance of civil parking citations for violations of certain restrictions on the stopping, standing, or parking of vehicles; establishing certain requirements for an ordinance adopted under this Act; requiring an ordinance adopted under this Act to provide for a certain judicial review in the Circuit Court for Baltimore County; requiring an ordinance adopted under this Act to provide for certain remedies; requiring an ordinance adopted under this Act to require a certain agency or board to provide a certain notification to the Motor Vehicle Administration; requiring the Administration to treat the failure to pay a certain fine, request a certain adjudication, or appear at a certain adjudication in a certain manner; establishing that a civil parking citation issued under a certain ordinance is not a civil citation subject to the jurisdiction of the District Court; establishing that an adjudication of a certain civil parking citation is not a criminal conviction and does not impose certain liabilities; establishing that a certain person may appeal to the Circuit Court for Baltimore County in a certain manner from certain civil parking citations; establishing the evidence admissible on appeal; authorizing the court to order the presiding officers of the board or agency or take additional evidence under certain circumstances; authorizing the board or agency to modify a certain decision under certain circumstances; requiring the board or agency to file certain information with the reviewing court; authorizing the administrative judge of the Circuit Court for Baltimore County to adopt certain procedures for the appeal of civil parking citations issued in accordance with an ordinance adopted under this Act; establishing that the owner of a rental vehicle is not liable for a certain penalty under certain circumstances; providing that a certain provision of law relating to actions a person receiving a citation may take does not apply to citations issued in accordance with an ordinance adopted under this Act; prohibiting the Administration from registering or transferring the registration of a vehicle under certain circumstances; authorizing the Administration to suspend the registration of a vehicle under certain circumstances; establishing that certain provisions relating to the disposition and records of traffic citations do not affect or modify certain procedures established under an ordinance adopted in accordance with this Act; providing that certain provisions relating to violations of license restrictions or rules or regulations adopted under the Maryland Vehicle Law do not apply to an ordinance adopted in accordance with this Act; providing for the

application of an ordinance adopted under this Act; providing for the termination of this Act; and generally relating to the enforcement of parking violations in Baltimore County.

BY adding to
Article – Courts and Judicial Proceedings
Section 4–402(g); and 12–801 to be under the new subtitle "Subtitle 8. Review of Decisions of Local Adjudicatory Board"
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–1003, 25–102(a)(1), and 26–301(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 26–301(d), 26–303, 26–305(a) and (b), 26–407(a), and 27–102
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 26–301.1
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 939 – Senator Manno

AN ACT concerning

Commission on Organic and Locally Grown Agricultural Products

FOR the purpose of establishing a Commission on Organic and Locally Grown Agricultural Products; specifying the membership, chairs, staff, and duties of the Commission; specifying that a member of the Commission may not receive compensation, but is entitled to a certain reimbursement; requiring the Commission to analyze, study, and make recommendations regarding certain matters; requiring the Commission to report to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Commission on Organic and Locally Grown Agricultural Products.

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

Senate Bill 940 – Senator Conway

AN ACT concerning

Bail Bonds – Time of Payment

FOR the purpose of allowing a defendant in a circuit court or the District Court or a private surety acting for the defendant who posts a bail bond in an amount that is a certain percentage of the penalty amount to deposit with the agent of the surety part of the amount immediately on posting bail and the other part within a certain time after the first part of the amount is deposited; and generally relating to bail bonds.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 5–203(a) and 5–205(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Senate Bill 941 – Senator Kelley

AN ACT concerning

Title Insurance – Closing Protection

FOR the purpose of requiring a title insurer, its agent, or its employee that accepts a certain closing protection fee under certain circumstances to provide certain notice about the closing protection fee in a certain manner; requiring title insurers under certain circumstances to provide certain protected parties with reimbursement for actual loss of the protected party's trust money that is converted or misappropriated by the title insurer, title insurance producers, or their employees; prohibiting reimbursement of protected parties for certain losses under certain circumstances; requiring a closing protection fee in a certain amount to be collected by or on behalf of a title insurer in connection with a closing; requiring the Maryland Insurance Commissioner to set the amount of the closing protection fee; prohibiting a title insurer from splitting a commission with or providing a commission to certain title insurance producers under certain circumstances; authorizing the charge for the closing protection fee to be combined with a certain title insurance premium on a certain settlement statement; providing that the closing protection fee is premium and is subject to a certain premium tax; requiring the closing protection fee to be included with other premiums written by the title insurer when computing a certain statutory reserve; providing that certain liability of a title insurer is not

limited to the amount of closing protection fees; requiring title insurers to maintain a record of the amount of closing protection fees collected and reimbursement fees paid on an annual basis beginning at a certain time; requiring the Commissioner at certain times to collect and compile certain data, review the data to make a certain determination, and if necessary increase the amount of the closing protection fee by regulation; authorizing title insurers or title insurance producers to provide a certain closing protection letter to certain protected parties; providing that certain provisions of law control over the terms of a closing protection letter under certain circumstances; authorizing the Commissioner to adopt certain regulations; defining certain terms; and generally relating to closing protection and title insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 22–102
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY adding to
Article – Insurance
Section 22–104
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

Senate Bill 942 – Senator Muse

AN ACT concerning

Creation of a State Debt – Prince George's County – Friendly High School Turf Field

FOR the purpose of authorizing the creation of a State Debt not to exceed $150,000, the proceeds to be used as a grant to the Prince George's County Board of Education for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 943 – Senator Muse

AN ACT concerning

State Board of Education – Student Member – Voting Rights

FOR the purpose of authorizing the student member of the State Board of Education to vote on certain matters; and generally relating to the voting rights of the student member of the State Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 2–202
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Senate Bill 944 – Senator Muse

AN ACT concerning

Washington Suburban Sanitary Commission – Procurement and Minority Business Enterprises – WSSC Procurement Oversight Committee

FOR the purpose of establishing a WSSC Procurement Oversight Committee; providing for the membership, terms, and duties of the Committee; requiring the Washington Suburban Sanitary Commission to submit, on or before a certain date, a written report to the Committee demonstrating compliance with a certain minority business enterprise law; stating the findings of the General Assembly; requiring the Committee to report to certain delegations to the General Assembly on or before a certain date; and generally relating to the procurement activities and minority business enterprise participation of the Washington Suburban Sanitary Commission and the WSSC Procurement Oversight Committee.

BY adding to
Article – Public Utilities
Section 20–207.1
Annotated Code of Maryland
(2010 Replacement Volume)

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

Senate Bill 945 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Mount Pleasant Family Life Center

FOR the purpose of authorizing the creation of a State Debt not to exceed $300,000, the proceeds to be used as a grant to the Board of Directors of the Mount Pleasant Community Development Corporation for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 36 – Delegate Kach

AN ACT concerning

State Board of Podiatric Medical Examiners – Unannounced Inspections

FOR the purpose of requiring the State Board of Podiatric Medical Examiners to conduct certain inspections of certain offices of podiatrists against whom a certain complaint has been filed with the Board to determine compliance with the Centers for Disease Control and Prevention's guidelines on universal precautions; and generally relating to unannounced inspections of the office of a podiatrist.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 16–205(b)(4)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 58 – Delegate Costa

AN ACT concerning

Community Services Reimbursement Rate Commission – Termination Date – Extension

FOR the purpose of extending the termination date for the Community Services Reimbursement Rate Commission; and generally relating to the Community Services Reimbursement Rate Commission.

BY repealing and reenacting, with amendments,
Chapter 593 of the Acts of the General Assembly of 1996, as amended by Chapter 566 of the Acts of the General Assembly of 1999, Chapter 370 of the Acts of the General Assembly of 2002, Chapter 401 of the Acts of the General Assembly of 2005, and Chapters 572 and 573 of the Acts of the General Assembly of 2008
Section 3

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

House Bill 64 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

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

FOR the purpose of continuing the State Board of Examiners of Nursing Home Administrators in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; altering the membership of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the Board to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Examiners of Nursing Home Administrators.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 9–202 and 9–502
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(42)

Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 65 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

Electrology Practice Committee – Sunset Extension and Program Evaluation

FOR the purpose of continuing the Electrology Practice Committee in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Committee; requiring that an evaluation of the Committee and the statutes and regulations that relate to the Committee be performed on or before a certain date; requiring the State Board of Nursing to submit certain reports to certain committees of the General Assembly on or before certain dates; and generally relating to the Electrology Practice Committee.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–6B–29
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(19)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 66 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Podiatric Medical Examiners – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Podiatric Medical Examiners in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the Board to submit a report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Podiatric Medical Examiners.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 16–602
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(52)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 67 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Architects – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Architects in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the chairs of certain design boards to submit a certain

report on or before a certain date; and generally relating to the State Board of Architects.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 3–702
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(4)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 69 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board for Professional Engineers – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board for Professional Engineers in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the Board to submit a certain report on or before a certain date; and generally relating to the State Board for Professional Engineers.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 14–602
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(21)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 75 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Examiners of Psychologists – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Examiners of Psychologists in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the Board to submit a report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Examiners of Psychologists.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 18–502
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(55)

Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 89 – Delegate Kipke

AN ACT concerning

Mental Hygiene – Admission Provisions – Definition of "Psychologist"

FOR the purpose of altering the definition of "psychologist" for purposes of certain provisions of law relating to admissions to certain mental health facilities.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–601
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 156 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Health Insurance – Small Group Market – Self–Employed Individuals – Sunset Extension

FOR the purpose of extending the termination date of certain provisions of law relating to health insurance policies for self–employed individuals in the small group insurance market; and generally relating to the small group insurance market.

BY repealing and reenacting, without amendments,
Chapter 347 of the Acts of the General Assembly of 2005, as amended by Chapter 59 of the Acts of the General Assembly of 2007
Section 2

BY repealing and reenacting, with amendments,
Chapter 347 of the Acts of the General Assembly of 2005, as amended by Chapter 76 of the Acts of the General Assembly of 2008
Section 4

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

House Bill 198 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Authority of Commissioner of Financial Regulation – Information Sharing

FOR the purpose of authorizing the Commissioner of Financial Regulation to enter into cooperative and information–sharing agreements and to exchange information about a financial institution with certain federal or state law enforcement agencies under certain circumstances; increasing the number of agencies with which the Commissioner may enter into cooperative or information–sharing agreements to include the Office of Foreign Assets Control; providing that if the Commissioner receives a record from an agency that retains ownership of the record, the Commissioner may not disclose the record to any person that requests the record under the Maryland Freedom of Information Act; requiring the Commissioner to forward the request to the agency that owns the record for processing in accordance with certain laws and regulations; altering a certain definition; making certain clarifying and conforming changes; and generally relating to the authority of the Commissioner of Financial Regulation to supervise financial institutions.

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 2–117, 5–901(g), and 5–909
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 5–901(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

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

House Bill 217 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Department of Health and Mental Hygiene – Mental Hygiene Administration – Transfers Between Facilities

FOR the purpose of authorizing the Director of the Mental Hygiene Administration to transfer individuals from a public mental health facility to the Clifton T. Perkins Hospital Center under certain circumstances; requiring the Director to give certain individuals notice and an opportunity for a certain hearing under certain circumstances; providing that certain decisions of an administrative law judge are final; providing that the Board of Review of the Department of Health and Mental Hygiene does not have jurisdiction over certain decisions; authorizing the Director to transfer certain individuals between public mental health facilities under certain circumstances; defining a certain term; and generally relating to the transfer of individuals between Mental Hygiene Administration facilities.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–807
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 226 – Delegates Cullison, Hammen, and Pendergrass

AN ACT concerning

~~Insurance –~~ Qualified State Long–Term Care Insurance Partnership Program – Reporting

FOR the purpose of clarifying the scope of a certain report on the Qualified State Long–Term Care Insurance Partnership Program; making a stylistic change; and generally relating to the Qualified State Long–Term Care Insurance Partnership Program.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 15–401
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–407
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 358 – Chair, Economic Matters Committee

AN ACT concerning

Office of the Commissioner of Financial Regulation, the Banking Board, and the State Collection Agency Licensing Board – Sunset Extension and Program Evaluation

FOR the purpose of repealing the Banking Board in the Department of Labor, Licensing, and Regulation; continuing the Office of the Commissioner of Financial Regulation and the State Collection Agency Licensing Board in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Office of the Commissioner of Financial Regulation and the State Collection Agency Licensing Board; requiring that an evaluation of the Office of the Commissioner of Financial Regulation and the State Collection Licensing Board and the statutes and regulations that relate to them be performed on or before a certain date; repealing certain provisions requiring the Commissioner of Financial Regulation to seek the advice of the Banking Board on certain matters; providing that deposits of certain trust money in financial institutions located outside the State are subject to the approval of the Commissioner of Financial Regulation instead of the Banking Board; requiring the Commissioner to implement a risk–based mortgage lender licensee examination schedule on or before a certain date and report to certain committees of the General Assembly on the implementation of the examination schedule on or before a certain date; requiring the Maryland Judiciary, in consultation with the State Collection Agency Licensing Board and the Attorney General's Office, to study a certain issue and report its findings and recommendations to certain committees of the General Assembly on or before a certain date; and generally relating to the Office of the Commissioner of Financial Regulation, the State Collection Agency Licensing Board, and the Banking Board.

BY repealing
Article – Business Regulation
Section 2–108(a)(4)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY renumbering
Article – Business Regulation
Section 2–108(a)(5) through (34), respectively
to be Section 2–108(a)(4) through (33), respectively
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing
Article – Financial Institutions

Section 2–201 through 2–204 and the subtitle "Subtitle 2. Banking Board"; and 2–402
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 7–502
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 2–401, 3–203(d)(1), 3–607, 3–705, 4–203(d)(1), 4–701(b), 4–803(d)(1), 5–209(a), 5–405(b), and 5–801
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 3–203(a), 4–203(a), 4–701(a), 4–803(a), and 5–405(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 22–103
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(13) and (24)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing
Article – State Government
Section 8–403(b)(8)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY renumbering
Article – State Government
Section 8–403(b)(9) through (68), respectively
to be Section 8–403(b)(8) through (67), respectively
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

THE COMMITTEE ON RULES REPORT #3

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

Senate Bill 829 – Senators Ferguson and Pinsky

AN ACT concerning

Health – Maryland Combating Childhood Obesity Grant Program

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

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

Senate Bill 833 – Senator Stone

AN ACT concerning

Task Force to Study Manufactured Housing

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

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

Senate Bill 834 – Senator Jones–Rodwell

AN ACT concerning

Minority Business Enterprise Participation – Application for Certification as a Minority Business Enterprise and Termination Extension

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

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

Senate Bill 847 – The President (By Request – Administration)

AN ACT concerning

Natural Resources – Aquaculture

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

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

Senate Bill 848 – The President (By Request – Administration)

AN ACT concerning

Horse Racing – Distribution of Video Lottery Revenues

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

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

Senate Bill 866 – Senator Conway

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2009 – Statewide – Therapeutic Pool for People with Disabilities

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

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

Senate Bill 868 – Senator Jones–Rodwell

AN ACT concerning

Creation of a State Debt – Baltimore City – Women's Veteran's Center

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

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

Senate Bill 869 – Senator Pipkin

AN ACT concerning

Creation of a State Debt – Queen Anne's County – Chesterwye Center – Jessie's House

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

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

Senate Bill 870 – Senator Astle

AN ACT concerning

Maryland Income Tax Refund – Anne Arundel County – Warrants

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

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

Senate Bill 871 – Senators Manno, Forehand, Frosh, Garagiola, King, Madaleno, Montgomery, and Raskin

AN ACT concerning

Creation of a State Debt – Montgomery County – Orthodox Congregation of Silver Spring Preschool Building Repair

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

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

Senate Bill 872 – Senators Jacobs and Pipkin

AN ACT concerning

Creation of a State Debt – Cecil County – Plumpton Park Zoological Gardens

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

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

Senate Bill 873 – Senator Pipkin

AN ACT concerning

Private Property Rights – Regulatory Infringement – Compensation

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

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

Senate Bill 874 – Senator Edwards

AN ACT concerning

Creation of a State Debt – Allegany County – Cumberland City Market

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

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

Senate Bill 875 – Senator Klausmeier (By Request – Baltimore County Administration)

AN ACT concerning

Alcoholic Beverages – Baltimore County Executive and County Council of Baltimore County – License Fees

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

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

Senate Bill 876 – Senator Klausmeier (By Request – Baltimore County Administration)

AN ACT concerning

Baltimore County – Miscellaneous Business Licenses – Fees

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

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

Senate Bill 879 – Senator Stone

AN ACT concerning

Health Insurance – Coverage for the Treatment of Bleeding Disorders

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

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

Senate Bill 880 – Senator Zirkin

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Maryland Independent College and University Association – Stevenson University

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

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

Senate Bill 881 – The President (By Request – Administration) and Senator Mathias

AN ACT concerning

Economic Development Opportunities Program Account – Wind Turbine Manufacturing Facility

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

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

Senate Bill 882 – The President (By Request – Administration)

AN ACT concerning

Unemployment Insurance – Federal Extended Benefits for the Long–Term Unemployed

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

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

Senate Bill 883 – The President (By Request – Administration)

AN ACT concerning

Prescription Drug Monitoring Program

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

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

Senate Bill 886 – Senator Gladden

AN ACT concerning

State Board of Dental Examiners – Dentists – Advertisements – Materials Containing Mercury

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

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

Senate Bill 887 – Senator Gladden

AN ACT concerning

Health Care Malpractice – Certificate and Report of Qualified Expert – Objection

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

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

Senate Bill 888 – Senator Gladden

AN ACT concerning

Trusts – Special Needs, Supplemental Needs, or Pooled Asset Special Needs Trusts – Public Benefits

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

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

Senate Bill 889 – Senator Gladden

AN ACT concerning

State Board of Dental Examiners – Dentists – Informed Consent – Removal of Materials Containing Mercury

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

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

Senate Bill 890 – Senators Gladden, Benson, Currie, Forehand, Jacobs, Kasemeyer, King, Klausmeier, Madaleno, Montgomery, Muse, Pinsky, Pugh, Ramirez, Raskin, Rosapepe, and Stone

AN ACT concerning

Child in Need of Supervision Pilot Program – Expansion

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

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

Senate Bill 891 – Senator Edwards

AN ACT concerning

Economic Development – Qualified Distressed Counties

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

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

Senate Bill 892 – **Senator Madaleno**

AN ACT concerning

Maryland Consolidated Capital Bond Loans of 2002 and 2009 – Montgomery County – MacDonald Knolls Center

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

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

Senate Bill 893 – **Senator Madaleno**

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2009 – Montgomery County – LEDC Facility

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

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

Senate Bill 894 – **Senators Madaleno, Garagiola, King, Manno, and Raskin**

AN ACT concerning

Creation of a State Debt – Montgomery County – Noyes Children's Library Renovations

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

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

Senate Bill 895 – **Senator Madaleno**

AN ACT concerning

Medical Professional Liability Insurance for Nonprofit Health Care Providers

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

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

Senate Bill 896 – **Senator Dyson**

AN ACT concerning

St. Mary's County Board of Elections – Salary

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

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

Senate Bill 897 – **Senator Dyson**

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records and Hold Period

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

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

Senate Bill 898 – **Senator Dyson**

AN ACT concerning

St. Mary's County – Noncertificated Public School Employees – Service Fee

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

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

Senate Bill 899 – **Senator Dyson**

AN ACT concerning

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

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

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

Senate Bill 900 – **Senator Kasemeyer**

AN ACT concerning

Creation of a State Debt – Maryland Food Bank

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

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

Senate Bill 901 – **Senator Miller**

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Prince George's County – Site Plan Approval Authority

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

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

Senate Bill 902 – **Senator Miller**

AN ACT concerning

Prince George's County – Public Ethics Requirements – Limitations on Contributions to Slates Containing the County Executive or a Member of the County Council and on Participation of County Council Members in Land Use Applications

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

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

Senate Bill 903 – **Senator Garagiola**

AN ACT concerning

Creation of a State Debt – Montgomery County – Poole's Store Restoration and Warehouse Construction

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

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

Senate Bill 904 – Senator Getty

AN ACT concerning

Natural Resources – Certificate of Competency in Firearms and Hunter Safety – Exception

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

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

Senate Bill 905 – Senator Mathias

AN ACT concerning

Worcester County – Berlin – Alcoholic Beverages – Micro–Brewery License

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

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

Senate Bill 906 – Senator Mathias

AN ACT concerning

Worcester County – Department of Liquor Control – Wine and Liquor Purchasing Option

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

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

Senate Bill 907 – Senator Middleton

AN ACT concerning

Creation of a State Debt – Charles County – Bel Alton High School Community Development Center

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

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

Senate Bill 908 – **Senator Muse**

AN ACT concerning

Family Law – Child Custody – Visitation Rights of Noncustodial Parents

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

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

Senate Bill 909 – **Senator Muse**

AN ACT concerning

Family Law – Children's Civil Rights – Equal Parenting Time

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

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

Senate Bill 910 – **Senator Muse**

AN ACT concerning

Horse Racing – State Racing Commission – Membership

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

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

Senate Bill 911 – **Senator Jones–Rodwell**

AN ACT concerning

Creation of a State Debt – Baltimore City – Doctor Christina Phillips Community Center

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

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

Senate Bill 912 – Senator Colburn

AN ACT concerning

Creation of a State Debt – Dorchester County – Cambridge City Hall Renovation

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

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

Senate Bill 913 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Board of Elections – Membership and Compensation

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

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

Senate Bill 915 – Senator Colburn

AN ACT concerning

Creation of a State Debt – Talbot County – Shore UP! Head Start – Easton Elementary School

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

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

Senate Bill 916 – Senator Colburn

AN ACT concerning

Bay Restoration Fund – Talbot County Demonstration Projects

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

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

Senate Bill 917 – Senator Colburn

AN ACT concerning

Wicomico County – Alcoholic Beverages Licenses – Pub–Breweries and Micro–Breweries

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

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

Senate Bill 918 – Senator Colburn

AN ACT concerning

Real Property – Recordation of Deed – Foreclosure Sales

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

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

Senate Bill 919 – Senators Mathias, Ferguson, Forehand, Jacobs, Ramirez, Raskin, and Stone

AN ACT concerning

Courts – Testimony by Spouses – Central Registry of Records of Refusals

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

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

Senate Bill 920 – Senator Middleton

AN ACT concerning

Creation of a State Debt – Charles County – Maryland Veterans Memorial Museum

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

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

Senate Bill 922 – Senator McFadden

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2008 – Baltimore City – Mary Harvin Transformation Center

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

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

Senate Bill 923 – Senator Conway

AN ACT concerning

Creation of a State Debt – Baltimore City – Junior League of Baltimore Thrift Store

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

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

Senate Bill 924 – Senator Conway

AN ACT concerning

Creation of a State Debt – Baltimore City – St. Elizabeth School Roof Replacement

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

SPECIAL ORDERS

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

Senate Bill 5 – Senators Klausmeier, Rosapepe, and Stone

AN ACT concerning

Physicians – Professional Liability Insurance Coverage – Notification and Posting Requirements

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

Favorable report adopted.

FLOOR AMENDMENT

SB0005/413520/1
BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 5
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "notify" insert "certain"; in the same line, after "visits" insert "to a certain location"; and in line 9, strike "practice" and substitute "business".

AMENDMENT NO. 2

On page 1, in line 23, after "**PATIENT**" insert "**WHO VISITS THE LICENSEE'S REGULAR PLACE OF BUSINESS,**"; and in the same line, after "**WRITING**" insert a comma.

On page 2, in lines 9 and 12, in each instance, after "**VISIT**" insert "**TO THE LICENSEE'S REGULAR PLACE OF BUSINESS**"; in line 21, after "**LICENSEE'S**" insert "**REGULAR**"; and in line 22, strike "**PRACTICE**" and substitute "**BUSINESS**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 65 – Chair, Judicial Proceedings Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Courts – Natural Resources Violations – Jurisdiction

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

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

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 244)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #14

Senate Bill 225 – Senators Dyson and Middleton

AN ACT concerning

Election Law – Access to Voting Room and Voting Booth by Minors Not Eligible to Vote

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

Affirmative – 45 Negative – 0 (See Roll Call No. 245)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 246)

ADJOURNMENT

At 8:37 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 1, 2011, in memory of John T. Chambers, Jr.

Annapolis, Maryland
Tuesday, March 1, 2011
10:00 A.M. Session

The Senate met at 10:10 A.M.

Prayer by Reverend Mark Fuhrman, Prince of Peace Lutheran Church, guest of Senator Klausmeier.

(See Exhibit A of Appendix III)

The Journal of February 28, 2011 was read and approved.

QUORUM CALL

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

(See Roll Call No. 248)

INTRODUCTION OF BILLS

Senate Bill 946 – Senators Mathias and Manno

AN ACT concerning

Condominiums and Homeowners Associations – Priority of Liens – "The Residential Association Sustainability Act of 2011"

FOR the purpose of providing that, in the case of a foreclosure of a mortgage or deed of trust on or for a condominium unit, a certain portion of a certain lien on the condominium unit, including certain late fees, interest, and any attorney's fees and costs for establishing the lien, has priority over a first mortgage or deed of trust under certain circumstances; providing that certain lot owners in a homeowners association are liable for certain assessments and charges; allowing a homeowners association to enforce the payment of certain assessments and charges by imposition of a contract lien under certain circumstances; providing that a certain portion of a homeowners association lien, including certain late fees, interest, and any attorney's fees and costs for establishing the lien, has priority over a first mortgage or deed of trust under certain circumstances; providing that certain provisions of this Act do not affect or limit the priority of certain liens, mortgages, or deeds of trust; providing for the abrogation of certain provisions of this Act on the occurrence of certain

contingencies; making stylistic changes; and generally relating to liens on condominium units and lots in developments with homeowners associations.

BY renumbering
Article – Real Property
Section 11B–117
to be Section 11B–118
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–110(d)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Real Property
Section 11B–117
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

Senate Bill 947 – Senator Jones–Rodwell

AN ACT concerning

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

FOR the purpose of requiring that certain members or former members of the State Retirement and Pension System complete and submit a certain application stating a certain date when the member or former member desires to commence receipt of a certain vested retirement allowance; prohibiting certain members or former members of the State Retirement and Pension System from receiving a certain vested retirement allowance for a certain period of time; providing that certain members or former members of the State Retirement and Pension System may receive a return of their accumulated contributions before payment of a certain vested allowance; providing that certain former members of the State Retirement and Pension System to whom certain accumulated contributions are returned are not entitled to any further benefits; and generally relating to members or former members of the State Retirement and Pension System receiving a vested retirement allowance.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions

Section 29–302 and 29–303
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #6

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

Senate Bill 61 – Chair, Judicial Proceedings Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Public Information Act – Documents Relating to Arrest Warrants

SB0061/898377/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 61
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4, 6, and 7, in each instance, after "warrants" insert "and charging documents"; and in line 6, after the semicolon insert "providing that provisions of law prohibiting inspection of certain court files and records relating to arrest warrants and charging documents may not be construed to prohibit the release of information by the Department of Public Safety and Correctional Services or the Department of Juvenile Services for a certain purpose;".

AMENDMENT NO. 2

On page 4, in line 7, strike "or"; and in line 26, after "Article" insert "**; OR**

(IV) THE RELEASE OF INFORMATION BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES OR THE DEPARTMENT OF JUVENILE SERVICES FOR THE PURPOSE OF NOTIFICATION OF A VICTIM UNDER § 11–507 OF THE CRIMINAL PROCEDURE ARTICLE".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 62 – Chair, Judicial Proceedings Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Records – Disclosure Between Departments of Education and Juvenile Services

SB0062/448177/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 62
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Juvenile" insert "and Education"; in line 5, strike "information and court"; and in line 6, after "juvenile" insert "and education".

AMENDMENT NO. 2

On page 2, in line 1, strike "**INFORMATION AND COURT**" and substitute "**EDUCATION**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 142 – Senators Zirkin and Raskin

AN ACT concerning

Civil Action – Disclosure of Information – Repeal of Certification Requirement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 169 – Senator Ramirez

AN ACT concerning

Bankruptcy – Homestead Exemption – Debtor's Residence

SB0169/458476/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 169
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the second "the" in line 3 down through "homestead" in line 4 and substitute "a certain"; in line 5, strike "providing" and substitute "clarifying"; in the same line, strike "is limited to a certain amount of" and substitute "for"; in line 6, strike "or personal"; in line 7, strike ", an owner–occupied" and substitute "includes a"; and in the same line, strike ", or a cooperative" and substitute "; authorizing an individual debtor to exempt the debtor's aggregate interest in a cooperative housing corporation".

AMENDMENT NO. 2

On page 3, in lines 13 and 14, strike "**OR PERSONAL**"; strike beginning with the semicolon in line 14 down through "**OWNER–OCCUPIED**" in line 15 and substitute "**, INCLUDING A**"; in line 16, strike "**C.**" and substitute "**B.**"; and in the same line, after "**COOPERATIVE**" insert "**HOUSING CORPORATION**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 226 – Senator Dyson

AN ACT concerning

Bicycle and Pedestrian Advisory Committee – Meetings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 281 – Senators Miller, Currie, Muse, Peters, and Ramirez

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Prince George's County – Orphans' Court Judges – Qualifications

SB0281/468670/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 281
(First Reading File Bill)

On page 1, in lines 17 and 18, strike "**, PRINCE GEORGE'S COUNTY,**".

The preceding amendment was read and adopted.

Senator Stone moved, duly seconded, to make the Bill a Special Order for March 2, 2011.

The motion was adopted.

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

Senate Bill 424 – Senators Brochin and Forehand

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving – Prohibited Acts

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for March 2, 2011.

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #6

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

Senate Bill 269 – Senators Kittleman and Klausmeier

AN ACT concerning

Workers' Compensation – Jurisdiction Pending Appeal – Proposed Settlement

SB0269/167276/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 269
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Klausmeier" and substitute ", Klausmeier, Astle, Garagiola, Glassman, Kelley, Mathias, Middleton, Muse, and Pugh".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 416 – Senators Middleton, Edwards, and Mathias

AN ACT concerning

Health Officers – Authority to Enter into Contracts or Agreements for Delivery of Health Care Services

SB0416/627979/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 416
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Mathias" and substitute "Mathias, Garagiola, Glassman, Kelley, Klausmeier, Muse, and Pugh".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 693 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Employee Compensation

SB0693/597471/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 693
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "clarifying" in line 5 down through "System;" in line 6.

AMENDMENT NO. 2

On page 2, in line 3, strike the brackets; strike beginning with "**NOT**" in line 3 down through "**SYSTEM**" in line 4.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #7

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

Senate Bill 514 – Senators Middleton and Kasemeyer

AN ACT concerning

Maryland Community Health Resources Commission – Health Care Reform – Safety Net Providers

SB0514/997470/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 514
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Safety Net Providers" and substitute "Implementation"; in lines 5, 7, and 10, in each instance, strike "safety net providers" and substitute "community health resources"; and strike beginning with "by" in line 14 down through "providers" in line 15.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 1 through 3, inclusive; in line 20, strike "**SAFETY NET PROVIDERS**" and substitute "**COMMUNITY HEALTH RESOURCES**"; in line 23, strike "safety net provider" and substitute "community health resource"; and in lines 27 and 31, in each instance, strike "safety net providers" and substitute "community health resources".

AMENDMENT NO. 3

On page 4, in lines 2, 4, 8, 10, and 13, in each instance, strike "safety net providers" and substitute "community health resources"; strike beginning with "methods" in line 6 down through "payors" in line 7 and substitute "barriers to community health resources contracting with and billing third–party payors"; in line 13, strike "providers" and substitute "community health resources"; strike beginning with the colon in line 13 down through "sustaining" in line 15 and substitute "sustaining and enhancing"; and strike beginning with "safety" in line 17 down through "providers" in line 18 and substitute "community health resources".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Joint Resolution 2 – Senator Edwards

A Senate Joint Resolution concerning

Inclusion of Garrett County in the Baltimore and Washington, D.C. Television Broadcast Market Areas

SJ0002/857675/1
BY: Finance Committee

AMENDMENTS TO SENATE JOINT RESOLUTION 2
(First Reading File Joint Resolution)

AMENDMENT NO. 1

On page 1, in line 2, strike "Inclusion" and substitute "Access"; in the same line, strike "in" and substitute "Residents to"; in line 9, strike "allow" and substitute "provide"; in line 10, after "residents" insert "with a choice"; in the same line, after "stations" insert "located"; in the same line, strike "and" and substitute a comma; in line 11, after "D.C." insert ", or Pittsburgh"; in the same line, strike "designated"; and in the same line, strike "broadcast".

AMENDMENT NO. 2

On page 2, in line 20, strike "allow" and substitute "provide"; in line 21, after "residents" insert "with a choice"; in the same line, strike "and" and substitute a comma; and in line 22, after "Washington, D.C." insert ", or Pittsburgh".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 249)

ADJOURNMENT

At 10:38 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, March 2, 2011.

Annapolis, Maryland
Wednesday, March 2, 2011
10:00 A.M. Session

The Senate met at 10:09 A.M.

Prayer by Senator Muse.

(See Exhibit A of Appendix III)

The Journal of March 1, 2011 was read and approved.

QUORUM CALL

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

(See Roll Call No. 251)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 282 – Senator Nathaniel J. McFadden:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The Most Worshipful Prince Hall Grand Lodge of Maryland and Jurisdiction, Inc.
in recognition of
your dedication to promoting the improvement of character among its membership and
to care for and support the less fortunate in the community.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 2nd day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 252)

INTRODUCTION OF BILLS

Senate Bill 948 – Senators Glassman, Jacobs, Jennings, and Stone

EMERGENCY BILL

AN ACT concerning

Harford County – One or Two Family Dwellings Constructed as Industrialized Buildings – Sprinkler System Requirement

FOR the purpose of establishing the date for complying with the requirement for installation of automatic fire sprinkler systems in one or two family dwellings constructed as industrialized buildings in Harford County; making this Act an emergency measure; providing for the termination of this Act; and generally relating to industrialized buildings in Harford County.

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

Senate Bill 949 – Senator Ramirez

AN ACT concerning

Prince George's County – Single Bottles or Cans of Beer – Size Prohibition

FOR the purpose of authorizing the Prince George's County Board of License Commissioners to prohibit a Class A beer licensee, a Class A beer and light wine licensee, or a Class A beer, wine and liquor licensee from selling single bottles or cans of beer in bottles or cans of a certain size for consumption off the premises; making a stylistic change; and generally relating to the sale of beer in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 3–101(r), 3–201(r), 5–101(r), and 6–101(r)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 950 – Senator Ramirez

AN ACT concerning

Prince George's County – Secondhand Precious Metal Object Dealers – Precious Metal Objects – Holding Period

FOR the purpose of altering the period of time during which certain secondhand precious metal object dealers in Prince George's County must hold certain precious metal objects; and generally relating to the holding period for precious metal objects in Prince George's County.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–305
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

Senate Bill 951 – Senator Ramirez

AN ACT concerning

Prince George's County – Foreclosed–On Property Registry

FOR the purpose of authorizing Prince George's County to enact a local law establishing a foreclosed–on property registry for certain property located in the county; requiring a local law enacted under this Act to require a certain successor in interest to register certain foreclosed–on residential property, to pay a certain registration fee, and to be responsible for the maintenance and security of the foreclosed–on property; requiring a local law enacted under this Act to require a certain successor in interest to provide certain information on the property; requiring the county to establish a special fund for the deposit of registration fees to be used for certain purposes; requiring a local law enacted under this Act to require a certain successor in interest who transfers title of or rents a foreclosed–on property to notify the county; requiring the county to delete the property from the registry under certain circumstances; requiring a local law enacted under this Act to subject a successor in interest to a certain civil penalty for failing to maintain and secure the foreclosed–on property; requiring a local law enacted under this Act to subject a successor in interest to a certain civil penalty for failing to register a foreclosed–on property; defining certain terms; and generally relating to the authority of Prince George's County to enact a local law establishing a foreclosed–on property registry.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 7–105.1(a)(1) and (9)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Real Property
Section 14–126(d)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

Senate Bill 952 – Senator Ramirez

AN ACT concerning

Prince George's County – Bladensburg – Alcoholic Beverages – Development District Licenses

FOR the purpose of authorizing the Board of License Commissioners for Prince George's County to issue a certain number of Class B–DD licenses in the zoned development district of the City of Bladensburg; authorizing a person to obtain one other Class B license anywhere in Prince George's County for each Class B–DD license the person is issued under certain circumstances; providing that a Class B license issued under this Act for a restaurant located anywhere in Prince George's County shall remain in effect under certain circumstances subject to certain conditions; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(15)(vii) and 9–217(f)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 953 – Senator Ramirez

AN ACT concerning

Prince George's County – Police Departments – Use of Force – Reports

FOR the purpose of requiring the county police department and each municipal police department in Prince George's County and the sheriff's office in the county to collect, analyze, and maintain certain information about the use of force by law enforcement officers; requiring the county police department, each municipal police department, and the sheriff's office in the county to report certain information to the Office of the State's Attorney for Prince George's County on or before a certain date and annually thereafter; prohibiting the identification of certain offenders in the reports; defining certain terms; and generally relating to the use of force in Prince George's County.

BY adding to
Article – Public Safety
Section 3–508
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

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

Senate Bill 954 – Senator Ramirez

AN ACT concerning

Prince George's County – Real Property – Age 55 and Older – Residential Leases

FOR the purpose of requiring a landlord to offer a 36–month residential lease for certain properties in Prince George's County offered for rent to individuals above a certain age; limiting the application of this Act to properties that are composed of a minimum number of dwelling units; limiting the application of this Act to properties that have received funding from the State used for construction of or improvement to a structure under certain conditions; requiring the 36–month residential lease to be offered to certain lessees; and generally relating to the lease of residential properties in Prince George's County.

BY adding to
Article – Real Property
Section 14–133
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

Senate Bill 955 – Senator Benson

AN ACT concerning

Creation of a State Debt – Prince George's County – City of Seat Pleasant Public Works Facility

FOR the purpose of authorizing the creation of a State Debt not to exceed $500,000, the proceeds to be used as a grant to the Mayor and Common Council of the City of Seat Pleasant for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 956 – Senator Benson

AN ACT concerning

Creation of a State Debt – Prince George's County – Vesta Glenarden Facility

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

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

Senate Bill 957 – Senators Madaleno, Frosh, Garagiola, Manno, and Raskin

AN ACT concerning

Creation of a State Debt – Montgomery County – Warner Manor

FOR the purpose of authorizing the creation of a State Debt not to exceed $250,000, the proceeds to be used as a grant to the Maryland–National Capital Park and Planning Commission for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 958 – Senator Garagiola

AN ACT concerning

Maryland Clean Energy Incentive Act – Qualified Energy Resources

FOR the purpose of altering the definition of qualified energy resources under a certain credit against the State income tax for certain electricity produced from certain qualified resources; and generally relating to a certain credit against the State income tax for certain electricity produced from certain qualified resources.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–720(a)
Annotated Code of Maryland
(2010 Replacement Volume)

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

Senate Bill 959 – Senator Garagiola

AN ACT concerning

Bio–Heating Oil – Income Tax Credit

FOR the purpose of altering the definition of bio–heating oil for purposes of a certain State income tax credit for the purchase of bio–heating oil for certain purposes; extending a certain termination provision and altering certain dates of applicability for a certain State income tax credit for the purchase of certain heating oil for certain uses; and generally relating to a State income tax credit for the purchase of certain heating oil.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–727
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Chapter 140 of the Acts of the General Assembly of 2008
Section 3

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 48 – Delegates Morhaim, Kipke, Pena–Melnyk, and Tarrant

AN ACT concerning

State Government – Open Meetings Act – Notice and Complaints

FOR the purpose of requiring a complaint filed with the State Open Meetings Law Compliance Board to be filed within a certain time period; requiring that notice of a meeting of a public body include the date the notice is posted; altering certain notice requirements; requiring a public body to give notice of a meeting by certain methods under certain circumstances; authorizing a public body to give notice of a meeting by certain additional methods; repealing certain requirements related to notice of a meeting of a public body; and generally relating to notice and complaints under the Open Meetings Act.

BY repealing and reenacting, without amendments,
Article – State Government
Section 10–502.5(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–502.5(b) and 10–506
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 102 – **Delegates Stifler and Conaway**

AN ACT concerning

Financial Institutions – Mortgage Loan Originators – Prohibited Acts

FOR the purpose of prohibiting a person subject to regulation as a mortgage loan originator from making a payment, threat, or promise to another person for a certain purpose in connection with a ~~residential~~ certain mortgage loan or loan application; prohibiting a person subject to regulation as a mortgage loan originator from making a payment, threat, or promise to an appraiser of ~~a property~~ residential real estate for a certain purpose with respect to the value of the ~~property~~ residential real estate, and from engaging in certain acts or practices in connection with a certain mortgage loan or loan application; providing that certain provisions of this Act do not prohibit a person subject to regulation as a mortgage loan originator from requesting another person to consider certain information, provide certain details, substantiation, or explanation of a certain conclusion, or correct certain errors, or from withholding payment for an appraisal under certain circumstances; providing that a certain penalty applies to a willful violation of the prohibited acts; and generally relating to the regulation of mortgage loan originators.

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 11–617
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY adding to
Article – Financial Institutions
Section 11–624

Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

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

THE COMMITTEE ON RULES REPORT #4

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

Senate Bill 846 – Senators Pinsky, Benson, Ferguson, Frosh, Kelley, Madaleno, Manno, Montgomery, Raskin, and Rosapepe

AN ACT concerning

Sustainable Growth and Agricultural Preservation Act of 2011

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

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

Senate Bill 867 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Charles Carroll House

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

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

Senate Bill 877 – Senator Astle

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2009 – Anne Arundel County – Annapolis Summer Garden Theatre Renovation

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

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

Senate Bill 884 – Senator Montgomery

AN ACT concerning

Prescription Drugs – Dispensing Permits

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

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

Senate Bill 885 – Senator Garagiola

AN ACT concerning

Motor Vehicle Insurers – Standards for Cancellation or Refusal of Insurance – Driving While Impaired by Alcohol

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

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

Senate Bill 921 – Senator DeGrange

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

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

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

Senate Bill 925 – Senator Conway

AN ACT concerning

Family Law – Family Child Care – Large Family Child Care Homes

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

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

Senate Bill 926 – Senators Glassman, Jacobs, and Jennings

AN ACT concerning

Harford County – Alcoholic Beverages – Continuing Care Facility for Aged – Beer, Wine and Liquor License

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

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

Senate Bill 927 – **Senator Simonaire**

AN ACT concerning

Property Tax Exemption for Charitable or Educational Purposes – Property for Benefit of Qualifying Organization

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

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

Senate Bill 928 – **Senators Rosapepe and Reilly**

AN ACT concerning

Procurement – Preferences – Blind Industries and Services of Maryland

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

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

Senate Bill 929 – **Senator Raskin**

AN ACT concerning

Firearms – Knowing Violation of Specified Prohibitions – Penalty

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

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

Senate Bill 930 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Dayspring Square

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

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

Senate Bill 931 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Historic Diamond Press Building

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

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

Senate Bill 932 – Senator Miller

AN ACT concerning

Calvert County – Alcoholic Beverages – Special Event License

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

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

Senate Bill 933 – Senator Miller

AN ACT concerning

Creation of a State Debt – Prince George's County – Maryland–National Capital Park and Planning Commission Field Lights

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

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

Senate Bill 934 – Senators Muse, Kelley, and Madaleno

AN ACT concerning

Nursing Homes – Staffing Requirements

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

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

Senate Bill 935 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Clay Street Development

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

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

Senate Bill 936 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Annapolis Market House

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

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

Senate Bill 937 – Senator Dyson

AN ACT concerning

Natural Resources Police Force – Number of Officers

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

THE COMMITTEE ON RULES REPORT #5

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

Senate Bill 938 – Senator Klausmeier (By Request – Baltimore County Administration)

AN ACT concerning

Parking Violations – Administrative Enforcement by Baltimore County – Pilot Program

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

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

Senate Bill 939 – Senator Manno

AN ACT concerning

Commission on Organic and Locally Grown Agricultural Products

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

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

Senate Bill 940 – Senator Conway

AN ACT concerning

Bail Bonds – Time of Payment

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

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

Senate Bill 941 – Senator Kelley

AN ACT concerning

Title Insurance – Closing Protection

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

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

Senate Bill 942 – Senator Muse

AN ACT concerning

Creation of a State Debt – Prince George's County – Friendly High School Turf Field

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

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

Senate Bill 943 – Senator Muse

AN ACT concerning

State Board of Education – Student Member – Voting Rights

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

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

Senate Bill 944 – Senator Muse

AN ACT concerning

Washington Suburban Sanitary Commission – Procurement and Minority Business Enterprises – WSSC Procurement Oversight Committee

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

SPECIAL ORDERS

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

Senate Bill 281 – Senators Miller, Currie, Muse, Peters, and Ramirez

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Prince George's County – Orphans' Court Judges – Qualifications

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

Senator Stone moved, duly seconded, to make the Bill and Report a Special Order for March 4, 2011.

The motion was adopted.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 281 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Maryland State Education Association &
National Education Association
in recognition of
the celebration of Dr. Seuss' Birthday and Read Across America Day. We commend your contributions to promote reading and adult involvement in the education of our youth.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 2nd day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 253)

SPECIAL ORDERS

Senate Bill 424 – Senators Brochin and Forehand

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving – Prohibited Acts

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

Favorable report adopted.

FLOOR AMENDMENT

SB0424/903228/1
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 424
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Device" insert "or Reading a Newspaper"; in line 10, after "motion;" insert "prohibiting a person from reading a newspaper while operating a motor vehicle in the travel portion of the roadway;"; and after line 16, insert:

"BY adding to
Article – Transportation
Section 21–1124.3
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2, after line 10, insert:

"**21–1124.3.**

A PERSON MAY NOT READ A NEWSPAPER WHILE OPERATING A MOTOR VEHICLE IN THE TRAVEL PORTION OF THE ROADWAY.".

The preceding 2 amendments were read only.

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

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 254)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #15

Senate Bill 5 – Senators Klausmeier, Rosapepe, and Stone

AN ACT concerning

Physicians – Medical Professional Liability Insurance Coverage – Notification and Posting Requirements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 255)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #16

Senate Bill 61 – Chair, Judicial Proceedings Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Public Information Act – Documents Relating to Arrest Warrants

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

Affirmative – 47 Negative – 0 (See Roll Call No. 256)

The Bill was then sent to the House of Delegates.

Senate Bill 62 – Chair, Judicial Proceedings Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile and Education Records – Disclosure Between Departments of Education and Juvenile Services

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

Affirmative – 47 Negative – 0 (See Roll Call No. 257)

The Bill was then sent to the House of Delegates.

Senate Bill 142 – Senators Zirkin and Raskin

AN ACT concerning

Civil Action – Disclosure of Information – Repeal of Certification Requirement

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

Affirmative – 39 Negative – 7 (See Roll Call No. 258)

The Bill was then sent to the House of Delegates.

Senate Bill 169 – Senator Ramirez

AN ACT concerning

Bankruptcy – Homestead Exemption – Debtor's Residence

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

Affirmative – 47 Negative – 0 (See Roll Call No. 259)

The Bill was then sent to the House of Delegates.

Senate Bill 226 – Senator Dyson

AN ACT concerning

Bicycle and Pedestrian Advisory Committee – Meetings

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

Affirmative – 47 Negative – 0 (See Roll Call No. 260)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 261)

ADJOURNMENT

At 11:28 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 3, 2011.

Annapolis, Maryland
Thursday, March 3, 2011
10:00 A.M. Session

The Senate met at 10:14 A.M.

Prayer by Reverend Dr. Rodney Thomas Smothers, St. Paul United Methodist Church, guest of Senator Muse.

(See Exhibit A of Appendix III)

The Journal of March 2, 2011 was read and approved.

QUORUM CALL

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

(See Roll Call No. 263)

INTRODUCTION OF BILLS

Senate Bill 960 – Senator Middleton

AN ACT concerning

Health Care Providers – Investigations – Information Sharing Among State Agencies

FOR the purpose of adding to the list of entities to which the Health Services Cost Review Commission may disclose certain physician information; altering the list of entities that may be medical review committees charged by law to evaluate certain matters relating to health care providers; requiring the Board of Physicians to disclose information contained in a record to the Secretary of Health and Mental Hygiene and certain agencies for a certain purpose; making a certain technical change; and generally relating to sharing information among State agencies for purposes of investigating health care providers, health care quality, and utilization of health care.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–218
Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–401 and 14–411(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 14–411(a), (b), and (c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 961 – Senator Garagiola

AN ACT concerning

State Vehicle Fleet – Use of Biofuels

FOR the purpose of altering the requirement that the State ensure that at least a certain percentage of vehicles using diesel fuel in the State vehicle fleet use a blend of fuel containing at least a certain percentage of biodiesel fuel to include the use of certain biofuels; providing that a certain provision does not apply to a State vehicle, piece of heavy equipment, or heating equipment under certain circumstances; and generally relating to the use of biofuels for the State vehicle fleet.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–408
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 962 – Senator Kelley

AN ACT concerning

Maryland Department of Aging – Continuing Care in a Retirement Community

FOR the purpose of altering the requirements for certain continuing care retirement community renewal applications; altering the information required to be

contained in a certain disclosure statement; altering the required membership of the governing body of certain continuing care providers; requiring that a certain member of a certain governing body be subject to a certain ratification; requiring certain continuing care providers to make available certain documents to certain persons; altering the requirements for a certain grievance procedure; altering when transfers of assets by continuing care providers are subject to approval by the Department of Aging; altering the circumstances under which certain continuing care providers may remove certain assets or records; prohibiting certain continuing care providers from becoming part of an obligated group unless the provider obtains the consent of the Department in a certain manner; prohibiting certain continuing care providers from consenting to certain changes to an obligated group unless the provider obtains the consent of the Department in a certain manner; prohibiting certain continuing care providers from directly or indirectly assuming, guaranteeing, or being liable for an obligation of a new continuing care community unless certain conditions are met; requiring certain continuing care providers that are part of a certain obligated group to submit certain information to the Department; specifying certain requirements for certain obligated groups; authorizing the Department to waive certain requirements under certain circumstances; providing that certain provisions of this Act do not apply to certain transactions; authorizing the Department to obtain the financial statements of certain affiliates of a continuing care provider under certain circumstances; requiring continuing care providers to provide certain individuals certain copies of certain financial statements; altering the requirements for certain continuing care agreements; authorizing the Department to examine continuing care agreements being offered to prospective subscribers, for good cause; defining certain terms; making stylistic changes; and generally relating to continuing care agreements.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 10–401, 10–413 10–425, 10–427, 10–428, 10–436, 10–440, 10–444, 10–445, and 10–447
Annotated Code of Maryland
(2007 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Human Services
Section 10–426 and 10–429
Annotated Code of Maryland
(2007 Volume and 2010 Supplement)

BY adding to
Article – Human Services
Section 10–440.1 and 10–442
Annotated Code of Maryland
(2007 Volume and 2010 Supplement)

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

Senate Bill 963 – Senator Kelley

AN ACT concerning

Maryland Department of Aging – Continuing Care in a Retirement Community

FOR the purpose of increasing the required operating reserves for certain continuing care providers after a certain date; clarifying that certain continuing care providers shall calculate certain operating reserves in a certain manner; clarifying the differences between certain disclosure statements; altering the information required to be contained in a certain disclosure statement; establishing the use and the timing of the delivery of a standard assisted living disclosure statement by certain providers; requiring certain continuing care providers to make available certain documents to certain persons; altering the requirements for a certain grievance procedure; requiring a certain disclaimer for certain marketing materials; clarifying when a proposed transfer of a facility ownership or ownership control of a person that owns or controls a certain facility is subject to approval by the Department of Aging; altering the requirements for certain continuing care agreements; authorizing the Department to deny approval of a continuing care agreement that contravenes certain laws; establishing that certain separate assisted living and comprehensive care agreements are subject to the review by the Department; establishing that certain separate assisted living and comprehensive care agreements are not subject to the review of the Department; altering the continuing care disclosure statement requirements regarding assisted living agreements; requiring that the Department of Health and Mental Hygiene adopt, in consultation with the Department of Aging, a standard version of a certain disclosure statement; defining certain terms; making stylistic changes; and generally relating to continuing care agreements.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 10–401, 10–420, 10–423, 10–424, 10–425, 10–427, 10–428, 10–432, 10–436, 10–444, 10–445, and 10–447
Annotated Code of Maryland
(2007 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Human Services
Section 10–419, 10–421, 10–422, 10–426, and 10–429
Annotated Code of Maryland
(2007 Volume and 2010 Supplement)

BY adding to

Article – Human Services
Section 10–425.1, 10–430, and 10–443
Annotated Code of Maryland
(2007 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–1806 and 19–1808
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 964 – Senator Astle

AN ACT concerning

Renewable Energy – Poultry Litter – Net Energy Metering and Renewable Energy Portfolio Standard

FOR the purpose of altering the definition of eligible customer–generator to include a person who owns and operates, leases and operates, or contracts with a third party that owns and operates, a certain poultry litter electric generating facility; stating the findings of the General Assembly; altering the renewable energy portfolio standard to require certain percentages of energy derived from Tier 1 renewable sources to be derived from poultry litter–to–energy sources in certain years; requiring an owner of a certain poultry litter–to–energy system who chooses to sell poultry litter–to–energy renewable energy credits to first offer the credits for sale to a certain electricity supplier or electric company; defining a certain term; and generally relating to the use of poultry litter–to–energy systems in net energy metering and the renewable energy portfolio standard.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–306(a), 7–702, 7–703(b), and 7–704(a)(2)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–701(a) and (l)
Annotated Code of Maryland
(2010 Replacement Volume)

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

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

Senate Bill 925 – Senator Conway

AN ACT concerning

Family Law – Family Child Care – Large Family Child Care Homes

Reassigned to the Committee on Education, Health, and Environmental Affairs under Rule 33(d).

Read and ordered journalized.

MOTION

Senator Kelley moved, duly seconded, that the Senate receive in Open Session the following Report from the Committee on Executive Nominations.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #5

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

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #5
March 3, 2011

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

1. John E. Bloxom — District 38
16 Fourteenth Street
Pocomoke City, MD 21851

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve remainder of a term of four years from July 1, 2010

2. Virginia P. Clagett — District 30
1387 Cumberstone Road, P.O. Box 1
West River, MD 20778

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve remainder of a term of four years from July 1, 2008

3. Carolyn Cummins — District 38
9628 Oceanview Lane
Ocean City, MD 21842

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve remainder of a term of four years from July 1, 2010

4. Vincent J. Gardina — District 7
4 Farm Brook Court
Perry Hall, MD 21128

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve remainder of a term of four years from July 1, 2010

5. Mark M. Konapelsky — District 38
19 Wynfall Avenue
Crisfield, MD 21817

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve remainder of a term of four years from July 1, 2007 and a term of four years from July 1, 2011

6. Donald East Sutton — District 36
8 Wheeler Avenue, P.O. Box 157
Betterton, MD 21610

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve remainder of a term of four years from July 1, 2008

Historic St. Mary's City Commission

7. Gabrielle A. Tayac, Ph.D. District 20
210 Philadelphia Ave.
Takoma Park, MD 20912

Member of the Historic St. Mary's City Commission; appointed to serve remainder of a term of four years from July 1, 2009

Landscape Architects, Board of Examiners

8. Beatrice Odom Scott District 40
3500 Wabash Avenue
Baltimore, MD 21215

Member of the Board of Examiners of Landscape Architects; appointed to serve remainder of a term of three years from July 1, 2007 and a term of three years from July 1, 2010

Longitudinal Data System Center Governing Board, Maryland

9. Nicole C. Marano District 5
6 Clynmalira Court
Phoenix, MD 21131

Member of the Maryland Longitudinal Data System Center Governing Board; appointed to serve remainder of a term of three years from July 1, 2010

Maryland Environmental Service, Board of Directors of

10. Leslie Jackson Jenkins, Esq. District 28
16040 Almond Sunset Lane
Brandywine, MD 20613

Member of the Board of Directors of Maryland Environmental Service; reappointed to serve a term of four years from July 1, 2010

11. Talmadge E. Simons District 5
16312 Old York Road
Monkton, MD 21111

Member of the Board of Directors of Maryland Environmental Service; reappointed to serve a term of four years from July 1, 2010

Physicians, State Board of

12. Beryl J. Rosenstein, M.D. District 11
3316 Woodvalley Drive
Baltimore, MD 21208

Member of the State Board of Physicians; appointed to serve remainder of a term of four years from July 1, 2007

Professional Standards and Teacher Education Board

13. Meryln M. Bell District 10
6703 Yataruba Drive
Baltimore, MD 21207

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2010

14. Cynthia T. Bowen, Ed.D. District 41
2308 Pickwick Road
Baltimore, MD 21207

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2010

15. Louise E. DeJesu District 30
520 Bay Dale Court
Arnold, MD 21012

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2010

16. Stephanie R. Moses District 37
6160 Oxbridge Drive
Salisbury, MD 21801

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2010

17. Carl Roberts, Ed.D. District 34
1641 Ingleside Avenue
Perryville, MD 21903

Member of the Professional Standards and Teacher Education Board; appointed to serve remainder of a term of three years from July 1, 2010

18. Theresa D. Stafford — District 37
2429 Rock Drive
Cambridge, MD 21613

Member of the Professional Standards and Teacher Education Board; appointed to serve remainder of a term of three years from July 1, 2008

Public Defender, Office of the Board of Trustees of the

19. James V. Anthenelli, Esq. — District 38
5298 James Landing Road
Salisbury, MD 21801

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term to expire May 31, 2012

20. Laura M. Robinson, Esq. — District 31
8116 Riverside Drive
Pasadena, MD 21122

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term to expire May 31, 2013

Stadium Authority, Maryland

21. Kaliope Parthemos, Esq. — District 8
4224 Kolb Avenue
Baltimore, MD 21206

Member of the Maryland Stadium Authority; appointed to serve remainder of a four year term to expire June 30, 2012

University System of Maryland Board of Regents

22. Francis X. Kelly, Jr. — District 11
151 Applecroft Lane
Hunt Valley, MD 21030

Member of the University System of Maryland Board of Regents; reappointed to serve a term of five years from July 1, 2010

Veterans' Home Commission, Maryland

23. Mary Ann King District 20
9800 Hedin Drive
Silver Spring, MD 20903

Member of the Maryland Veterans' Home Commission; appointed to serve remainder of a term of five years from July 1, 2008

Veterinary Medical Examiners, State Board of

24. Heather M. Hendler, D.V.M. District 13
7316 Shady Glen Drive
Columbia, MD 21046

Member of the State Board of Veterinary Medical Examiners; appointed to serve a term of five years from June 1, 2010

Wellmobile Program Advisory Board, Governor's

25. Theresa A. Gaffney District 99
9108 Parliament Drive
Burke, VA 22015

Member of the Governor's Wellmobile Program Advisory Board; appointed to serve a term of three years from October 1, 2008

Workforce Corporation Board of Directors, Maryland

26. Theresa Alfaro Daytner District 4
303 Thornberry Court
Mt. Airy, MD 21771

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2012

Youth Camp Safety, Advisory Council on

27. Ethan Draddy District 5
4807 Horse Hill Road
Baldwin, MD 21013

Member of the Advisory Council on Youth Camp Safety; appointed to serve a term of three years from July 1, 2010

28. Lisa Ann Laschalt — District 29
25596 Loveville Road
Leonardtown, MD 20650

Member of the Advisory Council on Youth Camp Safety; appointed to serve remainder of a term of three years from July 1, 2009

Statewide Nominees

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

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

S–1. Francis Jack Russell — District 29
P.O. Box 653
Leonardtown, MD 20650

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2011

Professional Standards and Teacher Education Board

S–2. Amy Benson — District 33
1520 Chase Hill Drive
Severn, MD 21144

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2010

University System of Maryland Board of Regents

S–3. C. Thomas McMillen — District 9
3900 Jumpers Hill Lane
Ellicott City, MD 21042

Member of the University System of Maryland Board of Regents; reappointed to serve a term of five years from July 1, 2010

Local Nominees

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

Carroll Community College Board of Trustees

L–1. David P. O'Callaghan District 5
2704 Appleseed Road
Finksburg, MD 21048

Member of the Carroll Community College Board of Trustees; appointed to serve a term of six years from July 1, 2010

College of Southern Maryland, Board of Trustees of the

L–2. Julie Sickle District 29
2315 Ross Road, P.O. Box 485
St. Leonard, MD 20685

Member of the Board of Trustees of the College of Southern Maryland; appointed to serve a term of five years from July 1, 2010

Garrett College Board of Trustees

L–3. Albert A. Coviello District 1
112 I Street
Mt. Lake Park, MD 21550

Member of the Garrett College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2010

L–4. Don Morin District 1
2325 Accident Friendsville Rd, P.O. Box 116
Accident, MD 21520

Member of the Garrett College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2007

Garrett County Liquor Control Board

L–5. Beatrice J. Crosco District 1
3667 Hutton Road
Oakland, MD 21550

Member of the Garrett County Liquor Control Board; reappointed to serve a term of six years from June 1, 2010

Prince George's Community College Board of Trustees

L–6. Oretha Bridgwaters District 25
12022 Hunterton Street
Upper Marlboro, MD 20774

Member of the Prince George's Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2010

L–7. Aimee Olivo District 47
3013 Park Way
Cheverly, MD 20785

Member of the Prince George's Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2010

L–8. Elizabeth G. Proctor District 27
14202 Cold Harbour Drive
Accokeek, MD 20607

Member of the Prince George's Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2006

L–9. C. Michael Walls, Esq. District 21
414 Prince George Street
Laurel, MD 20707

Member of the Prince George's Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2007

Prince George's County Board of License Commissioners

L–10. Shaihi Mwalimu District 27
9544 Victoria Drive
Upper Marlboro, MD 20772

Member of the Prince George's County Board of License Commissioners; reappointed to serve a term of three years from June 1, 2010

Somerset County Board of Elections

L–11. Jackie L. Mills District 38
5099 Annemessex Road
Crisfield, MD 21817

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

St. Mary's County Alcoholic Beverage Board

L–12. William R. Cullins, III District 29
38342 Red Robin Lane
Clements, MD 20624

Member of the St. Mary's County Alcoholic Beverage Board; appointed to serve remainder of a term of four years from January 1, 2008

Worcester County Board of Elections

L–13. Mark S. Frostrom, Sr. District 38
940 Bishop Road
Pocomoke, MD 21851

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

Worcester County Liquor Control Board

L–14. Donald A. Hastings District 38
10549 Sussex Road
Ocean City, MD 21842

Member of the Worcester County Liquor Control Board; reappointed to serve a term of four years from June 1, 2010

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 4, 2011.

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #5

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

Senate Bill 330 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Public School Lease – Property Tax Credit

SB0330/789134/1
BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 330
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Public" and substitute "Nonprofit"; strike beginning with "the" in line 4 down through "Education" in line 5 and substitute "a nonprofit school"; in line 6, strike "public school" and substitute "primary or secondary"; and in line 10, strike "9–312(d)" and substitute "9–312(e)".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 17 through 23, inclusive, and substitute:

"(e) The governing body of Frederick County and of a municipal corporation in Frederick County **[**may**]** **SHALL** grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on real property that is:

(1) leased to a nonprofit school; and

(2) used exclusively for primary or secondary educational purposes.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 395 – Senators Jacobs and Glassman

AN ACT concerning

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

SB0395/859131/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 395
(First Reading File Bill)

On page 2, in line 13, after "**LOCATED**" insert "**WEST OF THE GAP DRIVE AND GREATER HARFORD INDUSTRIAL PARK,**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 463 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 264)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #17

Senate Bill 269 – Senators Kittleman ~~and Klausmeier~~, Klausmeier, Astle, Garagiola, Glassman, Kelley, Mathias, Middleton, Muse, and Pugh

AN ACT concerning

Workers' Compensation – Jurisdiction Pending Appeal – Proposed Settlement

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

Affirmative – 47 Negative – 0 (See Roll Call No. 265)

The Bill was then sent to the House of Delegates.

Senate Bill 416 – Senators Middleton, Edwards, ~~and Mathias~~ Mathias, Garagiola, Glassman, Kelley, Klausmeier, Muse, and Pugh

AN ACT concerning

Health Officers – Authority to Enter into Contracts or Agreements for Delivery of Health Care Services

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

Affirmative – 47 Negative – 0 (See Roll Call No. 266)

The Bill was then sent to the House of Delegates.

Senate Bill 514 – Senators Middleton and Kasemeyer

AN ACT concerning

Maryland Community Health Resources Commission – Health Care Reform – ~~Safety Net Providers~~ Implementation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 267)

The Bill was then sent to the House of Delegates.

Senate Bill 693 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Employee Compensation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 268)

The Bill was then sent to the House of Delegates.

Senate Joint Resolution 2 – Senator Edwards

A Senate Joint Resolution concerning

~~Inclusion~~ Access of Garrett County ~~in~~ Residents to the Baltimore and Washington, D.C. Television Broadcast Market Areas

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

Affirmative – 47 Negative – 0 (See Roll Call No. 269)

The Bill was then sent to the House of Delegates.

LAID OVER BILLS

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

Senate Bill 424 – Senators Brochin and Forehand

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving – Prohibited Acts

STATUS OF BILL: QUESTION IS ON THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR KITTLEMAN.

FLOOR AMENDMENT

SB0424/903228/1
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 424
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Device" insert "or Reading a Newspaper"; in line 10, after "motion;" insert "prohibiting a person from reading a newspaper while operating a motor vehicle in the travel portion of the roadway;"; and after line 16, insert:

"BY adding to
Article – Transportation
Section 21–1124.3
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2, after line 10, insert:

"**21–1124.3.**

A PERSON MAY NOT READ A NEWSPAPER WHILE OPERATING A MOTOR VEHICLE IN THE TRAVEL PORTION OF THE ROADWAY.".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0424/493122/1
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 424
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike "only"; and in the same line, strike "motion" and substitute "the travel portion of the roadway".

AMENDMENT NO. 2

On page 2, in line 6, strike the opening bracket; and strike beginning with "or" in line 6 down through "roadway" in line 7.

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

Affirmative – 19 Negative – 28 (See Roll Call No. 270)

FLOOR AMENDMENT

SB0424/643329/1
BY: Senator Reilly

AMENDMENTS TO SENATE BILL 424
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "Acts" insert "and Enforcement"; in line 10, after "motion;" insert "requiring that a person who violates a certain prohibition on using a text messaging device while operating a motor vehicle be issued a warning for a first violation;"; and in line 11, after "acts" insert "and enforcement".

AMENDMENT NO. 2

On page 2, after line 10, insert:

"**(D) A PERSON WHO VIOLATES THIS SECTION SHALL BE ISSUED A WARNING FOR A FIRST VIOLATION.**".

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

Affirmative – 11 Negative – 36 (See Roll Call No. 271)

FLOOR AMENDMENT

SB0424/383727/1
BY: Senator Reilly

AMENDMENTS TO SENATE BILL 424
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "motion;" insert "providing that this Act does not apply to a certain use of a text messaging device;".

AMENDMENT NO. 2

On page 2, in line 9, strike "or"; and in line 10, after "system" insert "**; OR**

(3) USE OF A TEXT MESSAGING DEVICE TO ACCESS A DIGITAL MUSIC PLAYER".

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

Affirmative – 12 Negative – 35 (See Roll Call No. 272)

FLOOR AMENDMENT

SB0424/713123/1
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 424
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "motion;" insert "establishing a certain exception;".

AMENDMENT NO. 2

On page 2, in line 9, strike "or"; and in line 10, after "system" insert "**; OR**

(3) A TEXT MESSAGING DEVICE IN THE EVENT OF AN EMERGENCY".

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

Affirmative – 14 Negative – 33 (See Roll Call No. 273)

FLOOR AMENDMENT

SB0424/903228/2

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 424
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Device" insert ", Eating, or Drinking"; in line 10, after "motion;" insert "prohibiting a person from eating or drinking while operating a motor vehicle in the travel portion of the roadway;"; and after line 16, insert:

"BY adding to
Article – Transportation
Section 21–1124.3
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2, after line 10, insert:

"**21–1124.3.**

A PERSON MAY NOT EAT OR DRINK WHILE OPERATING A MOTOR VEHICLE IN THE TRAVEL PORTION OF THE ROADWAY.".

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

Affirmative – 6 Negative – 41 (See Roll Call No. 274)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 275)

ADJOURNMENT

At 11:15 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 4, 2011.

Annapolis, Maryland
Friday, March 4, 2011
11:00 A.M. Session

The Senate met at 11:06 A.M.

Prayer by Reverend Gary L. Moore, Sr., St. Mark's United Methodist Church, guest of Senator Colburn.

(See Exhibit A of Appendix III)

The Journal of March 3, 2011 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 277)

INTRODUCTION OF BILLS

Senate Bill 965 – Senator Benson

AN ACT concerning

Prince George's County – Age for Compulsory Public School Attendance – Exemption

FOR the purpose of altering, in Prince George's County, the age at which certain children are required to attend a public school regularly during the entire school year, subject to certain exceptions; requiring certain parents or guardians of certain children to provide written consent before the children may withdraw from public school attendance; requiring certain school officials to provide a certain notification under certain circumstances; requiring certain persons with legal custody or care and control of certain children to see that the children attend school, receive instruction, or have written consent to withdraw from public school attendance; providing for certain penalties for certain persons; and generally relating to the age for compulsory public school attendance in Prince George's County.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–301(a)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Education
Section 7–301.1
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Senate Bill 966 – Senator Benson

AN ACT concerning

Family Law – Child Support – Age of Majority – Postsecondary Education

FOR the purpose of altering certain provisions of law defining the age of majority to provide that a person who has attained the age of 18 years and who is enrolled full time in an institution of postsecondary education has a right to support and maintenance until the first of certain events occurs; defining a certain term; establishing that this Act shall be considered a material change in circumstances for purposes of modifying a child support order issued before the effective date of this Act; and generally relating to child support.

BY repealing and reenacting, with amendments,
Article 1 – Rules of Interpretation
Section 24
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 967 – Senator Benson

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Prince George's County – John E. Feggans Center Renovation

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2010 to allow a certain grantee to include the value of real property in a certain

matching requirement; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2010.

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA02(BF) and Item ZA03(BB–1)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 196 – Delegates Malone, Kach, ~~and F. Turner~~ F. Turner, Bobo, Cane, Carr, Glenn, Holmes, Kipke, Niemann, S. Robinson, Stein, Weir, and Wilson

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving – Prohibited Acts

FOR the purpose of prohibiting a person from using a text messaging device to read a text message while operating a motor vehicle; clarifying that a certain prohibition against a person using a text messaging device to write, send, or read a text message while operating a motor vehicle includes a prohibition against writing, sending, or reading an electronic message; repealing a certain provision of law that applies the text messaging prohibition to an operator of a motor vehicle only if the motor vehicle is in motion; and generally relating to prohibited acts with respect to the use of a text messaging device while driving.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1124.1
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 210 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Mining – Acid Mine Drainage Abatement and Treatment Fund

FOR the purpose of conforming State law to federal law as it relates to the percentage of funding available for certain acid mine drainage activities; and generally relating to the Acid Mine Drainage Abatement and Treatment Fund.

BY repealing and reenacting, with amendments,
Article – Environment
Section 15–1103
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 237 – Delegate Anderson (By Request – Baltimore City Administration) and Delegate Rosenberg

AN ACT concerning

Baltimore City – Zoning Requirements – Administrative Adjustments

FOR the purpose of ~~clarifying~~ expanding the applicability to Baltimore City of certain provisions related to administrative adjustments to certain zoning requirements; and generally relating to administrative adjustments to zoning requirements in Baltimore City.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 2.13
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,
Article 66B – Land Use
Section 4.05(d)
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 267 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Glenn, McIntosh, Mitchell, Oaks, B. Robinson, Rosenberg, Tarrant, and Washington

AN ACT concerning

Public Ethics Laws – Baltimore City – Health Department, Police Department, and Civilian Review Board

FOR the purpose of altering the provisions of the Maryland Public Ethics Law to provide that employees of the Baltimore City Health Department, the Police Commissioner of Baltimore City, the civilian employees and police officers of the Police Department of Baltimore City, and members and employees of the Civilian Review Board are subject only to the Baltimore City Public Ethics Law; and generally relating to public ethics laws and the employees of Baltimore City.

BY repealing and reenacting, without amendments,
Article – State Government
Section 15–102(a) and (m)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–807
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 273 – Delegates Gilchrist, McIntosh, Barkley, Beidle, Cane, Carr, Cullison, Frush, Healey, Holmes, Ivey, Kach, Lafferty, Lee, A. Miller, Norman, S. Robinson, Stein, ~~and Weir~~ Weir, Bobo, Glenn, and Wilson

AN ACT concerning

Natural Resources – Oyster Poaching – Hearing

FOR the purpose of providing that a certain person who receives a citation for a certain offense related to unlawfully taking oysters may have a certain license revoked under certain circumstances; establishing certain grounds for the revocation of a certain license; requiring the Department of Natural Resources to hold a certain hearing under certain circumstances in accordance with the Administrative Procedure Act; requiring the Department to revoke a person's license to catch oysters under certain circumstances; authorizing certain aggrieved persons to obtain judicial review of a certain decision; prohibiting a certain person from engaging or working in a certain fishery under certain circumstances; and generally relating to unlawfully taking oysters and license revocation.

BY adding to

Article – Natural Resources
Section 4–1210
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 292 – Delegates Minnick, Olszewski, and Weir

AN ACT concerning

Hart–Miller–Pleasure Island Citizens Oversight Committee – Duties

FOR the purpose of altering the duties of the Hart–Miller–Pleasure Island Citizens Oversight Committee; requiring the Oversight Committee to monitor and provide oversight for certain development, use, and maintenance of the Hart–Miller–Pleasure Island chain; requiring the Oversight Committee to hear and dispose of complaints by certain individuals; and generally relating to the Hart–Miller–Pleasure Island Citizens Oversight Committee.

BY repealing and reenacting, without amendments,
Article – Environment
Section 5–1104(a)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 5–1104(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 293 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Weights and Measures – Registration Fees

FOR the purpose of prohibiting certain balances in the Weights and Measures Fund from reverting to the General Fund of the State; requiring the Secretary of Agriculture to adopt regulations establishing certain registration fees for certain weights and measures; repealing certain registration fees for certain

weights and measures; requiring the Secretary to adjust the fees under certain circumstances; and generally relating to registration fees for weights and measures.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 11–204.6 and 11–204.7
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 349 – Delegate Simmons

AN ACT concerning

Peace Orders and Protective Orders – Shielding of Records – Orders Issued Against Respondent

FOR the purpose of limiting a condition under which the court is required to shield all court records relating to a peace order or protective order proceeding by requiring, as a prerequisite of shielding, the absence of a previously issued final peace order or protective order against the respondent or a pending interim or temporary peace order or protective order against the respondent; and generally relating to the shielding of certain court records relating to peace order and protective order proceedings.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–1510
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–512
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 351 – Delegates Carter, Anderson, and Vallario

AN ACT concerning

Orphans' Court – Minors – Guardianship of Person

FOR the purpose of providing that an orphans' court may exercise jurisdiction over guardianship of the person of a minor regardless of whether the presiding judge of the orphans' court is a member of the Bar of Maryland; providing for the application of this Act; and generally relating to the jurisdiction of an orphans' court over guardianship of the person of a minor.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 13–105
Annotated Code of Maryland
(2001 Replacement Volume and 2010 Supplement)

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

House Bill 366 – Delegate Niemann

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Accuracy of Notice of Intent to Foreclose

FOR the purpose of requiring that a certain ~~notice of intent to foreclose be signed by an agent of the secured party; requiring that the agent make a certain affirmation under penalties of perjury~~ affidavit regarding the accuracy of the contents of a certain intent to foreclose be included in an order to docket or a complaint to foreclose on a mortgage or deed of trust on residential property; providing for the application of this Act; and generally relating to foreclosure of a mortgage or deed of trust on residential property.

BY repealing and reenacting, with amendments,
Article – Real Property
Section ~~7–105.1(c)~~ 7–105.1(d)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

House Bill 367 – Delegates Niemann, Holmes, and Gilchrist

AN ACT concerning

Real Property – Maryland Contract Lien Act – Foreclosures

FOR the purpose of providing that a lien under the Maryland Contract Lien Act may be enforced and foreclosed by the party who obtained the lien in the same manner, and subject to the same requirements, as the foreclosure of certain

mortgages or deeds of trust on nonresidential property in this State; and generally relating to foreclosures under the Maryland Contract Lien Act.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 14–204
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

House Bill 379 – ~~**Delegate Niemann**~~ **Delegates Niemann, Healey, Glenn, Gilchrist, and Wilson**

AN ACT concerning

Real Property – Deposits on New Homes – Escrow Accounts

FOR the purpose of clarifying the circumstances under which a vendor or builder of a new single–family residential unit is required to deposit certain money in a certain escrow account or obtain and maintain a certain surety bond or irrevocable letter of credit; clarifying the circumstances under which the vendor's or builder's obligation to maintain an escrow account, surety bond, or letter of credit terminates; authorizing the vendor or builder to make withdrawals from an escrow account under certain circumstances; providing that a banking institution or national banking association at which a certain escrow account is maintained is not responsible for a withdrawal from the escrow account under certain circumstances; establishing that any sum of money received by a vendor or builder in connection with the sale and purchase of a new single–family residential unit shall be held in trust for the benefit of the purchaser; establishing that certain payments shall be consistent with ~~the trust~~ a certain trust obligation; defining certain terms; and generally relating to deposits on new homes.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 10–301 and 10–301.1
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Real Property
Section 10–301.1
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

House Bill 412 – Delegate Niemann

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Lost Note Affidavit

FOR the purpose of prohibiting a court, in an action to foreclose a mortgage or deed of trust on residential property, from accepting a certain affidavit in lieu of a copy of the debt instrument unless the affidavit contains certain information; providing for the application of this Act; and generally relating to residential property foreclosure procedures.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 7–105.1(d)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Real Property
Section 7–105.1(d–1)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

House Bill 626 – Delegates Clippinger, Vallario, Alston, Anderson, Arora, Cluster, Dwyer, Hough, McComas, McDermott, Mitchell, Niemann, Olszewski, Parrott, Sophocleus, Summers, Valderrama, and Wilson

AN ACT concerning

Criminal Procedure – Petition for Writ of Actual Innocence – Circuit Court Jurisdiction

FOR the purpose of limiting the eligibility for the filing of a petition for writ of actual innocence to a person convicted in circuit court of an offense that was within the exclusive original trial jurisdiction of that court, or an attempt, conspiracy, or solicitation to commit such an offense; and generally relating to petitions for writ of actual innocence.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 8–301(a) ~~and (c)~~
Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

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

House Bill 799 – Delegates Carter, Conaway, McComas, Simmons, and Washington

AN ACT concerning

Estates and Trusts – Tenancy by the Entirety Property – Transfer to Trustee or Trustees

FOR the purpose of expanding the application of a certain immunity from claims of creditors, relating to former tenancy by the entirety property and proceeds of that property, to include conveyances to multiple trustees or multiple trusts; limiting the application of a certain immunity from claims of creditors to an instrument of conveyance that contains a certain provision; providing that a certain immunity may be waived as to certain creditors or certain property; providing that certain provisions of law apply only to tenancy by the entirety property conveyed to a trustee or trustees on or after a certain date; clarifying language; providing for the application of this Act; and generally relating to a certain immunity from claims of creditors for certain former tenancy by the entirety property and proceeds of that property under certain circumstances.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 14–113
Annotated Code of Maryland
(2001 Replacement Volume and 2010 Supplement)

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

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

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

Senate Bill 320 – Senators Montgomery, Frosh, Kelley, Madaleno, Manno, Raskin, and Rosapepe

AN ACT concerning

Environment – Phosphorus – Commercial Dishwashing Detergent

SB0320/454737/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 320
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "for" insert "use or".

AMENDMENT NO. 2

On page 2, in line 11, after "(c)" insert "**(1)**"; in the same line, strike beginning with "After" through "a" and substitute "**A**"; in line 13, strike the brackets; in the same line, strike "**COMMERCIAL**"; and after line 14, insert:

"**(2) AFTER JANUARY 1, 2013, A PERSON MAY NOT USE, SELL, MANUFACTURE, OR DISTRIBUTE FOR USE OR SALE WITHIN THE STATE ANY DETERGENT FOR USE IN A COMMERCIAL DISHWASHING MACHINE THAT CONTAINS MORE THAN 0.5 PERCENT PHOSPHORUS BY WEIGHT.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 368 – Senator Stone

AN ACT concerning

Hart–Miller–Pleasure Island Citizens Oversight Committee – Duties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 372 – Senator Conway

AN ACT concerning

Environment – Nitrogen Removal Technology – Evaluation and Ranking

SB0372/184639/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 372
(First Reading File Bill)

On page 2, in lines 5 and 9, in each instance, after "**RANK**" insert "**ALL BEST AVAILABLE**"; and in line 14, after "**MAINTENANCE**" insert "**, INCLUDING ELECTRICITY COSTS**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 751 – Senator Manno

AN ACT concerning

Environment – Dishwashing Detergent Containing Phosphorus – Penalties

SB0751/694931/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 751
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "altering the" and substitute "establishing a certain"; in the same line, after "for" insert "knowingly"; in the same line, strike ", manufacturing,"; in the same line, after "distributing" insert "for use or sale within the

State"; in line 4, strike "after a certain date"; and strike beginning with "establishing" in line 4 down through "violation;" in line 6.

AMENDMENT NO. 2

On page 2, in line 19, strike "**1.**"; in the same line, after "**WHO**" insert "**KNOWINGLY**"; in the same line, strike the first comma and substitute "**OR**"; strike beginning with "**, OR**" in line 19 down through "**AGENT**" in line 20 and substitute "**FOR USE OR SALE WITHIN THE STATE A DETERGENT FOR USE IN A HOUSEHOLD DISHWASHING MACHINE**"; and strike beginning with the second "**A**" in line 21 down through "**VIOLATION.**" in line 26 and substitute "**:**

1. FOR A FIRST OFFENSE, A FINE NOT EXCEEDING $1,000; OR

2. FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING $50,000.".

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 EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #7

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

Senate Bill 235 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

Department of Labor, Licensing, and Regulation – State Board of Master Electricians – Sunset Extension, Revision, and Report

SB0235/704339/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 235
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Department of Labor, Licensing, and Regulation –"; in line 3, strike ", Revision, and Report" and substitute "and Revision"; and strike beginning with "requiring" in line 14 down through "funding;" in line 24.

AMENDMENT NO. 2

On page 3, in line 4, strike "**2017**" and substitute "**2023**"; and in line 16, strike "**2016**" and substitute "**2022**".

On pages 3 through 5, strike in their entirety the lines beginning with line 34 on page 3 through line 22 on page 5, inclusive.

On page 5, in line 23, strike "4." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 283 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Architects – Retired Status Licenses

SB0283/604838/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 283
(First Reading File Bill)

On page 1, in the sponsor line, after "Regulation)" insert "and Senator Middleton".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 285 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Real Estate Commission – Reinstatement of Licenses and Inactive Status

SB0285/854830/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 285
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "status;" insert "requiring certain licensees to comply with certain continuing education requirements as a condition of licensure renewal;".

AMENDMENT NO. 2

On page 4, in lines 20 and 21, strike "without complying" and substitute "**IF THE LICENSEE COMPLIES**".

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 EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #8

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

Senate Bill 167 – Senators Ramirez, Madaleno, Benson, Conway, Currie, Ferguson, Forehand, Garagiola, Gladden, Jones–Rodwell, Kelley, King, Manno, Montgomery, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Higher Education – Tuition Charges – Maryland High School Students

SB0167/534338/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 167
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with ", other" in line 3 down through "individuals," in line 4; in line 7, after "regarding" insert "certain"; in the same line, after "withholding" insert "or filing at certain times and evidencing certain payment; requiring certain information collected as part of certain students' registration to remain confidential"; and in line 8, after "policies;" insert "defining a certain term;".

AMENDMENT NO. 2

On page 1, after line 19, insert:

"**(A) IN THIS SECTION, "INDIVIDUAL":**

(1) INCLUDES AN UNDOCUMENTED IMMIGRANT INDIVIDUAL; AND

(2) DOES NOT INCLUDE A NONIMMIGRANT ALIEN WITHIN THE MEANING OF 8 U.S.C. § 1101(A)(15).";

in line 20, strike "**(A)**" and substitute "**(B)**"; strike beginning with "**, OTHER**" in line 21 down through the comma in line 22; in line 22, strike "**NONRESIDENT**" and substitute "**OUT–OF–STATE**"; in line 23, after "**AT**" insert"**:**

(1) A COMMUNITY COLLEGE IN THE STATE,";

and strike beginning with "**A**" in line 23 down through "**RESIDENCY**" in line 24.

On page 2, in lines 1, 3, 6, 9, 14, and 19, strike "**(1)**", "**(2)**", "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively; in line 1, strike "**ATTENDED**" and substitute "**BEGINNING WITH THE 2005 – 2006 SCHOOL YEAR, ATTENDED**"; in lines 2, 4, 5, 7, 20, 22, and 23, in each instance, strike "**THIS**" and substitute "**THE**"; in line 3, strike "**GRADUATED**" and substitute "**BEGINNING WITH THE 2007 – 2008 SCHOOL YEAR, GRADUATED**"; in lines 6 and 7, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; in lines 9 and 10, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; in line 11, after "**WITHHELD**" insert "**OR HAS FILED A MARYLAND INCOME TAX RETURN:**

1. WHILE THE INDIVIDUAL ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE;

2. SUBJECT TO ITEM (VI) OF THIS PARAGRAPH, ANNUALLY SINCE GRADUATING FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE AND BEFORE REGISTRATION AT A COMMUNITY COLLEGE IN THE STATE; AND

3. DURING THE PERIOD OF ATTENDANCE AT THE COMMUNITY COLLEGE";

strike beginning with "**DURING**" in line 11 down through "**STATE**" in line 13; in line 15, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; strike beginning with "**MAKES**" in line 19 down through "**EDUCATION**" in line 20 and substitute "**REGISTERS IN A COMMUNITY COLLEGE**"; in line 20, strike "**3**" and substitute "**4**"; in line 23, after "**STATE**" insert "**; OR**

(2) A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION, IF THE INDIVIDUAL:

(I) ATTENDED A COMMUNITY COLLEGE UNDER THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION;

(II) WAS AWARDED AN ASSOCIATE'S DEGREE BY OR ACHIEVED 60 CREDITS AT A COMMUNITY COLLEGE IN THE STATE;

(III) PROVIDES THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION A COPY OF THE AFFIDAVIT SUBMITTED UNDER PARAGRAPH (1)(V) OF THIS SUBSECTION;

(IV) PROVIDES TO THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION DOCUMENTATION THAT THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR GUARDIAN HAS HAD MARYLAND INCOME TAX WITHHELD OR HAS FILED A MARYLAND INCOME TAX RETURN:

1. WHILE THE INDIVIDUAL ATTENDED A COMMUNITY COLLEGE IN THE STATE;

2. SUBJECT TO ITEM (V) OF THIS PARAGRAPH, ANNUALLY SINCE GRADUATING FROM A COMMUNITY COLLEGE IN THE STATE AND BEFORE REGISTRATION AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE; AND

3. DURING THE PERIOD OF ATTENDANCE AT THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION; AND

(V) REGISTERS AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE NOT LATER THAN 4 YEARS AFTER GRADUATING FROM A COMMUNITY COLLEGE IN THE STATE";

after line 23, insert:

"**(C) INFORMATION COLLECTED UNDER THIS SECTION AS PART OF A STUDENT'S REGISTRATION SHALL REMAIN CONFIDENTIAL.**";

and in line 24, strike "**(B)**" and substitute "**(D)**".

The preceding 2 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #8

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

Senate Bill 101 – Senator Edwards

AN ACT concerning

Business Regulation – Motor Fuel Advertising Signs – Requirements

SB0101/447575/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 101
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "requiring the motor fuel advertising sign of a" and substitute "repealing the requirement that certain"; in line 4, strike "dealer to state" and substitute "dealers advertise"; in the same line, strike "diesel fuel and a unit of regular" and substitute "mid–grade"; in line 5, strike "if the retail service station sells diesel fuel" and substitute "sold"; and in the same line, after "premises;" insert "repealing a certain obsolete provision of law relating to the sale of gasohol; authorizing certain signs to state a certain price for certain motor fuel products sold on the premises;".

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 18 down through "(i)" in line 19; strike beginning with the semicolon in line 20 down through "gasohol" in line 21; in line 22, after "(2)" insert "**(I)**"; in lines 24, 29, and 30, strike "(i)", "(ii)", and "(iii)", respectively, and substitute "**1.**", "**2.**", and "**3.**", respectively; strike beginning with the colon in line 24 down through "**1.**" in line 25; in line 25, strike "and mid–grade"; strike in their entirety lines 26 through 28, inclusive; and after line 30, insert:

"**(II) THE SIGN REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH ALSO MAY STATE THE LOWEST PRICE FOR A WHOLE MEASUREMENT UNIT OF DIESEL AND OTHER MOTOR FUEL PRODUCTS SOLD ON THE PREMISES.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 212 – Senators Klausmeier, Edwards, and Kittleman

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

SB0212/727879/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 212
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Kittleman" and substitute ", Kittleman, Middleton, Garagiola, Glassman, Kelley, Mathias, Muse, and Pugh"; in line 3, after the first "of" insert "providing that certain death benefit provisions of the workers' compensation law apply only to certain covered employees of a municipal corporation or a county and their dependents;"; in line 7, after "for" insert "certain"; and in line 19, after "circumstances;" insert "authorizing a municipal corporation or county to make a certain election;".

On page 2, in line 2, strike ", 9–680, 9–681, 9–683," and substitute "through 9–683"; strike in their entirety lines 5 through 9, inclusive; and in line 12, strike "9–682" and substitute "9–683.1, 9–683.2, 9–683.3, 9–683.4, 9–683.5, and 9–683.6".

AMENDMENT NO. 2

On page 2, in line 24, after "**(A)**" insert "**THIS SECTION APPLIES ONLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9–503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9–683.6 OF THIS SUBTITLE.**

(B)";

and in line 25, in each instance, strike the bracket.

On pages 2 and 3, strike beginning with "**(B)**" in line 31 on page 2 down through the period in line 4 on page 3.

On page 3, in line 6, before "The" insert "**THIS SECTION APPLIES ONLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9–503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9–683.6 OF THIS SUBTITLE.**

(B)";

in lines 6, 8, 15, 16, 17, 19, 20, and 29, in each instance, strike the bracket; in line 6, strike "**DECEASED**"; in line 8, strike "**DEATH**"; and in line 20, strike "(b)" and substitute "**(C)**".

On page 4, in line 1, after "(a)" insert "**THIS SECTION APPLIES ONLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9–503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9–683.6 OF THIS SUBTITLE.**

(B)";

in lines 1 and 5, in each instance, strike the bracket; and in lines 5, 15, 19, 23, and 29, strike "(b)", "(c)", "(d)", "(e)", and "(f)", respectively, and substitute "**(C)**", "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively.

On page 5, in lines 1, 4, 7, and 23, strike "(g)", "(h)", "(i)", and "(j)", respectively, and substitute "**(H)**", "**(I)**", "**(J)**", and "**(K)**", respectively; in line 28, strike the bracket; after line 28, insert:

"9–682.

(A) THIS SECTION APPLIES ONLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9–503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9–683.6 OF THIS SUBTITLE.

[(a)**](B)** The employer or its insurer shall pay a death benefit in accordance with this section if:

(1) there are no individuals who were wholly dependent on the deceased covered employee at the time of death, but there are individuals who were partly dependent; or

(2) a surviving spouse who was wholly dependent on the deceased covered employee at the time of death becomes partly self–supporting.

[(b)**](C)** (1) The maximum weekly death benefit payable under this section shall equal two–thirds of the average weekly wage of the deceased covered employee, but may not exceed two–thirds of the State average weekly wage.

(2) The weekly death benefit payable under this section shall be the percentage of the maximum weekly death benefit under paragraph (1) of this subsection that:

(i) the weekly earnings of the deceased covered employee bears to the combined weekly earnings of the deceased covered employee and the partly dependent individuals; and

(ii) does not exceed the maximum weekly death benefit.

[(c)**](D)** Except as otherwise provided in this section, the employer or its insurer shall pay the weekly death benefit:

(1) for the period of partial dependency; or

(2) until $75,000 has been paid, including any payments made during a period of total dependency under § 9–681 of this subtitle.

[(d)**](E)** (1) Subject to paragraph (2) of this subsection, if a surviving spouse who is partly dependent remarries and does not have dependent children at the time of the remarriage, the employer or its insurer shall make payments to the surviving spouse for 2 years after the date of the remarriage.

(2) The total of the payments made before the remarriage may not exceed $75,000.

[(e)**](F)** (1) Except as provided in paragraphs (2) and (3) of this subsection, the employer or its insurer shall continue to make payments to, or for the benefit of, a surviving child until the child reaches 18 years of age.

(2) If a child who is 18 years old or older remains partly dependent on the deceased covered employee, the employer or its insurer shall continue to make payments in accordance with subsections **[**(b) and**]** (c) **AND (D)** of this section.

(3) The employer or its insurer shall continue to make payments to, or for the benefit of, a child who is 18 years old or older for up to 5 years after reaching the age of 18 if:

(i) the child is attending school on a full–time basis; and

(ii) the school offers an educational program or a vocational training program and the program is accredited or approved by the Maryland State Department of Education.

9–683.

(A) THIS SECTION APPLIES ONLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9–503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9–683.6 OF THIS SUBTITLE.

[(a)**](B)** If there are multiple dependents entitled to death benefits, the Commission may apportion an award of death benefits among the dependents in the manner that the Commission considers just and equitable.

[(b)**](C)** If there are wholly and partly dependent individuals entitled to death benefits, the Commission may:

(1) award the death benefits to the wholly dependent individuals only; or

(2) apportion the award among the wholly and partly dependent individuals in the manner that the Commission considers to be fair and equitable under all of the facts and circumstances of the case.

[(c)**](D)** (1) Death benefits shall be paid to 1 or more of the dependents of a covered employee who are entitled to death benefits, as determined by the Commission, for the benefit of all of the dependents who are entitled to death benefits.

(2) A dependent to whom death benefits are paid shall apply the death benefits to the use of all of the dependents who are entitled to death benefits:

(i) according to the respective claims of the dependents on the deceased covered employee for support; and

(ii) in compliance with the findings and direction of the Commission.

9–683.1.

(A) THIS SECTION DOES NOT APPLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9–503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9–683.6 OF THIS SUBTITLE.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE COMMISSION SHALL DETERMINE ALL QUESTIONS OF DEPENDENCY IN ACCORDANCE WITH THE FACTS OF EACH CASE THAT EXISTED:

(1) AT THE TIME OF THE OCCURRENCE OF THE ACCIDENTAL PERSONAL INJURY THAT CAUSED THE DEATH OF THE COVERED EMPLOYEE; OR

(2) ON THE DATE OF DISABLEMENT FROM THE OCCUPATIONAL DISEASE THAT CAUSED THE DEATH OF THE COVERED EMPLOYEE.

(C) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, THE COMMISSION MAY DETERMINE THE QUESTION OF DEPENDENCY OF A CHILD OF A COVERED EMPLOYEE BORN AFTER:

(1) THE TIME OF THE OCCURRENCE OF THE ACCIDENTAL PERSONAL INJURY THAT CAUSED THE DEATH OF THE COVERED EMPLOYEE;

(2) THE DATE OF DISABLEMENT FROM THE OCCUPATIONAL DISEASE THAT CAUSED THE DEATH OF THE COVERED EMPLOYEE; OR

(3) THE DEATH OF THE COVERED EMPLOYEE RESULTING FROM THE ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE.

9–683.2.

(A) THIS SECTION DOES NOT APPLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9–503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9–683.6 OF THIS SUBTITLE.

(B) THE SURVIVING SPOUSE OF A DECEASED COVERED EMPLOYEE WHOSE DEATH WAS CAUSED BY AN ACCIDENTAL PERSONAL INJURY OR AN OCCUPATIONAL DISEASE IS NOT ENTITLED TO DEATH BENEFITS UNDER THIS TITLE IF THE SURVIVING SPOUSE AND THE COVERED EMPLOYEE WERE MARRIED AFTER THE TIME OF THE OCCURRENCE OF THE ACCIDENTAL PERSONAL INJURY OR THE DATE OF DISABLEMENT FROM THE OCCUPATIONAL DISEASE.

9–683.3.

(A) THIS SECTION DOES NOT APPLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9–503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9–683.6 OF THIS SUBTITLE.

(B) IF THERE ARE INDIVIDUALS WHO WERE DEPENDENT ON A DECEASED COVERED EMPLOYEE AT THE TIME OF DEATH RESULTING FROM AN ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE, THE EMPLOYER OR ITS INSURER SHALL PAY DEATH BENEFITS IN ACCORDANCE WITH THIS SECTION.";

and in line 29, strike "**(B)**" and substitute "**(C)**".

On page 6, in lines 25 and 31, strike "**(C)**" and "**(D)**", respectively, and substitute "**(D)**" and "**(E)**", respectively; in line 27, strike "**(D) THROUGH (H)**" and substitute "**(E) THROUGH (I)**"; and in line 32, strike "**(B) AND (C)**" and substitute "**(C) AND (D)**".

On page 7, in lines 1, 3, 6, 14, and 18, strike "**(E)**", "**(F)**", "**(G)**", "**(H)**", and "**(B)**", respectively, and substitute "**(F)**", "**(G)**", "**(H)**", "**(I)**", and "**(C)**", respectively; and after line 22, insert:

"**9–683.4.**

(A) THIS SECTION DOES NOT APPLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9–503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9–683.6 OF THIS SUBTITLE.

(B) THE COMMISSION HAS CONTINUING JURISDICTION TO:

(1) SUSPEND, REALLOCATE, OR TERMINATE PAYMENTS OF COMPENSATION IN ACCORDANCE WITH THIS PART; AND

(2) REINSTATE PAYMENTS OF COMPENSATION THAT HAVE BEEN SUSPENDED OR TERMINATED UNDER THIS SECTION.

9–683.5.

(A) THIS SECTION DOES NOT APPLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9–503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9–683.6 OF THIS SUBTITLE.

(B) IF THERE ARE MULTIPLE DEPENDENTS ENTITLED TO DEATH BENEFITS, THE COMMISSION MAY APPORTION AN AWARD OF DEATH BENEFITS AMONG THE DEPENDENTS IN THE MANNER THAT THE COMMISSION CONSIDERS JUST AND EQUITABLE.

(C) (1) DEATH BENEFITS SHALL BE PAID TO 1 OR MORE OF THE DEPENDENTS OF A COVERED EMPLOYEE WHO ARE ENTITLED TO DEATH BENEFITS, AS DETERMINED BY THE COMMISSION, FOR THE BENEFIT OF ALL OF THE DEPENDENTS WHO ARE ENTITLED TO DEATH BENEFITS.

(2) A DEPENDENT TO WHOM DEATH BENEFITS ARE PAID SHALL APPLY THE DEATH BENEFITS TO THE USE OF ALL OF THE DEPENDENTS WHO ARE ENTITLED TO DEATH BENEFITS:

(I) ACCORDING TO THE RESPECTIVE CLAIMS OF THE DEPENDENTS OF THE DECEASED COVERED EMPLOYEE FOR SUPPORT; AND

(II) IN COMPLIANCE WITH THE FINDINGS AND DIRECTION OF THE COMMISSION.

9–683.6.

(A) A MUNICIPAL CORPORATION OR COUNTY MAY MAKE A ONE–TIME ELECTION TO MAKE THEIR COVERED EMPLOYEES WHO ARE SUBJECT TO § 9–503 OF THIS TITLE AND THEIR DEPENDENTS SUBJECT TO §§ 9–683.1 THROUGH 9–683.5 OF THIS SUBTITLE.

(B) TO MAKE THE ELECTION DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION, THE GOVERNING BODY OF THE MUNICIPAL CORPORATION OR COUNTY SHALL:

(1) ADOPT AN ORDINANCE OR RESOLUTION STATING THAT IT IS THE INTENT OF THE GOVERNING BODY TO EXERCISE THE RIGHT OF ELECTION; AND

(2) FORWARD A COPY OF THE ORDINANCE OR RESOLUTION TO THE COMMISSION.

(C) ON RECEIPT OF A COPY OF THE RESOLUTION, THE COMMISSION SHALL ACKNOWLEDGE RECEIPT OF THE ORDINANCE OR RESOLUTION TO THE MUNICIPAL CORPORATION OR COUNTY.

(D) ONCE THE COMMISSION HAS ACKNOWLEDGED RECEIPT OF THE ORDINANCE OR RESOLUTION, ANY WORKERS' COMPENSATION CASE ARISING ON OR AFTER THE DATE OF ACKNOWLEDGEMENT AND INVOLVING A COVERED EMPLOYEE OF THE MUNICIPAL CORPORATION OR COUNTY WHO IS SUBJECT TO § 9–503 OF THIS TITLE AND THE DEPENDENTS OF THE COVERED EMPLOYEE SHALL BE SUBJECT TO §§ 9–683.1 THROUGH 9–683.5 OF THIS SUBTITLE.".

On pages 7 through 9, strike beginning with line 23 on page 7 through line 24 on page 9, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 117 – Senator Lisa A. Gladden:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Mount Washington Pediatric Hospital
in recognition of
the celebration of 90 years of providing care to
children throughout the State of Maryland.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 4th day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 278)

THE COMMITTEE ON FINANCE REPORT #8

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

Senate Bill 309 – Senator Kelley

AN ACT concerning

Consumer Protection – Transparency in Consumer Arbitrations Act

SB0309/937978/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 309
(First Reading File Bill)

On page 2, in line 18, after "**INCLUDE**" insert "**:**

(I) A";

in the same line, strike "**A**"; and in line 21, after "**ARTICLE**" insert "**;**

(II) AN ARBITRATION GOVERNED BY RULES ADOPTED BY A SECURITIES SELF–REGULATORY ORGANIZATION AND APPROVED BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION UNDER FEDERAL LAW; OR

(III) AN ARBITRATION BETWEEN A CONSUMER AND A RELATED INSTITUTION THAT IS LICENSED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, IF THE CONSUMER ARBITRATION AGREEMENT BETWEEN THE CONSUMER AND THE RELATED INSTITUTION IS NOT MANDATED AS A CONDITION OF ADMISSION OF THE CONSUMER TO THE RELATED INSTITUTION".

On page 3, after line 2, insert:

"**(G) "RELATED INSTITUTION" HAS THE MEANING STATED IN § 19–301 OF THE HEALTH – GENERAL ARTICLE.**".

The preceding amendment was read and adopted.

Senator Zirkin moved, duly seconded, to make the Bill and Report a Special Order for March 7, 2011.

The motion was adopted.

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

Senate Bill 381 – Senator Pinsky

AN ACT concerning

Health – Residential Camps – Definition

SB0381/477677/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 381
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Residential" and substitute "Youth"; in the same line, strike "Definition" and substitute "Definitions"; in line 3, after the first "of" insert "altering the definition of "day camp" to include certain youth camps that have campers who reside at the camp for a certain number of days;"; in line 5, after "camp;" insert "altering the definitions of "travel camp" and "trip camp" to increase the number of days a residential camp may operate as a travel camp or a trip camp;"; and in the same line, strike the second "residential" and substitute "youth".

AMENDMENT NO. 2

On page 2, in line 6, after "(1)" insert "**(I)**"; in line 7, strike "(2)" and substitute "**(II)**"; in line 8, strike "(3)" and substitute "**(III)**"; in lines 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, strike "(i)", "(ii)", "(iii)", "(iv)", "(v)", "(vi)", "(vii)", "(viii)", "(ix)", "(x)", "(xi)", "(xii)", "(xiii)", "(xiv)", and "(xv)", respectively, and substitute "**1.**", "**2.**", "**3.**", "**4.**", "**5.**", "**6.**", "**7.**", "**8.**", "**9.**", "**10.**", "**11.**", "**12.**", "**13.**", "**14.**", and "**15.**", respectively; and in line 24, after "ropes" insert "**; OR**

(2) OPERATES AT A FACILITY OR CAMPSITE AT WHICH A CAMPER LIVES APART OR INTENDS TO LIVE APART FROM THE CAMPER'S RELATIVES, PARENTS, OR LEGAL GUARDIANS FOR 5 CONSECUTIVE DAYS".

On page 3, in lines 15 and 19, in each instance, strike "5" and substitute "**6**".

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 281 – Senators Miller, Currie, Muse, Peters, and Ramirez

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Prince George's County – Orphans' Court Judges – Qualifications

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

Favorable report adopted.

FLOOR AMENDMENT

SB0281/273022/1
BY: Senator Stone

AMENDMENTS TO SENATE BILL 281
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Prince" insert "Baltimore County and"; and in lines 4 and 5, in each instance, after "Court for" insert "Baltimore County and".

AMENDMENT NO. 2

On page 1, after line 24, insert:

"**(C) THE QUALIFIED VOTERS OF BALTIMORE COUNTY SHALL ELECT THREE JUDGES OF THE ORPHANS' COURT FOR BALTIMORE COUNTY WHO SHALL BE CITIZENS OF THE STATE AND RESIDENTS, FOR THE TWELVE MONTHS PRECEDING, IN BALTIMORE COUNTY AND WHO HAVE BEEN ADMITTED TO PRACTICE LAW IN THIS STATE AND ARE MEMBERS IN GOOD STANDING OF THE MARYLAND BAR.**".

AMENDMENT NO. 3

On page 2, in lines 1, 7, 9, and 11, strike "**(C)**", "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively; in line 16, strike "only one county" and substitute "multiple jurisdictions"; and in line 17, after "amendments" insert "do not".

The preceding 3 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #5

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

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #5
March 3, 2011

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

1. John E. Bloxom — District 38
16 Fourteenth Street
Pocomoke City, MD 21851

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve remainder of a term of four years from July 1, 2010

2. Virginia P. Clagett — District 30
1387 Cumberstone Road, P.O. Box 1
West River, MD 20778

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve remainder of a term of four years from July 1, 2008

3. Carolyn Cummins District 38
9628 Oceanview Lane
Ocean City, MD 21842

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve remainder of a term of four years from July 1, 2010

4. Vincent J. Gardina District 7
4 Farm Brook Court
Perry Hall, MD 21128

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve remainder of a term of four years from July 1, 2010

5. Mark M. Konapelsky District 38
19 Wynfall Avenue
Crisfield, MD 21817

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve remainder of a term of four years from July 1, 2007 and a term of four years from July 1, 2011

6. Donald East Sutton District 36
8 Wheeler Avenue, P.O. Box 157
Betterton, MD 21610

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve remainder of a term of four years from July 1, 2008

Historic St. Mary's City Commission

7. Gabrielle A. Tayac, Ph.D. District 20
210 Philadelphia Ave.
Takoma Park, MD 20912

Member of the Historic St. Mary's City Commission; appointed to serve remainder of a term of four years from July 1, 2009

Landscape Architects, Board of Examiners

8. Beatrice Odom Scott District 40
3500 Wabash Avenue
Baltimore, MD 21215

Member of the Board of Examiners of Landscape Architects; appointed to serve remainder of a term of three years from July 1, 2007 and a term of three years from July 1, 2010

Longitudinal Data System Center Governing Board, Maryland

9. Nicole C. Marano District 5
6 Clynmalira Court
Phoenix, MD 21131

Member of the Maryland Longitudinal Data System Center Governing Board; appointed to serve remainder of a term of three years from July 1, 2010

Maryland Environmental Service, Board of Directors of

10. Leslie Jackson Jenkins, Esq. District 28
16040 Almond Sunset Lane
Brandywine, MD 20613

Member of the Board of Directors of Maryland Environmental Service; reappointed to serve a term of four years from July 1, 2010

11. Talmadge E. Simons District 5
16312 Old York Road
Monkton, MD 21111

Member of the Board of Directors of Maryland Environmental Service; reappointed to serve a term of four years from July 1, 2010

Physicians, State Board of

12. Beryl J. Rosenstein, M.D. District 11
3316 Woodvalley Drive
Baltimore, MD 21208

Member of the State Board of Physicians; appointed to serve remainder of a term of four years from July 1, 2007

Professional Standards and Teacher Education Board

13. Meryln M. Bell — District 10
6703 Yataruba Drive
Baltimore, MD 21207

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2010

14. Cynthia T. Bowen, Ed.D. — District 41
2308 Pickwick Road
Baltimore, MD 21207

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2010

15. Louise E. DeJesu — District 30
520 Bay Dale Court
Arnold, MD 21012

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2010

16. Stephanie R. Moses — District 37
6160 Oxbridge Drive
Salisbury, MD 21801

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2010

17. Carl Roberts, Ed.D. — District 34
1641 Ingleside Avenue
Perryville, MD 21903

Member of the Professional Standards and Teacher Education Board; appointed to serve remainder of a term of three years from July 1, 2010

18. Theresa D. Stafford — District 37
2429 Rock Drive
Cambridge, MD 21613

Member of the Professional Standards and Teacher Education Board; appointed to serve remainder of a term of three years from July 1, 2008

Public Defender, Office of the Board of Trustees of the

19. James V. Anthenelli, Esq. District 38
5298 James Landing Road
Salisbury, MD 21801

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term to expire May 31, 2012

20. Laura M. Robinson, Esq. District 31
8116 Riverside Drive
Pasadena, MD 21122

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term to expire May 31, 2013

Stadium Authority, Maryland

21. Kaliope Parthemos, Esq. District 8
4224 Kolb Avenue
Baltimore, MD 21206

Member of the Maryland Stadium Authority; appointed to serve remainder of a four year term to expire June 30, 2012

University System of Maryland Board of Regents

22. Francis X. Kelly, Jr. District 11
151 Applecroft Lane
Hunt Valley, MD 21030

Member of the University System of Maryland Board of Regents; reappointed to serve a term of five years from July 1, 2010

Veterans' Home Commission, Maryland

23. Mary Ann King District 20
9800 Hedin Drive
Silver Spring, MD 20903

Member of the Maryland Veterans' Home Commission; appointed to serve remainder of a term of five years from July 1, 2008

Veterinary Medical Examiners, State Board of

24. Heather M. Hendler, D.V.M. District 13
7316 Shady Glen Drive
Columbia, MD 21046

Member of the State Board of Veterinary Medical Examiners; appointed to serve a term of five years from June 1, 2010

Wellmobile Program Advisory Board, Governor's

25. Theresa A. Gaffney District 99
9108 Parliament Drive
Burke, VA 22015

Member of the Governor's Wellmobile Program Advisory Board; appointed to serve a term of three years from October 1, 2008

Workforce Corporation Board of Directors, Maryland

26. Theresa Alfaro Daytner District 4
303 Thornberry Court
Mt. Airy, MD 21771

Member of the Maryland Workforce Corporation Board of Directors; appointed to serve a term to expire June 30, 2012

Youth Camp Safety, Advisory Council on

27. Ethan Draddy District 5
4807 Horse Hill Road
Baldwin, MD 21013

Member of the Advisory Council on Youth Camp Safety; appointed to serve a term of three years from July 1, 2010

28. Lisa Ann Laschalt District 29
25596 Loveville Road
Leonardtown, MD 20650

Member of the Advisory Council on Youth Camp Safety; appointed to serve remainder of a term of three years from July 1, 2009

Statewide Nominees

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

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

S–1. Francis Jack Russell District 29
P.O. Box 653
Leonardtown, MD 20650

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2011

Professional Standards and Teacher Education Board

S–2. Amy Benson District 33
1520 Chase Hill Drive
Severn, MD 21144

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2010

University System of Maryland Board of Regents

S–3. C. Thomas McMillen District 9
3900 Jumpers Hill Lane
Ellicott City, MD 21042

Member of the University System of Maryland Board of Regents; reappointed to serve a term of five years from July 1, 2010

Local Nominees

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

Carroll Community College Board of Trustees

L–1. David P. O'Callaghan District 5
2704 Appleseed Road
Finksburg, MD 21048

Member of the Carroll Community College Board of Trustees; appointed to serve a term of six years from July 1, 2010

College of Southern Maryland, Board of Trustees of the

L–2. Julie Sickle District 29
2315 Ross Road, P.O. Box 485
St. Leonard, MD 20685

Member of the Board of Trustees of the College of Southern Maryland; appointed to serve a term of five years from July 1, 2010

Garrett College Board of Trustees

L–3. Albert A. Coviello District 1
112 I Street
Mt. Lake Park, MD 21550

Member of the Garrett College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2010

L–4. Don Morin District 1
2325 Accident Friendsville Rd, P.O. Box 116
Accident, MD 21520

Member of the Garrett College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2007

Garrett County Liquor Control Board

L–5. Beatrice J. Crosco District 1
3667 Hutton Road
Oakland, MD 21550

Member of the Garrett County Liquor Control Board; reappointed to serve a term of six years from June 1, 2010

Prince George's Community College Board of Trustees

L–6. Oretha Bridgwaters District 25
12022 Hunterton Street
Upper Marlboro, MD 20774

Member of the Prince George's Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2010

L–7. Aimee Olivo District 47
3013 Park Way
Cheverly, MD 20785

Member of the Prince George's Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2010

L–8. Elizabeth G. Proctor District 27
14202 Cold Harbour Drive
Accokeek, MD 20607

Member of the Prince George's Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2006

L–9. C. Michael Walls, Esq. District 21
414 Prince George Street
Laurel, MD 20707

Member of the Prince George's Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2007

Prince George's County Board of License Commissioners

L–10. Shaihi Mwalimu District 27
9544 Victoria Drive
Upper Marlboro, MD 20772

Member of the Prince George's County Board of License Commissioners; reappointed to serve a term of three years from June 1, 2010

Somerset County Board of Elections

L–11. Jackie L. Mills District 38
5099 Annemessex Road
Crisfield, MD 21817

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

St. Mary's County Alcoholic Beverage Board

L–12. William R. Cullins, III District 29
38342 Red Robin Lane
Clements, MD 20624

Member of the St. Mary's County Alcoholic Beverage Board; appointed to serve remainder of a term of four years from January 1, 2008

Worcester County Board of Elections

L–13. Mark S. Frostrom, Sr. District 38
940 Bishop Road
Pocomoke, MD 21851

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

Worcester County Liquor Control Board

L–14. Donald A. Hastings District 38
10549 Sussex Road
Ocean City, MD 21842

Member of the Worcester County Liquor Control Board; reappointed to serve a term of four years from June 1, 2010

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

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

The above nominations of the Executive (with the exception of Nominee No. L-14 Donald A. Hastings, Member of the Worcester County Liquor Control Board), were all confirmed by roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 279)

Senator Mathias moved, duly seconded, to make Nominee No. L-14, Donald A. Hastings, a Special Order for April 11, 2011.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 280)

ADJOURNMENT

At 12:12 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 7, 2011.

Annapolis, Maryland
Monday, March 7, 2011
8:00 P.M. Session

The Senate met at 8:13 P.M.

Prayer by Reverend Doctor Donte' L. Hickman – Pastor.

(See Exhibit A of Appendix III)

The Journal of March 4, 2011 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 282)

INTRODUCTION OF BILLS

Senate Bill 968 – Senator Middleton

AN ACT concerning

Creation of a State Debt – Charles County – Greater Baden Medical Services Facility

FOR the purpose of authorizing the creation of a State Debt in the amount of $400,000, the proceeds to be used as a grant to the Board of Directors of the Greater Baden Medical Services, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 969 – Senator Ferguson

AN ACT concerning

Labor and Employment – Administrative Leave – Parent–Teacher Conferences

FOR the purpose of authorizing an employee to use administrative leave to attend a parent–teacher conference; requiring an employee to notify the employer a certain number of days before the employee will use administrative leave to attend a parent–teacher conference; prohibiting an employee who uses administrative leave under this Act from using more than a certain number of hours per parent–teacher conference and using administrative leave more than a certain number of times per school semester; authorizing an employer to require certain evidence under certain circumstances; defining certain terms; and generally relating to the use of administrative leave by employees.

BY adding to
Article – Labor and Employment
Section 3–803
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Senate Bill 970 – Senator Simonaire

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Lake Shore Volunteer Fire Company

FOR the purpose of authorizing the creation of a State Debt not to exceed $250,000, the proceeds to be used as a grant to the County Executive and County Council of Anne Arundel County for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 971 – Senator Young

AN ACT concerning

Labor and Employment – User Name and Password Privacy Protection

FOR the purpose of prohibiting an employer from requiring an employee or applicant for employment to disclose any user names or passwords for any Internet sites

or Web–based accounts; authorizing an employer to require an employee to disclose a user name or password that provides access to the employer's internal computer or information systems; prohibiting an employer from taking, or threatening to take, certain disciplinary actions for an employee's refusal to disclose certain user name or password information; prohibiting an employer from failing or refusing to hire an applicant for employment as a result of the applicant's refusal to disclose certain user name or password information; defining certain terms; and generally relating to employment and disclosure of user names and passwords.

BY adding to
Article – Labor and Employment
Section 3–711
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Senate Bill 972 – Senator DeGrange

AN ACT concerning

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

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

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

Senate Bill 973 – Senator Astle

AN ACT concerning

Legislative Community Initiatives Loan of 2004 – Anne Arundel County – Carrie Weedon Science Center

FOR the purpose of amending the Legislative Community Initiatives Loan of 2004 to extend the deadline by which a certain grant must be encumbered by the Board of Public Works or expended for certain purposes; and generally relating to amending the Legislative Community Initiatives Loan of 2004.

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 432 of the Acts of the General Assembly of 2004 and Chapter 202 of the Acts of the General Assembly of 2007
Section 13(3)(ii) Item (A)

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

Senate Bill 974 – Senator Astle

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – Contracts, Disclosures, and Audits

FOR the purpose of requiring each contract between a pharmacy benefits manager and a pharmacy, pharmacist, or retail pharmacy network or agent of a pharmacy, pharmacist, or retail pharmacy network to contain at a minimum certain provisions; requiring a pharmacy benefits manager to disclose certain information to certain entities at certain times; requiring a pharmacy benefits manager that, in a certain contract, calculates reimbursement for prescription drugs and other products and supplies in accordance with a certain formula to use a certain price in that calculation; requiring a pharmacy benefit manager to update certain prices at an interval not less than a certain number of business days and to make certain disclosures about certain prices and a certain methodology; prohibiting a pharmacy benefits manager that has a certain management or ownership interest from discriminating or restricting the rights of a beneficiary or offering certain copayments to a beneficiary; altering the requirements for an audit conducted by a pharmacy benefits manager of a pharmacy or pharmacist under contract with the pharmacy benefits manager; requiring that a copy of a certain final audit report be delivered to a plan sponsor within certain periods of time under certain circumstances; requiring a certain recoupment of a certain claims payment to be based only on a certain fee and not on a certain cost; prohibiting a pharmacy benefits manager and a plan sponsor from taking certain actions on the basis of certain errors; making stylistic changes; and generally relating to pharmacy benefits managers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–1628 and 15–1629
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

Senate Bill 975 – Senator Edwards

AN ACT concerning

Economic Development – Tri–County Council for Western Maryland – Membership and Leadership

FOR the purpose of altering the membership of the Tri–County Council for Western Maryland; establishing an Executive Committee for the Council and providing for the Executive Committee's officers and terms of office; defining a certain term; providing for the initial membership of the Executive Committee; and generally relating to the membership and leadership of the Tri–County Council for Western Maryland.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 13–701 and 13–703
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY repealing
Article – Economic Development
Section 13–704
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY adding to
Article – Economic Development
Section 13–704
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

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

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 311 – Senator Barry Glassman:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The John Carroll School Boys' Varsity Basketball Team
in recognition of
being named the 2010–2011 Maryland Interscholastic Athletic Association A Conference Basketball Champions.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 7th day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 283)

Senate Resolution No. 308 – Senator Barry Glassman:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Mathew Miller
in recognition of
being named the 171 pound National Prep Wrestling Champion as a student of The John Carroll School.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 7th day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 284)

Senate Resolution No. 310 – Senator James E. DeGrange, Sr.:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Prince C. Frimpong
in recognition of
being named the 2010 Advanced Placement Administrator of the Year by the National College Board for promoting quality education and outstanding leadership.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 7th day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 285)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 12 – ~~Delegate Beitzel~~ Delegates Beitzel, Hammen, Pendergrass, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Kach, Kipke,

Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Ready, Reznik, and Tarrant

AN ACT concerning

Procurement – Employee Uniforms and Equipment – Place of Manufacture

FOR the purpose of prohibiting a public employer, under certain circumstances, from knowingly buying, furnishing, or requiring an employee to buy or acquire for use while on duty certain uniforms and other equipment unless the uniforms or other equipment are manufactured in the United States; requiring the Board of Public Works to adopt certain regulations; providing for the application of this Act; defining a certain term; and generally relating to the procurement of employee uniforms and equipment.

BY adding to
Article – State Finance and Procurement
Section 14–411
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 54 – Delegate Hubbard

EMERGENCY BILL

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Trace Amounts

FOR the purpose of exempting certain aircraft from the application of a prohibition on the manufacture, lease, sale, or distribution for sale or lease of certain products that contain decabrominated diphenyl ether; altering certain prohibitions on the manufacturing, leasing, selling, or distributing of certain products that contain decabrominated diphenyl ether; making this Act an emergency measure; and generally relating to the use of decabrominated diphenyl ether.

BY repealing and reenacting, without amendments,
Article – Environment
Section 6–1201(a) and (b)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment

Section 6–1202.1
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 79 – Delegate Walker

AN ACT concerning

Task Force to Study the Creation of a Maryland Center for School Safety

FOR the purpose of establishing a Task Force to Study the Creation of a Maryland Center for School Safety; providing for the membership, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving compensation, but authorizing reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study the Creation of a Maryland Center for School Safety.

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 82 – Delegates Morhaim and Kipke

AN ACT concerning

Health Care Decisions Act – "Medical Orders for Life–Sustaining Treatment" Form

FOR the purpose of repealing certain provisions of law relating to the "Instructions on Current Life–Sustaining Treatment Options" form; requiring the Department of Health and Mental Hygiene, in conjunction with the Maryland Institute for Emergency Medical Services Systems and the State Board of Physicians, to develop and periodically revise a "Medical Orders for Life–Sustaining Treatment" form and instructions for its completion and use; requiring that the form and instructions be developed in consultation with certain individuals and groups; requiring that the form be suitable for containing certain medical orders; providing that the form is not an advance directive; requiring certain health care facilities and authorizing other health care providers to use a "Medical Orders for Life–Sustaining Treatment" form; requiring certain health care facilities ~~and authorizing other health care providers~~ to ~~use~~ accept and update or complete a "Medical Orders for Life–Sustaining Treatment" form for certain patients during the admission process or, under certain circumstances,

during an inpatient hospital stay; requiring certain health care facilities and health care providers, when updating or completing a "Medical Orders for Life–Sustaining Treatment" form, to offer certain individuals the opportunity to participate in ~~the completion of a~~ updating or completing the "Medical Orders for Life–Sustaining Treatment" form; requiring health care facilities to note in a patient's medical record when certain individuals decline to participate in ~~the completion of a~~ updating or completing the "Medical Orders for Life–Sustaining Treatment" form; requiring, under certain circumstances, that certain health care facilities offer any physician or nurse practitioner selected by the patient the opportunity to participate in updating or completing a "Medical Orders for Life–Sustaining Treatment" form; requiring, under certain circumstances, that certain health care facilities provide certain information to certain individuals; requiring, under certain circumstances, that a "Medical Orders for Life–Sustaining Treatment" form be consistent with certain health care decisions of certain individuals; requiring a health care facility to comply with the "Medical Orders for Life–Sustaining Treatment" form under certain circumstances; requiring certain health care providers to keep the "Medical Orders for Life–Sustaining Treatment" form in the patient's medical record; requiring that the "Medical Orders for Life–Sustaining Treatment" form accompany certain patients and be given to certain individuals ~~under certain circumstances~~ within a certain time period; requiring that the most recent "Medical Orders for Life–Sustaining Treatment" form be followed if there is a conflict between forms; authorizing a health care provider to rely in good faith on the presumed validity of a "Medical Orders for Life–Sustaining Treatment" form; requiring the Department to adopt certain regulations; requiring the Department to make the "Medical Orders for Life–Sustaining Treatment" ~~form and~~ form, certain instructions, and training materials available on the Department's Web site; authorizing the Department to print and distribute the form ~~and~~, instructions, and training materials; requiring that a "Medical Orders for Life–Sustaining Treatment" form containing an order that resuscitation not be attempted be given the same effect as an emergency medical services "do not resuscitate order"; specifying that orders regarding life–sustaining treatment executed in another state are to be deemed valid under certain circumstances and construed in a certain manner; repealing the requirement that a nursing home offer patients an "Instructions on Current Life–Sustaining Treatment Options" form; requiring ~~certain health care facilities~~ nursing homes and assisted living programs, on or before a certain date, to complete a "Medical Orders for Life–Sustaining Treatment" form for certain patients admitted to the health care facility before a certain date, and to offer the patients or certain other individuals an opportunity to participate in the completion of the form; altering a certain definition; defining a certain term; and generally relating to health care decisions and the "Medical Orders for Life–Sustaining Treatment" form.

BY repealing
Article – Health – General
Section ~~5–602(f)(4)~~ 5–602(f)(3) and (4) and 5–608.1

Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–608, 5–609, 5–617, 5–619, and 19–344(f)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health – General
Section 5–608.1
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 99 – Delegate Braveboy

AN ACT concerning

Real Property – Homeowners Association Elections – Enforcement by the Division of Consumer Protection

FOR the purpose of ~~providing that a violation of a provision of the governing documents of a homeowners association that regulates procedures for the election of the governing body of the association is within the enforcement duties and powers of~~ authorizing a lot owner who believes that the board of directors or other governing body of a homeowners association has failed to comply with the election procedures provisions of the governing documents of the homeowners association to submit the dispute to the Division of Consumer Protection of the Office of the Attorney General if the provisions concern certain elements of the election procedures; and generally relating to enforcement of the election procedures of a homeowners association.

BY repealing and reenacting, ~~with~~ without amendments,
Article – Real Property
Section 11B–115(c)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Real Property
Section 11B–115.1
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

House Bill 108 – Delegate Feldman

AN ACT concerning

Business Regulation – State Amusement Ride Safety Advisory Board – Membership

FOR the purpose of altering the membership of the State Amusement Ride Safety Advisory Board; requiring that the composition of the Board as to the race and gender of its members reflect the composition of the population of the State; and generally relating to the membership of the State Amusement Ride Safety Advisory Board.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 3–301
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 3–304
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

House Bill 109 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Transportation – Outdoor Signs Along Federal–Aid Primary Highways – Scenic Byways

FOR the purpose of prohibiting the State Highway Administration from issuing permits for certain outdoor signs along or near scenic byways located on federal–aid primary highways; altering a certain definition; defining a certain term; and generally relating to the regulation of outdoor signs along or near federal–aid primary highways.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–725 and 8–730

Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 136 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Family Law – ~~Temporary~~ Protective Orders – ~~Electronic~~ Notification of Service

FOR the purpose of requiring that the system used for the electronic notification of service of a temporary protective order be approved and provided by the Department of Public Safety and Correctional Services; extending the termination date of certain provisions of law that provide for notice of the service on a respondent of certain protective orders; and generally relating to ~~electronic~~ notification of the service of a ~~temporary~~ protective order.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–505(a)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–505(b)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Chapter 711 of the Acts of the General Assembly of 2009
Section 2

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

House Bill 178 – Delegates Alston, Anderson, Arora, Barnes, Braveboy, Carter, Conaway, Dumais, Griffith, Holmes, K. Kelly, Lee, McDermott, Mitchell, Oaks, Pena–Melnyk, Ross, Simmons, Smigiel, Stukes, Valderrama, Valentino–Smith, Vallario, Waldstreicher, and Walker

AN ACT concerning

Criminal Procedure – Right of Appeal from Final Judgments – Conditional Guilty Plea

FOR the purpose of providing that an appeal from a final judgment entered following a conditional plea of guilty may be taken in accordance with the Maryland Rules; defining a certain term; and generally relating to the right of appeal from final judgments in criminal cases.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 12–302(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 183 – Delegates Nathan–Pulliam, Pena–Melnyk, and V. Turner

AN ACT concerning

State Board of Nursing – Electrologists – Examination and License Term

FOR the purpose of authorizing the State Board of Nursing to approve an examination and clinical examination relating to the licensure of electrologists; altering the term of a license beginning on a certain date; and generally relating to the State Board of Nursing and the examination and license term of an electrologist license.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–6B–08 and 8–6B–14(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 8–6B–14(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 186 – Delegates Branch, Barve, and Proctor

AN ACT concerning

Education – Public School Holidays – American Indian Heritage Day

FOR the purpose of designating American Indian Heritage Day as a public school holiday; and generally relating to public school holidays.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–103(c)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 214 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Critical Farms Fund and Program

FOR the purpose of authorizing the Maryland Agricultural Land Preservation Foundation to acquire certain interests in property for certain purposes, and to dispose of that property under certain circumstances in accordance with the Critical Farms Program; requiring the development of a certain method and a certain procedure for a certain purpose; establishing the Critical Farms Fund for the acquisition of certain easements under the Critical Farms Program and the Farmland Preservation Partnership Program; clarifying that the Governor may include a certain appropriation in the annual budget; requiring the Foundation to submit a certain report to the General Assembly under a certain circumstance; exempting certain dispositions of real property from approval by the Board of Public Works; and generally relating to the Maryland Agricultural Land Preservation Foundation's Critical Farms Program.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–504, 2–505(c), 2–517, and 2–517.1
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 2–505(a) and (b)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement

Section 10–302.1
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 215 – Chair, Health and Government Operations Committee (By Request – Departmental – Maryland Institute for Emergency Medical Services Systems)

AN ACT concerning

State Emergency Medical Services Board – Emergency Medical Services Providers

FOR the purpose of exempting certain law enforcement officers from certain requirements relating to the provision of certain emergency medical services; prohibiting the use of a certain term except under certain circumstances; requiring the State Emergency Medical Services Board to adopt certain regulations on or before a certain date; providing that certain emergency medical services providers shall be deemed to be licensed or certified under this Act until a certain event occurs; providing for a delayed effective date for certain provisions of this Act; defining certain terms; altering and repealing certain definitions; making certain conforming changes; and generally relating to emergency medical services providers.

BY repealing and reenacting, with amendments,
Article – Education
Section 13–516
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 265 – Delegates B. Robinson, Conaway, Dwyer, Glenn, Oaks, Ross, Stukes, Tarrant, V. Turner, and Washington

AN ACT concerning

Developmental Disabilities Administration – Inspections of Licensees – Performance Evaluation of Surveyors

FOR the purpose of requiring the Developmental Disabilities Administration or its agent to ~~ensure that surveyors who carry out inspections of sites or offices operated by a licensee interpret and apply licensing requirements consistently~~

~~and uniformly; requiring the Administration or its agent to~~ evaluate periodically, for a certain purpose, the performance of ~~certain surveyors for a certain purpose~~ surveyors who carry out inspections of sites or offices operated by a licensee; and generally relating to inspections of licensees of the Developmental Disabilities Administration.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 7–909
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 275 – Allegany County Delegation

AN ACT concerning

Public Utilities – Net Energy Metering – Hydroelectric

FOR the purpose of including in the definition of eligible customer–generators that are eligible for net energy metering a customer that uses a certain type of hydroelectric generating facility; defining a certain term; and generally relating to net energy metering.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–306(a)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–306(b)
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 295 – Delegate Feldman

AN ACT concerning

Corporations – Maryland General Corporation Law – Miscellaneous Provisions

FOR the purpose of repealing certain provisions of law relating to dividends payable in shares of one class of a corporation's stock to holders of shares of another class of the corporation's stock; clarifying that all business and affairs of a corporation, whether or not in the ordinary course, must be managed under the direction of the corporation's board of directors; requiring each nominee for director of a corporation to have the qualifications required by the charter or bylaws of the corporation; providing that a director of a corporation holds office until the time the director ceases to have certain qualifications under certain circumstances; clarifying that certain directors hold over and continue to serve as directors under certain circumstances; clarifying the circumstances under which certain actions may be taken without a meeting of the board of directors or a committee of the board; clarifying that certain references to a majority or other proportion of directors refer to a majority or other proportion of votes entitled to be cast by the directors; repealing a certain provision of law that requires the board of directors to provide a place for a meeting of the stockholders under certain circumstances; altering the circumstances under which certain mergers need be approved by a Maryland successor corporation only by a majority of its entire board of directors; altering the information that must be included in articles of consolidation, merger, share exchange, or transfer if the successor is a certain business entity; repealing certain provisions of law requiring the president or a director of a corporation the charter of which has been revived to call a meeting of the stockholders for a certain purpose; and generally relating to the Maryland General Corporation Law.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 2–309(c), 2–401(a), 2–403(a), 2–404(b), 2–405, 2–408(c) and (d), 2–503(b), 3–105(a), and 3–109(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing
Article – Corporations and Associations
Section 3–511
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

House Bill 298 – Delegates Pena–Melnyk and Braveboy

AN ACT concerning

Labor and Employment – Wage Payment and Collection – Void Agreements

FOR the purpose of establishing that an agreement between an employer and an employee for the employee to work for less than a certain required wage is void; and generally relating to void agreements to work for less than a certain wage.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–502
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 311 – Delegate Hubbard

AN ACT concerning

Professional Counselors and Therapists – Continuing Education – Home Study

FOR the purpose of repealing a provision prohibiting the State Board of Professional Counselors and Therapists from authorizing home study courses towards completion of continuing education requirements.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 17–504
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 328 – Delegate Feldman

AN ACT concerning

Accountants – Regulation – Preparation of a Compilation of Financial Statements

FOR the purpose of altering certain definitions related to the practice of certified public accountancy; including the preparation of certain compilations of financial statements in the list of services that are not prohibited, under certain circumstances, under certain provisions of law that regulate certified public accountants; altering a certain requirement that certain firms hold certain permits under certain circumstances; requiring the State Board of Public Accountancy to adopt certain regulations; making certain technical changes; defining a certain term; and generally relating to the regulation of accountants.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 2–101, 2–102, 2–401, and 2–4A–01
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 332 – Delegates Wood, Conway, Bates, Beidle, Beitzel, Bohanan, Boteler, Bromwell, Burns, Cane, Clagett, Costa, DeBoy, Dwyer, Eckardt, Fisher, George, Glass, Haddaway–Riccio, Hershey, Impallaria, James, Jameson, K. Kelly, Kipke, Love, Malone, McDermott, McMillan, Minnick, Murphy, O'Donnell, Otto, Proctor, Ready, B. Robinson, Schuh, Schulz, Smigiel, Sophocleus, Stocksdale, Stukes, Szeliga, Vallario, Vitale, Weir, ~~and Wilson~~ Wilson, Cullison, Donoghue, Elliott, Frank, Hammen, Hubbard, Kach, Krebs, McDonough, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, and Tarrant

AN ACT concerning

Charlotte Hall Veterans Home – Gifts and Grants – Authority to Accept and Spend

FOR the purpose of authorizing the Charlotte Hall Veterans Home to accept certain gifts and grants for use at the Home; providing for certain uses and administration of the gifts and grants accepted for use at the Home; requiring the Director of the Veterans Home Program and the Secretary of Veterans Affairs to report each year on the status of the gifts and grants accepted for use at the Home; and generally relating to the authority of the Charlotte Hall Veterans Home to accept and spend certain gifts and grants.

BY adding to
Article – State Government
Section 9–912.1
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 361 – Chair, Economic Matters Committee

AN ACT concerning

State Board of Master Electricians – Sunset Extension and Revision

FOR the purpose of continuing the State Board of Master Electricians in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the State Board; requiring the State Board to adopt regulations to establish continuing education requirements; conditioning the ability to renew a certain license on compliance with certain continuing education requirements; requiring that an evaluation of the State Board and the statutes and regulations that relate to the State Board be performed on or before a certain date; requiring the State Board, in conjunction with the Department of Labor, Licensing, and Regulation, to submit a certain report on or before a certain date; and generally relating to the State Board of Master Electricians.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 6–205, 6–310(c), and 6–702
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(18)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 377 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Mental Hygiene Administration Facilities – Repeal of Provisions that Relate to Closed Facilities

FOR the purpose of repealing certain provisions of law that relate to certain Mental Hygiene Administration facilities that have been closed; making stylistic

changes; and generally relating to Mental Hygiene Administration facilities that have been closed.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–406(a) and (c), 10–406.1, and 10–411
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 10–406(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 450 – Delegates Hubbard and Hammen

AN ACT concerning

Maryland Community Health Resources Commission – Health Care Reform – Safety Net Providers

FOR the purpose of authorizing the Maryland Community Health Resources Commission to provide certain assistance to safety net providers in preparing to implement certain health care reform; authorizing the Commission to examine certain issues and potential challenges for safety net providers in preparing to implement certain health care reform; requiring the Commission to develop a certain business plan for the provision by the State of certain assistance to safety net providers; requiring the Commission to make certain recommendations to the Governor and certain committees of the General Assembly on or before a certain date; altering a certain definition; defining certain terms; and generally relating to the Maryland Community Health Resources Commission and the implementation of health care reform by safety net providers.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–2101 and 19–2107(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 452 – ~~**Delegate Kipke**~~ **Delegates Kipke, Cullison, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, and Tarrant**

AN ACT concerning

Health Insurance – Coverage of Hearing Aids

FOR the purpose of requiring an insurer, nonprofit health service plan, or health maintenance organization that provides coverage for hearing aids to an insured or enrolled individual who is not a minor child and that places a dollar limit on the hearing aid benefit to allow the individual to choose a hearing aid that is priced higher than the benefit payable under the policy or contract and pay the difference between the price of the hearing aid and the dollar limit on the benefit; ~~altering the definition of "hearing aid" to remove a requirement that a hearing aid be nondisposable~~ making certain conforming changes; and generally relating to coverage of hearing aids under health insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–838
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 496 – **Delegates A. Kelly, Hammen, and Pendergrass**

AN ACT concerning

Life Insurance – Definition and Permitted Riders and Provisions

FOR the purpose of expanding the definition of "life insurance" to include certain benefits; authorizing a policy of life insurance to include a certain rider or supplemental policy provision; requiring the Maryland Insurance Administration to conduct a certain analysis and make a certain determination; requiring the Administration to report on certain findings to certain committees of the General Assembly on or before a certain date; and generally relating to life insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 1–101(x)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY adding to

Article – Insurance
Section 16–218
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 624 – Delegates Rosenberg, Carter, Oaks, and Vaughn

AN ACT concerning

Baltimore City – Used Car Dealers – Sunday Operations

FOR the purpose of authorizing in Baltimore City a used car dealer to sell, barter, deliver, give away, show, or offer for sale a motor vehicle or certificate of title for a motor vehicle on Sunday, instead of Saturday, if the dealer notifies the Motor Vehicle Administration in advance that the dealer intends to conduct business on Sunday, instead of Saturday; and generally relating to Sunday operations of used car dealers in Baltimore City.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 18–101
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

House Bill 900 – Carroll County Delegation

AN ACT concerning

Carroll County – Fortune Telling Ban – Repeal

FOR the purpose of repealing a provision that prohibits a person from demanding or accepting payment or gratuity to forecast or foretell, or pretend to forecast or foretell, the future of another person by certain methods in Carroll County; repealing a certain penalty; and generally relating to the repeal of the ban on fortune telling in Carroll County.

BY repealing
The Public Local Laws of Carroll County
Section 4–103
Article 7 – Public Local Laws of Maryland
(2004 Edition and July 1, 2010 Supplement, as amended)

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

MESSAGE FROM THE EXECUTIVE

March 7, 2011

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

Dear Mr. President:

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

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

Sincerely,

Governor

CORRECTIONAL TRAINING COMMISSION	
Wallis Q. Norman 10043 Ardenne Way Owings Mills, Maryland 21117 Baltimore County/11	Appointment Correctional Official – DJS Remainder of a term of 3 years from July 1, 2008 and a term of 3 years from July 1, 2011
ECONOMIC DEVELOPMENT CORPORATION (MEDCO) BOARD OF DIRECTORS	
Herbert D. Frerichs, Jr., Esq. 642 Oak Farm Court Timonium, Maryland 21093 Baltimore County/11	Appointment General Public Remainder of a term of 4 years from July 1, 2010
HEALTH AND MENTAL HYGIENE, BOARD OF REVIEW OF THE DEPARTMENT OF	
Deborah A. Wilson 8923 Heathermore Boulevard, #T3 Upper Marlboro, Maryland 20772 Prince George's/27	Appointment General Public Remainder of a term of 3 years from July 1, 2008 and a term of 3 years from July 1, 2011

JUDICIAL DISABILITIES, COMMISSION ON	
The Honorable Alexander Wright, Jr. Maryland Court of Special Appeals 361 Rowe Boulevard Annapolis, Maryland 21401 Baltimore County/11	Appointment Appellate Court Judge Remainder of a term of 4 years from January 1, 2011
PATUXENT INSTITUTION BOARD OF REVIEW	
Margaret Ruth Doxzen 2042 Horseshoe Circle Jessup, Maryland 20794 Anne Arundel/32	Reappointment Public Term of 4 years from March 21, 2011
John R. Simpson 245 Devon Drive Chestertown, Maryland 21620 Kent/36	Reappointment Public Term of 4 years from March 21, 2011
POLICE TRAINING COMMISSION	
Larry M. Brownlee, Sr. 4002 Bald Hill Terrace Mitchellville, Maryland 20721 Prince George's/24	Reappointment Police Official Term of 3 years from June 1, 2011
Charles H. Hinnant 1111 Cherrywood Avenue Cumberland, Maryland 21502 Allegany/01	Appointment Police Official Remainder of a term of 3 years from June 1, 2009
ST. MARY'S COLLEGE OF MARYLAND, BOARD OF TRUSTEES OF	
Michael P. O'Brien 24317 North Patuxent Beach Road California, Maryland 20619 St. Mary's/29	Reappointment Member Term of 6 years from June 1, 2011
Cynthia L. Broyles 18419 Herring Creek Road P.O. Box 131 Tall Timbers, Maryland 20690 St. Mary's/29	Reappointment Member Term of 6 years from June 1, 2011
Gail M. Harmon Tippity Wichity Island Great Mills, Maryland 20634 St. Mary's/29	Reappointment Member Term of 6 years from June 1, 2011
Walton Neil Irwin 400 West 119th Street, 10W-W New York, New York 10027 Nonresident	Reappointment Member Term of 6 years from June 1, 2011

John Chambers Wobensmith 130 West 15th Street Apartment PH-K New York, New York 10011 Nonresident	Reappointment Member Term of 6 years from June 1, 2011
Lawrence E. Leak, Ph.D. 6505 Burgundy Lane Clarksville, Maryland 21029 Howard/13	Reappointment Member Term of 6 years from June 1, 2011
Katherine Russell 73415 Pinyon Street Palm Desert, California 92260 Nonresident	Appointment Member Remainder of a term of 6 years from June 1, 2007
Molly Mahoney Matthews 6911 Radnor Road Bethesda, Maryland 20817 Montgomery/16	Reappointment Member Term of 6 years from June 1, 2011
SOCIAL WORK EXAMINERS, STATE BOARD OF	
Denise A. Capaci 2306 Watertrumpet Court Waldorf, Maryland 20603 Charles/28	Appointment LCSW – Clinical Remainder of a term of 4 years from July 1, 2007 and a term of 4 years from July 1, 2011
TEACHER EDUCATION BOARD, PROFESSIONAL STANDARDS AND	
Jolynn E. Tarwater 504 Watts Branch Parkway Potomac, Maryland 20854 Montgomery/17	Reappointment Statewide Teachers' Org. with Majority Representation Term of 3 years from July 1, 2011
Michelle Revells 6325 Stiles Place Hughesville, Maryland 20637 Charles/29	Appointment Statewide Teachers' Org. with Majority Representation Term of 3 years from July 1, 2011
Cathy Cerveny 331 Royal Oak Drive Bel Air, Maryland 21015 Harford/35	Reappointment Statewide Teachers' Org. with Majority Representation Term of 3 years from July 1, 2011
Darren R. Hornbeck 5423 El Camino Columbia, Maryland 21044 Howard/12	Reappointment Statewide Teachers' Org. with Majority Representation Term of 3 years from July 1, 2011

Mary Ellen Lewis 5016 Plymouth Road Baltimore, Maryland 21214 Baltimore City/43	Appointment Association of Independent Schools Term of 3 years from July 1, 2011
Ardith Z. Harle, Ed.D. 418 Point Mary Circle Tracys Landing, Maryland 20779 Anne Arundel/33	Reappointment Maryland Assn. of Teacher Education/MD Assn. of Colleges of Teacher Education Term of 3 years from July 1, 2011
Colleen Eisenbeiser 14035 Forsythe Road Sykesville, Maryland 21784 Howard/09	Appointment Maryland Assn. of Teacher Education/MD Assn. of Colleges of Teacher Education Term of 3 years from July 1, 2011
Theresa D. Stafford 2429 Rock Drive Cambridge, Maryland 21613 Dorchester/37	Reappointment Maryland Assn. of Secondary Principals Term of 3 years from July 1, 2011
UNIVERSITY SYSTEM OF MARYLAND BOARD OF REGENTS	
James L. Shea, Esq. 10909 Baronet Road Owings Mills, Maryland 21117 Baltimore County/11	Reappointment Member Term of 5 years from July 1, 2011
David W. Kinkopf, Esq. 5409 Purlington Way Baltimore, Maryland 21212 Baltimore City/43	Appointment Member Term of 5 years from July 1, 2011
Barry P. Gossett 490 South River Landing Edgewater, Maryland 21037 Anne Arundel/30	Reappointment Member Term of 5 years from July 1, 2011
Collin Wojciechowski 8044 Forest Glen Drive Pasadena, Maryland 21122 Anne Arundel/31	Appointment Student Term of 1 year from July 1, 2011
WASHINGTON SUBURBAN TRANSIT COMMISSION	
Alvin J. Nichols 8105 Felbrigg Hall Road Glenn Dale, Maryland 20769 Prince George's/22	Appointment Prince George's County Resident Term of 3 years from June 1, 2010
WOMEN, MARYLAND COMMISSION FOR	
Cara Tenenbaum 1401 Blair Mill Road, #1706 Silver Spring, Maryland 20910 Montgomery/20	Appointment Member Remainder of a term of 4 years from July 1, 2010

Tanesha Boldin 7114 Neville Court Baltimore, Maryland 21244 Baltimore County/10	Appointment Member Remainder of a term of 4 years from July 1, 2010
Cecilia J. Stegall 7200 Jaywick Avenue, #220 Fort Washington, Maryland 20744 Prince George's/26	Appointment Member Remainder of a term of 4 years from July 1, 2007 and a term of 4 years from July 1, 2011
Darlene Breck 8425 Welcome Woods Place Welcome, Maryland 20693 Charles/28	Appointment Member Remainder of a term of 4 years from July 1, 2009
Ginger Miller 609 Mattawoman Way Accokeek, Maryland 20607 Prince George's/27	Appointment Member Remainder of a term of 4 years from July 1, 2008

ALLEGANY COLLEGE OF MARYLAND BOARD OF TRUSTEES	
Jane A. Belt 13119 Quarry Ridge Road, SW Cumberland, Maryland 21502 Allegany/01	Reappointment Member Term of 6 years from July 1, 2011
ANNE ARUNDEL COMMUNITY COLLEGE BOARD OF TRUSTEES	
Walter Joseph Hall 507 Lake Shore Drive Pasadena, Maryland 21122 Anne Arundel/31	Reappointment Member Term of 6 years from July 1, 2011
Cynthia Robichaud 1100 Skyway Drive Annapolis, Maryland 21409 Anne Arundel/30	Appointment Student Term of 1 year from July 1, 2011
BALTIMORE COUNTY, COMMUNITY COLLEGE TRUSTEES FOR	
Wayne McDowell 37 Anderson Ridge Road Catonsville, Maryland 21228 Baltimore County/12	Appointment 1st Councilmanic District Remainder of a term of 5 years from July 1, 2007
Sheldon Caplis 113 River Oaks Road Baltimore, Maryland 21208 Baltimore County/11	Reappointment 2nd Councilmanic District Term of 5 years from July 1, 2011
Michael P. Ertel 505 West Joppa Road Towson, Maryland 21204 Baltimore County/42	Appointment 5th Councilmanic District Remainder of a term of 5 years from July 1, 2007
Patricia Reed Norman	Reappointment

809 Cedar Grove Road Baltimore, Maryland 21221 Baltimore County/06	6th Councilmanic District Term of 5 years from July 1, 2011
Gloria Nelson 7908 Lynch Road Baltimore, Maryland 21222 Baltimore County/06	Reappointment 7th Councilmanic District Term of 5 years from July 1, 2011
CALVERT COUNTY BOARD OF LICENSE COMMISSIONERS	
Alonzo Barber, III 9720 Smith Way Dunkirk, Maryland 20754 Calvert/27	Appointment Democrat Remainder of a term to expire June 6, 2011 and a term of 2 years to expire June 3, 2013
CARROLL COMMUNITY COLLEGE BOARD OF TRUSTEES	
Donald E. Lippy 421 Lees Mill Road Hampstead, Maryland 21074 Carroll/05	Reappointment Member Term of 6 years from July 1, 2011
Barbara Charnock 5866 Mineral Hill Road Sykesville, Maryland 21784 Carroll/09	Reappointment Member Term of 6 years from July 1, 2011
CECIL COLLEGE BOARD OF TRUSTEES	
Sarah W. Colenda 31 Warrington Lane Perryville, Maryland 21903 Cecil/34	Reappointment Member Term of 6 years from July 1, 2011
FREDERICK COMMUNITY COLLEGE BOARD OF TRUSTEES	
Nicanor "Nick" Diaz 8208 James Street Middletown, Maryland 21769 Frederick/04	Reappointment Member Term of 5 years from July 1, 2011
GARRETT COLLEGE BOARD OF TRUSTEES	
Duane E. Yoder 301 Roanoke Avenue Oakland, Maryland 21550 Garrett/01	Reappointment Member Term of 6 years from July 1, 2011
HAGERSTOWN COMMUNITY COLLEGE BOARD OF TRUSTEES	
Carolyn Williams Brooks 19207 Jamestown Court Hagerstown, Maryland 21742 Washington/02	Reappointment Member Term of 6 years from July 1, 2011
HOWARD COMMUNITY COLLEGE BOARD OF TRUSTEES	
Dennis W. Miller 11212 Silver Tree Place Columbia, Maryland 21044 Howard/12	Appointment Member Remainder of a term of 6 years from July 1, 2006

MONTGOMERY COLLEGE BOARD OF TRUSTEES	
Michael D. Priddy 15137 Rollinmead Drive Gaithersburg, Maryland 20178 Montgomery/15	Appointment Member Term of 6 years from July 1, 2011
Kenneth Jay Hoffman, M.D. 1511 Auburn Avenue Rockville, Maryland 20850 Montgomery/17	Reappointment Member Term of 6 years from July 1, 2011
SOUTHERN MARYLAND BOARD OF TRUSTEES, COLLEGE OF	
Mary Maddox Krug, Esq. 4050 Buck Board Lane P.O. Box 133 Dunkirk, Maryland 20754 Calvert/27	Reappointment Member Term of 5 years from July 1, 2011

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

LAID OVER BILLS

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

Senate Bill 167 – Senators Ramirez, Madaleno, Benson, Conway, Currie, Ferguson, Forehand, Garagiola, Gladden, Jones–Rodwell, Kelley, King, Manno, Montgomery, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Higher Education – Tuition Charges – Maryland High School Students

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

SB0167/534338/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 167
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with ", other" in line 3 down through "individuals," in line 4; in line 7, after "regarding" insert "certain"; in the same line, after "withholding" insert "or filing at certain times and evidencing certain payment; requiring certain information collected as part of certain students' registration to remain confidential"; and in line 8, after "policies;" insert "defining a certain term;".

AMENDMENT NO. 2

On page 1, after line 19, insert:

"**(A) IN THIS SECTION, "INDIVIDUAL":**

(1) INCLUDES AN UNDOCUMENTED IMMIGRANT INDIVIDUAL; AND

(2) DOES NOT INCLUDE A NONIMMIGRANT ALIEN WITHIN THE MEANING OF 8 U.S.C. § 1101(A)(15).";

in line 20, strike "**(A)**" and substitute "**(B)**"; strike beginning with "**, OTHER**" in line 21 down through the comma in line 22; in line 22, strike "**NONRESIDENT**" and substitute "**OUT–OF–STATE**"; in line 23, after "**AT**" insert "**:**

(1) A COMMUNITY COLLEGE IN THE STATE,";

and strike beginning with "**A**" in line 23 down through "**RESIDENCY**" in line 24.

On page 2, in lines 1, 3, 6, 9, 14, and 19, strike "**(1)**", "**(2)**", "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively; in line 1, strike "**ATTENDED**" and substitute "**BEGINNING WITH THE 2005 – 2006 SCHOOL YEAR, ATTENDED**"; in lines 2, 4, 5, 7, 20, 22, and 23, in each instance, strike "**THIS**" and substitute "**THE**"; in line 3, strike "**GRADUATED**" and substitute "**BEGINNING WITH THE 2007 – 2008 SCHOOL YEAR, GRADUATED**"; in lines 6 and 7, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; in lines 9 and 10, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; in line 11, after "**WITHHELD**" insert "**OR HAS FILED A MARYLAND INCOME TAX RETURN:**

1. WHILE THE INDIVIDUAL ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE;

2. SUBJECT TO ITEM (VI) OF THIS PARAGRAPH, ANNUALLY SINCE GRADUATING FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE AND BEFORE REGISTRATION AT A COMMUNITY COLLEGE IN THE STATE; AND

3. DURING THE PERIOD OF ATTENDANCE AT THE COMMUNITY COLLEGE";

strike beginning with "**DURING**" in line 11 down through "**STATE**" in line 13; in line 15, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; strike beginning with "**MAKES**" in line 19 down through "**EDUCATION**" in line 20 and substitute "**REGISTERS IN A COMMUNITY COLLEGE**"; in line 20, strike "**3**" and substitute "**4**"; in line 23, after "**STATE**" insert "**; OR**

(2) A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION, IF THE INDIVIDUAL:

(I) ATTENDED A COMMUNITY COLLEGE UNDER THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION;

(II) WAS AWARDED AN ASSOCIATE'S DEGREE BY OR ACHIEVED 60 CREDITS AT A COMMUNITY COLLEGE IN THE STATE;

(III) PROVIDES THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION A COPY OF THE AFFIDAVIT SUBMITTED UNDER PARAGRAPH (1)(V) OF THIS SUBSECTION;

(IV) PROVIDES TO THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION DOCUMENTATION THAT THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR GUARDIAN HAS HAD MARYLAND INCOME TAX WITHHELD OR HAS FILED A MARYLAND INCOME TAX RETURN:

1. WHILE THE INDIVIDUAL ATTENDED A COMMUNITY COLLEGE IN THE STATE;

2. SUBJECT TO ITEM (V) OF THIS PARAGRAPH, ANNUALLY SINCE GRADUATING FROM A COMMUNITY COLLEGE IN THE STATE AND BEFORE REGISTRATION AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE; AND

3. DURING THE PERIOD OF ATTENDANCE AT THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION; AND

(V) REGISTERS AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE NOT LATER THAN 4 YEARS AFTER GRADUATING FROM A COMMUNITY COLLEGE IN THE STATE";

after line 23, insert:

"**(C) INFORMATION COLLECTED UNDER THIS SECTION AS PART OF A STUDENT'S REGISTRATION SHALL REMAIN CONFIDENTIAL.**";

and in line 24, strike "**(B)**" and substitute "**(D)**".

The preceding 2 amendments were read only.

Senator Pinsky moved, duly seconded, to make the Bill and Amendments a Special Order for March 9, 2011.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #7

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

Senate Bill 218 – Senator Shank

AN ACT concerning

Public Safety – Law Enforcement Officers' Bill of Rights – Internal Investigation Unit

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 511 – Senator Stone

AN ACT concerning

Criminal Law – Counterfeiting – Venue

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #6

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

Senate Bill 945 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Mount Pleasant Family Life Center

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

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

Senate Bill 946 – Senators Mathias and Manno

AN ACT concerning

Condominiums and Homeowners Associations – Priority of Liens – "The Residential Association Sustainability Act of 2011"

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

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

Senate Bill 947 – Senator Jones–Rodwell

AN ACT concerning

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

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

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

Senate Bill 948 – Senators Glassman, Jacobs, Jennings, and Stone

EMERGENCY BILL

AN ACT concerning

Harford County – One or Two Family Dwellings Constructed as Industrialized Buildings – Sprinkler System Requirement

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

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

Senate Bill 955 – Senator Benson

AN ACT concerning

Creation of a State Debt – Prince George's County – City of Seat Pleasant Public Works Facility

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

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

Senate Bill 956 – Senator Benson

AN ACT concerning

Creation of a State Debt – Prince George's County – Vesta Glenarden Facility

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

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

Senate Bill 957 – Senators Madaleno, Frosh, Garagiola, Manno, and Raskin

AN ACT concerning

Creation of a State Debt – Montgomery County – Warner Manor

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

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

Senate Bill 958 – Senator Garagiola

AN ACT concerning

Maryland Clean Energy Incentive Act – Qualified Energy Resources

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

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

Senate Bill 959 – Senator Garagiola

AN ACT concerning

Bio–Heating Oil – Income Tax Credit

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

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

Senate Bill 960 – Senator Middleton

AN ACT concerning

Health Care Providers – Investigations – Information Sharing Among State Agencies

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

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

Senate Bill 961 – Senator Garagiola

AN ACT concerning

State Vehicle Fleet – Use of Biofuels

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

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

Senate Bill 962 – **Senator Kelley**

AN ACT concerning

Maryland Department of Aging – Continuing Care in a Retirement Community

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

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

Senate Bill 963 – **Senator Kelley**

AN ACT concerning

Maryland Department of Aging – Continuing Care in a Retirement Community

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

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

Senate Bill 964 – **Senator Astle**

AN ACT concerning

Renewable Energy – Poultry Litter – Net Energy Metering and Renewable Energy Portfolio Standard

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

SPECIAL ORDERS

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

Senate Bill 309 – Senator Kelley

AN ACT concerning

Consumer Protection – Transparency in Consumer Arbitrations Act

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

Senator Shank moved, duly seconded, to make the Bill and Report a Special Order for March 8, 2011.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 286)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #18

Senate Bill 330 – Senators Brinkley and Young

AN ACT concerning

Frederick County – ~~Public~~ Nonprofit School Lease – Property Tax Credit

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

Affirmative – 46 Negative – 0 (See Roll Call No. 287)

The Bill was then sent to the House of Delegates.

Senate Bill 395 – Senators Jacobs and Glassman

AN ACT concerning

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 288)

The Bill was then sent to the House of Delegates.

Senate Bill 424 – Senators Brochin and Forehand

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving – Prohibited Acts

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

Affirmative – 35 Negative – 11 (See Roll Call No. 289)

The Bill was then sent to the House of Delegates.

Senate Bill 463 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 290)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 291)

ADJOURNMENT

At 8:59 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 8, 2011.

Annapolis, Maryland
Tuesday, March 8, 2011
10:00 A.M. Session

The Senate met at 10:16 A.M.

Prayer by Reverend James Farmer, Senior Pastor, Severna Park United Methodist Church, guest of Senator Reilly.

(See Exhibit A of Appendix III)

The Journal of March 7, 2011 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 293)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 312 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The Links, Incorporated
in recognition of
your 2011 "Links at the Legislature" in Annapolis. We commend your outstanding work on behalf of the citizens of Maryland
as you combat health disparities and continue
striving to reduce childhood obesity.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 8th day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 294)

FIRST CITIZEN AWARDS

Remarks by Dr. Edward C. Papenfuse
Presentation of First Citizen Awards
Maryland Senate
March 8, 2011

President Miller, members of the Senate, distinguished guests, ladies and gentlemen: I am honored once again to be with you here today for the nineteenth year to participate in presenting, on your behalf, the First Citizen Awards of the Maryland Senate.

The text of the award says best what it means to be a First Citizen:

> "First Citizen is the name that Charles Carroll of Carrollton chose to sign a series of articles published by Ann Catherine Green in the Annapolis Maryland Gazette in 1773. They form a strong defense of an independent legislature and were among the earliest arguments for a new concept of government based upon traditional community rights and liberties that protected its citizens from arbitrary rule. At the time, Carroll, as a Roman Catholic, could neither vote nor hold public office. With the publication of these articles, Carroll launched a career of public service that would not end until his death at the age of 95 in 1832. In addition to helping draft Maryland's first Constitution and signing the Declaration of Independence in 1776, Carroll served as President of the Maryland Senate, of which he was a member from 1777 to 1800, and as one of the first United States Senators from Maryland (1789-1792). To be a First Citizen is to be a dedicated and effective participant in the process of making government work for the benefit of all."

Although not yet fully articulated in the First Citizen letters, Carroll was beginning to ask all citizens to think about much needed changes in government, changes that would allow people like him "freedom of speech and thought," changes that would separate the powers of the Executive and the Legislature, and that would ensure that taxation could not be imposed by anyone not subject to the laws passed by the Legislature. Carroll was among the first people in the colonies to advance a new concept of government based on the advice and consent of the people. This led to one of the most creative experiments in defining self-government that the world has ever witnessed and which abides well with us still.

To Carroll, and to other contemporaries such as his distant cousin, Charles Carroll the Barrister, Samuel Chase, and William Paca, all of whom served in the Maryland Senate, making government work for the good of the whole meant a thoughtful reworking of the structure of government by writing it all down, debating the results, and crafting the final product in committees separately and of the whole. Carroll as

First Citizen, saw government much as every citizen should see it today, in constant need of attention and thoughtful legislative action.

It is no accident that the publisher of Carroll's essays as First Citizen was a woman, Ann Catharine Green, who prided herself on being printer to the then colony of Maryland, insisting that Charles Willson Peale include that reference in her official portrait on a document she held in her hand. While not permitted to participate in the electoral process for another one hundred and twenty-five years, highly educated women had long been in the forefront of disseminating the news and publishing political prose and poetry, particularly in Maryland, with Dinah Nuthead active at the end of the 17th century in St. Mary's City and Annapolis, and Ann Catharine Green who published the Maryland *Gazette* on the eve of the American Revolution. As the world recognizes International Women's Day today for the 100th year in a row, we not only honor the two recipients of this year's First Citizen's Award, but also remind ourselves that for our brand of democracy to survive, we must always be on the march for greater equality and citizen engagement in the political process. The rights and privileges that Carroll argues for as First Citizen are only certainties today if we continue to fight for their survival through legislative action and by civil discourse.

The two recipients today are well known for their courteous and effective approach to their legislative responsibilities, although apparently they have had their moments in the heat of debate when tempers may have gotten the better of them, whether it was in the defense of a local capital project for Glen Echo, or in support of an illustrious ancestor, John Hanson, whose legislative and administrative contributions to the formation of the nation are not as widely appreciated as they once were.

The first award goes to Senator Brian Frosh whose career in the House and the Senate is marked by his devotion to environmental causes and the improvement of the judicial system. In the words of the president of Salisbury University: "Brian Frosh is perhaps best known as one of the great gentlemen of Maryland politics. …. He has established a well-deserved reputation as the legislature's leading conservationist, and as an enthusiastic and dependable supporter of Maryland higher education." In one of the more entertaining accounts of his assumption of the chairmanship of the Judicial Proceedings Committee which Joseph Anselmo titled "The Frosh Prince," Senator Frosh is accurately depicted as "courteous and self-deprecating with a soft voice, bushy mustache and a partiality to blue shirts." One senator referred to him as "not a showoff, … not here for the publicity," while President Miller reportedly said "I knew he would be very fair and objective on the issues. I might not agree with him on most of them. ... He'll bring them to the floor and I'll vote "no." As one of his political adversaries put it, "Brian is very fair about giving people their say, whether they agree with him or not." In recognizing a citizen legislator committed to thoughtful debate and a well-reasoned course of action founded on a careful review of the facts, the First Citizen Award is presented to Senator Brian Frosh.

The second award goes to Senator Thomas Middleton who is well known for his leadership on issues ranging from community care of citizens with developmental disabilities and mental illness to eradicating all forms of racism that still persist in the

public and private world. He has long been an advocate of increased voter participation in the political process and in the development of public policy. As he put it in a letter to the Washington Post: "History … shows that the greatest, most effective lobbying group has always been, is and will always be, the people. As a voting lobby, the people can move mountains … from environmental protection … to demanding an end to highway carnage [by drunken drivers]." As a farmer and an advocate for the survival of the family farm, Senator Middleton has also been a staunch defender of affordable health care for his constituents, and his opposition to gambling as a source of revenue for the state is rooted in the personal experience of his father who almost lost the family farm betting on slot machines. As he relates the story, for a time his father "thought he might be forced to sell his 288-acre farm which had been owned by Middletons since the 17th century. A relative bailed him out with a loan, but the experience turned him [and his son] against gambling for life." As he expressed it in another letter to the Washington Post: "to turn to slots to solve our budget deficit and our education funding is to embark on a foolhardy journey down a disastrous road." While his views on what ought to be public policy do not always prevail, his philosophy has been that in the face of insurmountable opposition, an effective legislator seeks compromises "in which no side gets everything it wants." On behalf of the President and Senate of Maryland the First Citizen Award is presented to Senator Thomas Middleton.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #9

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

Senate Bill 421 – Senators Edwards and Middleton

AN ACT concerning

Program Open Space – Attainment of Acquisition Goals – Increased Allocation for Local Government

SB0421/594939/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 421
(First Reading File Bill)

On page 1, in line 6, after "funds;" insert "providing for the termination of this Act;".

On page 2, in line 15, after "2011." insert "It shall remain effective for a period of 3 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 amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 479 – Senators Conway, Manno, Raskin, Benson, Ferguson, Frosh, Garagiola, Gladden, Glassman, Pinsky, Pugh, Young, and Zirkin

AN ACT concerning

Transportation – Procurement for MARC Train Service – Disclosure Requirements Regarding Involvement in Deportations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #10

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

Senate Bill 287 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Public Accountancy – Educational Requirements for Examination and Licensure

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 290 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board for Professional Engineers – Examinations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 293 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Examiners of Landscape Architects – Applicants for Licensure – Educational and Experience Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 294 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Pilots – Limited Licenses to Provide Pilotage

SB0294/884237/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 294
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "Section" insert "11–101(f) and".

AMENDMENT NO. 2

On page 1, after line 13, insert:

"11–101.

(f) (1) "Limited license" means a license issued by the Board to provide pilotage as limited by § 11–407 of this title.

(2) "Limited license" includes a **[**37–foot–draft**]** **40–FOOT–DRAFT** limited license, a **[**34–foot–draft**]** **36–FOOT–DRAFT** limited license, and a **[**28–foot–draft**]** **32–FOOT–DRAFT** limited license.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 370 – Senator Conway

AN ACT concerning

Accountants – Regulation – Preparation of a Compilation of Financial Statements

SB0370/324034/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 370
(First Reading File Bill)

On page 2, strike beginning with "**OF**" in line 5 down through "**AICPA**" in line 7.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 371 – Senator Conway

AN ACT concerning

Health Occupations Boards – Discipline of Health Care Practitioners – Failure to Comply with Governor's Order

SB0371/294935/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 371
(First Reading File Bill)

On page 2, in line 10, in each instance, strike "**OCCUPATION**" and substitute "**OCCUPATIONS**".

On page 3, in line 12, strike "**1–214**" and substitute "**1–219**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #11

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

Senate Bill 282 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Education)

AN ACT concerning

Family Day Care Providers – Amnesty Period – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 284 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Education)

AN ACT concerning

Education – High School Graduation Records – Collection, Maintenance, Analysis, and Reporting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 286 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Services – State Comprehensive Juvenile Services 3–Year Plan

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 288 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Cultural Diversity Programs – Reporting Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 289 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Edward T. Conroy Memorial Scholarship Program – Eligibility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 292 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Institutions of Postsecondary Education – Falsified Transcripts, Diplomas, and Grade Reports – Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #8

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

Senate Bill 139 – Senator Zirkin

AN ACT concerning

Family Law – Grounds for Absolute Divorce – Time Requirements

SB0139/458173/3

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 139
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "– Time Requirements"; in line 3, strike "certain grounds" and substitute "a certain ground"; in line 5, after the semicolon insert "repealing a certain ground for divorce; making a conforming change;"; and in line 8, after "7–103(a)" insert "and (c)".

AMENDMENT NO. 2

On page 2, strike beginning with "voluntary" in line 1 down through "(4)" in line 6; in lines 11, 14, 23, and 25, strike "(5)", "(6)", "(7)", and "(8)", respectively, and substitute "**(4)**", "**(5)**", "**(6)**", and "**(7)**", respectively; and after line 27, insert:

"(c) Res judicata with respect to another ground under this section is not a bar to either party obtaining an absolute divorce on the ground of **[**2–year**]** **12–MONTH** separation.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 205 – Senator Frosh

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Notice of Intent to Foreclose

SB0205/468172/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 205
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Notice" insert "Accuracy of"; strike beginning with "notice" in line 4 down through "perjury" in line 6 and substitute "affidavit regarding the accuracy of the contents of a certain intent to foreclose be included in an order to docket or a complaint to foreclose on a mortgage or deed of trust on residential property; providing for the application of this Act"; and in line 10, strike "7–105.1(c)" and substitute "7–105.1(d)(1)".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 17 on page 1 through line 17 on page 3, inclusive, and substitute:

"(d) An order to docket or a complaint to foreclose a mortgage or deed of trust on residential property shall:

(1) Include:

(i) If applicable, the license number of:

1. The mortgage originator; and

2. The mortgage lender; and

(ii) An affidavit stating:

1. The date on which the default occurred and the nature of the default; and

2. If applicable, that **[**a**]:**

A. **A** notice of intent to foreclose was sent to the mortgagor or grantor in accordance with subsection (c) of this section and the date on which the notice was sent; and

B. **AT THE TIME THE NOTICE OF INTENT TO FORECLOSE WAS SENT, THE CONTENTS OF THE NOTICE OF INTENT TO FORECLOSE WERE ACCURATE; AND**".

AMENDMENT NO. 3

On page 3, after line 17, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any order to docket or complaint to foreclose on residential property filed before July 1, 2011.";

and in line 18, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 211 – Senators Kelley and Stone

AN ACT concerning

Real Property – Condominiums and Homeowners Associations – Foreclosure of Certain Liens Prohibited

SB0211/728872/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 211

(First Reading File Bill)

On page 2, in line 26, strike "**UNLESS**" and substitute "**NOTWITHSTANDING THE DECLARATION OR BYLAWS, UNLESS**"; in line 32, after "**(III)**" insert "**ANY INTEREST AND LATE CHARGES;**

(IV)";

and in line 34, strike "**(IV)**" and substitute "**(V)**".

On page 3, in line 6, strike "**UNLESS**" and substitute "**NOTWITHSTANDING THE DECLARATION OR BYLAWS, UNLESS**"; in line 12, after "**(3)**" insert "**ANY LATE CHARGES;**

(4)";

and in line 14, strike "**(4)**" and substitute "**(5)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 264 – Senator Kelley

AN ACT concerning

Common Ownership Communities – Fidelity Insurance – Indemnification

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 383 – Senator Mathias

EMERGENCY BILL

AN ACT concerning

Somerset County – Deputy State's Attorney – Private Practice

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 450 – Senator Frosh

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Lost Note Affidavit

SB0450/128072/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 450
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "information;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 5, strike beginning with "**LISTS**" in line 3 down through "**OWNERSHIP**" in line 4 and substitute "**IDENTIFIES THE OWNER OF THE DEBT INSTRUMENT AND STATES FROM WHOM AND THE DATE ON WHICH THE OWNER ACQUIRED OWNERSHIP**".

AMENDMENT NO. 3

On page 5, after line 8, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any order to docket or complaint to foreclose on residential property filed before July 1, 2011.";

and in line 9, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 516 – Senators Forehand, Kelley, Madaleno, Ramirez, and Raskin

AN ACT concerning

Foreclosed Residential Property – Tenants – Collection of Rent Payments – Prior Notice

SB0516/988472/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 516
(First Reading File Bill)

On page 3, in lines 4 and 5, strike "**AND POSTING IN A CONSPICUOUS PLACE ON THE RESIDENTIAL PROPERTY**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #6

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

Senate Bill 328 – Senator Kasemeyer

AN ACT concerning

Estates and Trusts – Transfers – Recordation and Transfer Taxes

SB0328/769735/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 328
(First Reading File Bill)

On page 3, in line 3, strike "**BUSINESS**" and substitute "**STATUTORY**"; and in the same line, strike "**12–101(C)**" and substitute "**12–101**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 346 – Senator Zirkin

AN ACT concerning

Income Tax – Subtraction Modification – Maryland Defense Force

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 356 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Eligibility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 357 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Administration – Simplification

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 359 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Unclaimed Money – Former Members, Retirees, and Beneficiaries

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 403 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Reemployment Earnings Offset – Retiree Health Care Premiums

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 799 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

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

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 309 – Senator Kelley

AN ACT concerning

Consumer Protection – Transparency in Consumer Arbitrations Act

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

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 295)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #19

Senate Bill 101 – Senator Edwards

AN ACT concerning

Business Regulation – Motor Fuel Advertising Signs – Requirements

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

Affirmative – 46 Negative – 0 (See Roll Call No. 296)

The Bill was then sent to the House of Delegates.

Senate Bill 212 – Senators Klausmeier, Edwards, ~~and Kittleman~~ Kittleman, Middleton, Garagiola, Glassman, Kelley, Mathias, Muse, and Pugh

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

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

Affirmative – 45 Negative – 0 (See Roll Call No. 297)

The Bill was then sent to the House of Delegates.

Senate Bill 235 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

~~Department of Labor, Licensing, and Regulation –~~ State Board of Master Electricians – Sunset Extension~~, Revision, and Report~~ and Revision

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

Affirmative – 45 Negative – 0 (See Roll Call No. 298)

The Bill was then sent to the House of Delegates.

Senate Bill 281 – Senators Miller, Currie, Muse, Peters, and Ramirez

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Baltimore County and Prince George's County – Orphans' Court Judges – Qualifications

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

Affirmative – 46 Negative – 0 (See Roll Call No. 299)

The Bill was then sent to the House of Delegates.

Senate Bill 283 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation) and Senator Middleton

AN ACT concerning

State Board of Architects – Retired Status Licenses

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

Affirmative – 46 Negative – 0 (See Roll Call No. 300)

The Bill was then sent to the House of Delegates.

Senate Bill 285 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Real Estate Commission – Reinstatement of Licenses and Inactive Status

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

Affirmative – 46 Negative – 0 (See Roll Call No. 301)

The Bill was then sent to the House of Delegates.

Senate Bill 320 – Senators Montgomery, Frosh, Kelley, Madaleno, Manno, Raskin, and Rosapepe

AN ACT concerning

Environment – Phosphorus – Commercial Dishwashing Detergent

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

Affirmative – 46 Negative – 0 (See Roll Call No. 302)

The Bill was then sent to the House of Delegates.

Senate Bill 368 – Senator Stone

AN ACT concerning

Hart–Miller–Pleasure Island Citizens Oversight Committee – Duties

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

Affirmative – 46 Negative – 0 (See Roll Call No. 303)

The Bill was then sent to the House of Delegates.

Senate Bill 372 – Senator Conway

AN ACT concerning

Environment – Nitrogen Removal Technology – Evaluation and Ranking

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

Affirmative – 46 Negative – 0 (See Roll Call No. 304)

The Bill was then sent to the House of Delegates.

Senate Bill 381 – Senator Pinsky

AN ACT concerning

Health – ~~Residential~~ Youth Camps – ~~Definition~~ Definitions

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

Affirmative – 46 Negative – 0 (See Roll Call No. 305)

The Bill was then sent to the House of Delegates.

Senate Bill 751 – Senator Manno

AN ACT concerning

Environment – Dishwashing Detergent Containing Phosphorus – Penalties

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

Affirmative – 42 Negative – 4 (See Roll Call No. 306)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Middleton moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 976 – Senator Middleton

AN ACT concerning

Income Tax – Credit for Charitable Contributions to Community Foundations

FOR the purpose of providing an individual a credit against the State income tax in a certain amount for certain charitable contributions made to certain tax–exempt organizations, subject to a certain limitation; providing for a certain reduction of itemized deductions for Maryland income tax purposes if a certain credit is claimed under certain circumstances; defining certain terms; providing for the application of this Act; and generally relating to a credit against the State income tax for certain charitable contributions made by individuals to certain tax–exempt organizations.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–218
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Tax – General
Section 10–729
Annotated Code of Maryland
(2010 Replacement Volume)

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

QUORUM CALL

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

(See Roll Call No. 307)

ADJOURNMENT

At 11:11 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 9:00 A.M. on Wednesday, March 9, 2011.

Annapolis, Maryland
Wednesday, March 9, 2011
9:00 A.M. Session

The Senate met at 9:14 A.M.

Prayer by Reverend Doctor Lisa M. Weah-Senior Pastor, New Bethlehem Baptist Church, guest of Senator Jones-Rodwell.

(See Exhibit A of Appendix III)

The Journal of March 8, 2011 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 309)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 24 – Delegate O'Donnell

AN ACT concerning

Agriculture – Sewage Sludge – Timing of Winter Application

FOR the purpose of requiring the Department of Agriculture to adopt regulations establishing criteria for the timing of the winter application of sewage sludge that are the same as or substantially similar to the criteria adopted for the timing of the winter application of animal manure; providing for a delayed effective date; and generally relating to the timing of the winter application of sewage sludge.

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 8–803.1(e) and (f)

Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 8–804(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 101 – Delegates Rosenberg, Barve, Cardin, Ivey, Myers, Ross, and Summers

AN ACT concerning

Election Law – Petitions ~~and Ballot Issues~~ – Prohibited Actions

FOR the purpose of prohibiting a person from willfully and knowingly obtaining or attempting to obtain a signature on a petition by certain means; prohibiting a person from willfully and knowingly preventing, hindering, or delaying another person from signing a petition by certain means; ~~prohibiting a person from taking certain actions against another person because of that person's contribution to a ballot issue committee; providing that a certain prohibition does not apply to certain peaceable activity; providing for certain penalties;~~ and generally relating to prohibited actions relating to petitions ~~and ballot issues~~.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 16–401
Annotated Code of Maryland
(2010 Replacement Volume)

~~BY adding to~~
~~Article – Election Law~~
~~Section 16–904~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume)~~

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 302 – Delegates Anderson, Glenn, Ivey, and Oaks

AN ACT concerning

Inmates – Life Imprisonment – Parole Approval

FOR the purpose of ~~repealing certain provisions that provide that inmates serving a term of life imprisonment may be paroled only with the Governor's approval;~~ requiring certain parole decisions to be transmitted to the Governor under certain circumstances; authorizing the Governor to disapprove certain parole decisions in a certain manner; providing that if the Governor does not disapprove a certain parole decision in a certain manner within a certain time period, the decision becomes effective; and generally relating to sentences of life imprisonment.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 4–305(b) and 7–301(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

SPECIAL ORDERS

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

Senate Bill 167 – Senators Ramirez, Madaleno, Benson, Conway, Currie, Ferguson, Forehand, Garagiola, Gladden, Jones–Rodwell, Kelley, King, Manno, Montgomery, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Higher Education – Tuition Charges – Maryland High School Students

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

SB0167/534338/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 167
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with ", other" in line 3 down through "individuals," in line 4; in line 7, after "regarding" insert "certain"; in the same line, after

"withholding" insert "or filing at certain times and evidencing certain payment; requiring certain information collected as part of certain students' registration to remain confidential"; and in line 8, after "policies;" insert "defining a certain term;".

AMENDMENT NO. 2

On page 1, after line 19, insert:

"**(A) IN THIS SECTION, "INDIVIDUAL":**

(1) INCLUDES AN UNDOCUMENTED IMMIGRANT INDIVIDUAL; AND

(2) DOES NOT INCLUDE A NONIMMIGRANT ALIEN WITHIN THE MEANING OF 8 U.S.C. § 1101(A)(15).";

in line 20, strike "**(A)**" and substitute "**(B)**"; strike beginning with "**, OTHER**" in line 21 down through the comma in line 22; in line 22, strike "**NONRESIDENT**" and substitute "**OUT–OF–STATE**"; in line 23, after "**AT**" insert "**:**

(1) A COMMUNITY COLLEGE IN THE STATE,";

and strike beginning with "**A**" in line 23 down through "**RESIDENCY**" in line 24.

On page 2, in lines 1, 3, 6, 9, 14, and 19, strike "**(1)**", "**(2)**", "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively; in line 1, strike "**ATTENDED**" and substitute "**BEGINNING WITH THE 2005 – 2006 SCHOOL YEAR, ATTENDED**"; in lines 2, 4, 5, 7, 20, 22, and 23, in each instance, strike "**THIS**" and substitute "**THE**"; in line 3, strike "**GRADUATED**" and substitute "**BEGINNING WITH THE 2007 – 2008 SCHOOL YEAR, GRADUATED**"; in lines 6 and 7, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; in lines 9 and 10, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; in line 11, after "**WITHHELD**" insert "**OR HAS FILED A MARYLAND INCOME TAX RETURN:**

1. WHILE THE INDIVIDUAL ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE;

2. SUBJECT TO ITEM (VI) OF THIS PARAGRAPH, ANNUALLY SINCE GRADUATING FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE AND BEFORE REGISTRATION AT A COMMUNITY COLLEGE IN THE STATE; AND

3. DURING THE PERIOD OF ATTENDANCE AT THE COMMUNITY COLLEGE";

strike beginning with "**DURING**" in line 11 down through "**STATE**" in line 13; in line 15, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; strike beginning with "**MAKES**" in line 19 down through "**EDUCATION**" in line 20 and substitute "**REGISTERS IN A COMMUNITY COLLEGE**"; in line 20, strike "**3**" and substitute "**4**"; in line 23, after "**STATE**" insert "**; OR**

(2) A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION, IF THE INDIVIDUAL:

(I) ATTENDED A COMMUNITY COLLEGE UNDER THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION;

(II) WAS AWARDED AN ASSOCIATE'S DEGREE BY OR ACHIEVED 60 CREDITS AT A COMMUNITY COLLEGE IN THE STATE;

(III) PROVIDES THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION A COPY OF THE AFFIDAVIT SUBMITTED UNDER PARAGRAPH (1)(V) OF THIS SUBSECTION;

(IV) PROVIDES TO THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION DOCUMENTATION THAT THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR GUARDIAN HAS HAD MARYLAND INCOME TAX WITHHELD OR HAS FILED A MARYLAND INCOME TAX RETURN:

1. WHILE THE INDIVIDUAL ATTENDED A COMMUNITY COLLEGE IN THE STATE;

2. SUBJECT TO ITEM (V) OF THIS PARAGRAPH, ANNUALLY SINCE GRADUATING FROM A COMMUNITY COLLEGE IN THE STATE AND BEFORE REGISTRATION AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE; AND

3. DURING THE PERIOD OF ATTENDANCE AT THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION; AND

(V) REGISTERS AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE NOT LATER THAN 4 YEARS AFTER GRADUATING FROM A COMMUNITY COLLEGE IN THE STATE";

after line 23, insert:

"**(C) INFORMATION COLLECTED UNDER THIS SECTION AS PART OF A STUDENT'S REGISTRATION SHALL REMAIN CONFIDENTIAL.**";

and in line 24, strike "**(B)**" and substitute "**(D)**".

The preceding 2 committee amendments were withdrawn.

SB0167/544633/1

BY: Education, Health, and Environmental Affairs Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL 167
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Madaleno," insert "Manno,"; in the same line, strike "Manno,"; strike line 2 in its entirety and substitute:

"Public Institutions of Higher Education – Tuition Rates – Exemptions";

strike beginning with ", other" in line 3 down through "individuals," in line 4; strike beginning with "the" in line 4 down through "rate" in line 5 and substitute "certain tuition rates"; in line 7, after "regarding" insert "certain"; in the same line, after "withholding" insert "or filing at certain times; requiring certain information collected

as part of certain students' registration to remain confidential"; in line 8, after "policies;" insert "defining a certain term;"; and in line 9, strike "charges" and substitute "rates".

AMENDMENT NO. 2

On page 1, after line 19, insert:

"**(A) IN THIS SECTION, "INDIVIDUAL":**

(1) INCLUDES AN UNDOCUMENTED IMMIGRANT INDIVIDUAL; AND

(2) DOES NOT INCLUDE A NONIMMIGRANT ALIEN WITHIN THE MEANING OF 8 U.S.C. § 1101(A)(15).";

in line 20, strike "**(A)**" and substitute "**(B)**"; strike beginning with "**, OTHER**" in line 21 down through the comma in line 22; in line 22, strike "**NONRESIDENT**" and substitute "**OUT–OF–STATE**"; and strike beginning with "**PUBLIC**" in line 23 down through "**RESIDENCY**" in line 24 and substitute "**COMMUNITY COLLEGE IN THE STATE,**".

On page 2, in line 1, strike "**ATTENDED**" and substitute "**BEGINNING WITH THE 2005 – 2006 SCHOOL YEAR, ATTENDED**"; in lines 2, 4, 5, 7, 20, 22, and 23, in each instance, strike "**THIS**" and substitute "**THE**"; in line 3, strike "**GRADUATED**" and substitute "**BEGINNING WITH THE 2007 – 2008 SCHOOL YEAR, GRADUATED**"; in lines 6 and 7, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; in lines 9 and 10, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; in line 11, after "**WITHHELD**" insert "**OR HAS FILED A MARYLAND INCOME TAX RETURN:**

(I) WHILE THE INDIVIDUAL ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE;

(II) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN GRADUATION FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE AND REGISTRATION AT A COMMUNITY COLLEGE IN THE STATE; AND

(III) DURING THE PERIOD OF ATTENDANCE AT THE COMMUNITY COLLEGE";

strike beginning with "**DURING**" in line 11 down through "**STATE**" in line 13; in line 15, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; strike beginning with "**MAKES**" in line 19 down through "**EDUCATION**" in line 20 and substitute "**REGISTERS IN A COMMUNITY COLLEGE**"; in line 20, strike "**3**" and substitute "**4**"; after line 23, insert:

"**(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN INDIVIDUAL SHALL BE EXEMPT FROM PAYING THE NONRESIDENT TUITION RATE AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION, IF THE INDIVIDUAL:**

(1) ATTENDED A COMMUNITY COLLEGE UNDER THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION;

(2) WAS AWARDED AN ASSOCIATE'S DEGREE BY OR ACHIEVED 60 CREDITS AT A COMMUNITY COLLEGE IN THE STATE;

(3) PROVIDES THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION A COPY OF THE AFFIDAVIT SUBMITTED UNDER SUBSECTION (B)(5) OF THIS SECTION;

(4) PROVIDES TO THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION DOCUMENTATION THAT THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR GUARDIAN HAS HAD MARYLAND INCOME TAX WITHHELD OR HAS FILED A MARYLAND INCOME TAX RETURN:

(I) WHILE THE INDIVIDUAL ATTENDED A COMMUNITY COLLEGE IN THE STATE;

(II) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN GRADUATION FROM A COMMUNITY COLLEGE IN THE STATE AND REGISTRATION AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE; AND

(III) DURING THE PERIOD OF ATTENDANCE AT THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION; AND

(5) REGISTERS AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE NOT LATER THAN 4 YEARS AFTER GRADUATING FROM A COMMUNITY COLLEGE IN THE STATE.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN INDIVIDUAL SHALL BE EXEMPT FROM PAYING THE OUT–OF–COUNTY TUITION RATE AT A COMMUNITY COLLEGE IN THE STATE IF THE INDIVIDUAL:

(1) MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION; AND

(2) ATTENDS A COMMUNITY COLLEGE SUPPORTED BY THE COUNTY IN WHICH:

(I) THE SECONDARY SCHOOL FROM WHICH THE INDIVIDUAL GRADUATED IS LOCATED; OR

(II) IN THE CASE OF AN INDIVIDUAL WHO RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THE STATE, THE SECONDARY SCHOOL MOST RECENTLY ATTENDED BY THE INDIVIDUAL IS LOCATED.

(E) INFORMATION COLLECTED UNDER THIS SECTION AS PART OF A STUDENT'S REGISTRATION SHALL REMAIN CONFIDENTIAL.";

and in line 24, strike "**(B)**" and substitute "**(F)**".

The preceding 2 substitute committee amendments were read only.

Senator Brochin moved, duly seconded, to re-refer the Bill and Amendments to the Committee on Budget and Tax.

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

Affirmative – 13 Negative – 33 (See Roll Call No. 310)

SB0167/544633/1

BY: Education, Health, and Environmental Affairs Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL 167
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Madaleno," insert "Manno,"; in the same line, strike "Manno,"; strike line 2 in its entirety and substitute:

"Public Institutions of Higher Education – Tuition Rates – Exemptions";

strike beginning with ", other" in line 3 down through "individuals," in line 4; strike beginning with "the" in line 4 down through "rate" in line 5 and substitute "certain tuition rates"; in line 7, after "regarding" insert "certain"; in the same line, after "withholding" insert "or filing at certain times; requiring certain information collected as part of certain students' registration to remain confidential"; in line 8, after "policies;" insert "defining a certain term;"; and in line 9, strike "charges" and substitute "rates".

AMENDMENT NO. 2

On page 1, after line 19, insert:

"**(A) IN THIS SECTION, "INDIVIDUAL":**

(1) INCLUDES AN UNDOCUMENTED IMMIGRANT INDIVIDUAL; AND

(2) DOES NOT INCLUDE A NONIMMIGRANT ALIEN WITHIN THE MEANING OF 8 U.S.C. § 1101(A)(15).";

in line 20, strike "**(A)**" and substitute "**(B)**"; strike beginning with "**, OTHER**" in line 21 down through the comma in line 22; in line 22, strike "**NONRESIDENT**" and substitute "**OUT–OF–STATE**"; and strike beginning with "**PUBLIC**" in line 23 down through "**RESIDENCY**" in line 24 and substitute "**COMMUNITY COLLEGE IN THE STATE,**".

On page 2, in line 1, strike "**ATTENDED**" and substitute "**BEGINNING WITH THE 2005 – 2006 SCHOOL YEAR, ATTENDED**"; in lines 2, 4, 5, 7, 20, 22, and 23, in each instance, strike "**THIS**" and substitute "**THE**"; in line 3, strike "**GRADUATED**" and substitute "**BEGINNING WITH THE 2007 – 2008 SCHOOL YEAR, GRADUATED**"; in lines 6 and 7, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute

"**COMMUNITY COLLEGE**"; in lines 9 and 10, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; in line 11, after "**WITHHELD**" insert "**OR HAS FILED A MARYLAND INCOME TAX RETURN:**

(I) WHILE THE INDIVIDUAL ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE;

(II) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN GRADUATION FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE AND REGISTRATION AT A COMMUNITY COLLEGE IN THE STATE; AND

(III) DURING THE PERIOD OF ATTENDANCE AT THE COMMUNITY COLLEGE";

strike beginning with "**DURING**" in line 11 down through "**STATE**" in line 13; in line 15, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; strike beginning with "**MAKES**" in line 19 down through "**EDUCATION**" in line 20 and substitute "**REGISTERS IN A COMMUNITY COLLEGE**"; in line 20, strike "**3**" and substitute "**4**"; after line 23, insert:

"**(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN INDIVIDUAL SHALL BE EXEMPT FROM PAYING THE NONRESIDENT TUITION RATE AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION, IF THE INDIVIDUAL:**

(1) ATTENDED A COMMUNITY COLLEGE UNDER THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION;

(2) WAS AWARDED AN ASSOCIATE'S DEGREE BY OR ACHIEVED 60 CREDITS AT A COMMUNITY COLLEGE IN THE STATE;

(3) PROVIDES THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION A COPY OF THE AFFIDAVIT SUBMITTED UNDER SUBSECTION (B)(5) OF THIS SECTION;

(4) PROVIDES TO THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION DOCUMENTATION THAT THE INDIVIDUAL OR THE INDIVIDUAL'S

PARENT OR GUARDIAN HAS HAD MARYLAND INCOME TAX WITHHELD OR HAS FILED A MARYLAND INCOME TAX RETURN:

(I) WHILE THE INDIVIDUAL ATTENDED A COMMUNITY COLLEGE IN THE STATE;

(II) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN GRADUATION FROM A COMMUNITY COLLEGE IN THE STATE AND REGISTRATION AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE; AND

(III) DURING THE PERIOD OF ATTENDANCE AT THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION; AND

(5) REGISTERS AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE NOT LATER THAN 4 YEARS AFTER GRADUATING FROM A COMMUNITY COLLEGE IN THE STATE.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN INDIVIDUAL SHALL BE EXEMPT FROM PAYING THE OUT–OF–COUNTY TUITION RATE AT A COMMUNITY COLLEGE IN THE STATE IF THE INDIVIDUAL:

(1) MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION; AND

(2) ATTENDS A COMMUNITY COLLEGE SUPPORTED BY THE COUNTY IN WHICH:

(I) THE SECONDARY SCHOOL FROM WHICH THE INDIVIDUAL GRADUATED IS LOCATED; OR

(II) IN THE CASE OF AN INDIVIDUAL WHO RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THE STATE, THE SECONDARY SCHOOL MOST RECENTLY ATTENDED BY THE INDIVIDUAL IS LOCATED.

(E) INFORMATION COLLECTED UNDER THIS SECTION AS PART OF A STUDENT'S REGISTRATION SHALL REMAIN CONFIDENTIAL.";

and in line 24, strike "**(B)**" and substitute "**(F)**".

The preceding 2 substitute committee amendments were read only.

Senator Jacobs moved, duly seconded, to make the Bill and Amendments a Special Order for March 10, 2011.

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

Affirmative – 13 Negative – 33 (See Roll Call No. 311)

SB0167/544633/1

BY: Education, Health, and Environmental Affairs Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL 167
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Madaleno," insert "Manno,"; in the same line, strike "Manno,"; strike line 2 in its entirety and substitute:

"Public Institutions of Higher Education – Tuition Rates – Exemptions";

strike beginning with ", other" in line 3 down through "individuals," in line 4; strike beginning with "the" in line 4 down through "rate" in line 5 and substitute "certain tuition rates"; in line 7, after "regarding" insert "certain"; in the same line, after "withholding" insert "or filing at certain times; requiring certain information collected as part of certain students' registration to remain confidential"; in line 8, after "policies;" insert "defining a certain term;"; and in line 9, strike "charges" and substitute "rates".

AMENDMENT NO. 2

On page 1, after line 19, insert:

"**(A) IN THIS SECTION, "INDIVIDUAL":**

(1) INCLUDES AN UNDOCUMENTED IMMIGRANT INDIVIDUAL; AND

(2) DOES NOT INCLUDE A NONIMMIGRANT ALIEN WITHIN THE MEANING OF 8 U.S.C. § 1101(A)(15).";

in line 20, strike "**(A)**" and substitute "**(B)**"; strike beginning with "**, OTHER**" in line 21 down through the comma in line 22; in line 22, strike "**NONRESIDENT**" and substitute "**OUT–OF–STATE**"; and strike beginning with "**PUBLIC**" in line 23 down through "**RESIDENCY**" in line 24 and substitute "**COMMUNITY COLLEGE IN THE STATE,**".

On page 2, in line 1, strike "**ATTENDED**" and substitute "**BEGINNING WITH THE 2005 – 2006 SCHOOL YEAR, ATTENDED**"; in lines 2, 4, 5, 7, 20, 22, and 23, in each instance, strike "**THIS**" and substitute "**THE**"; in line 3, strike "**GRADUATED**" and substitute "**BEGINNING WITH THE 2007 – 2008 SCHOOL YEAR, GRADUATED**"; in lines 6 and 7, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; in lines 9 and 10, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; in line 11, after "**WITHHELD**" insert "**OR HAS FILED A MARYLAND INCOME TAX RETURN:**

(I) WHILE THE INDIVIDUAL ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE;

(II) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN GRADUATION FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE AND REGISTRATION AT A COMMUNITY COLLEGE IN THE STATE; AND

(III) DURING THE PERIOD OF ATTENDANCE AT THE COMMUNITY COLLEGE";

strike beginning with "**DURING**" in line 11 down through "**STATE**" in line 13; in line 15, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; strike beginning with "**MAKES**" in line 19 down through "**EDUCATION**" in line 20 and substitute "**REGISTERS IN A COMMUNITY COLLEGE**"; in line 20, strike "**3**" and substitute "**4**"; after line 23, insert:

"**(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN INDIVIDUAL SHALL BE EXEMPT FROM PAYING THE NONRESIDENT TUITION RATE AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION, IF THE INDIVIDUAL:**

(1) ATTENDED A COMMUNITY COLLEGE UNDER THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION;

(2) WAS AWARDED AN ASSOCIATE'S DEGREE BY OR ACHIEVED 60 CREDITS AT A COMMUNITY COLLEGE IN THE STATE;

(3) PROVIDES THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION A COPY OF THE AFFIDAVIT SUBMITTED UNDER SUBSECTION (B)(5) OF THIS SECTION;

(4) PROVIDES TO THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION DOCUMENTATION THAT THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR GUARDIAN HAS HAD MARYLAND INCOME TAX WITHHELD OR HAS FILED A MARYLAND INCOME TAX RETURN:

(I) WHILE THE INDIVIDUAL ATTENDED A COMMUNITY COLLEGE IN THE STATE;

(II) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN GRADUATION FROM A COMMUNITY COLLEGE IN THE STATE AND REGISTRATION AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE; AND

(III) DURING THE PERIOD OF ATTENDANCE AT THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION; AND

(5) REGISTERS AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE NOT LATER THAN 4 YEARS AFTER GRADUATING FROM A COMMUNITY COLLEGE IN THE STATE.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN INDIVIDUAL SHALL BE EXEMPT FROM PAYING THE OUT–OF–COUNTY TUITION RATE AT A COMMUNITY COLLEGE IN THE STATE IF THE INDIVIDUAL:

(1) MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION; AND

(2) ATTENDS A COMMUNITY COLLEGE SUPPORTED BY THE COUNTY IN WHICH:

(I) THE SECONDARY SCHOOL FROM WHICH THE INDIVIDUAL GRADUATED IS LOCATED; OR

(II) IN THE CASE OF AN INDIVIDUAL WHO RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THE STATE, THE SECONDARY SCHOOL MOST RECENTLY ATTENDED BY THE INDIVIDUAL IS LOCATED.

(E) INFORMATION COLLECTED UNDER THIS SECTION AS PART OF A STUDENT'S REGISTRATION SHALL REMAIN CONFIDENTIAL.";

and in line 24, strike "**(B)**" and substitute "**(F)**".

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

Affirmative – 26 Negative – 20 (See Roll Call No. 312)

Favorable report, as amended, adopted by a roll call vote as follows:

Affirmative – 28 Negative – 18 (See Roll Call No. 313)

Senator Pipkin moved, duly seconded, to make the Bill a Special Order for evening session.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 314)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #20

Senate Bill 218 – Senator Shank

AN ACT concerning

Public Safety – Law Enforcement Officers' Bill of Rights – Internal Investigation Unit

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

Affirmative – 46 Negative – 0 (See Roll Call No. 315)

The Bill was then sent to the House of Delegates.

Senate Bill 511 – Senator Stone

AN ACT concerning

Criminal Law – Counterfeiting – Venue

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

Affirmative – 46 Negative – 0 (See Roll Call No. 316)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #9

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

Senate Bill 200 – Senator Zirkin

AN ACT concerning

Juvenile Services – Recidivism – Reporting

SB0200/908172/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 200
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "placement" insert "in residential care"; strike beginning with "by" in line 6 down through the first "and" in line 7; and in line 7, strike "facilities" and substitute "residential care programs".

AMENDMENT NO. 2

On page 1, in line 22, after "**PLACEMENT**" insert "**IN RESIDENTIAL CARE**".

On page 2, in lines 2 and 4, in each instance, after "**PLACEMENT**" insert "**IN RESIDENTIAL CARE**"; strike beginning with "**IN**" in line 4 down through "**REGION**" in line 11; and in line 12, strike "**BY FACILITY FOR EACH FACILITY**" and substitute "**FOR EACH RESIDENTIAL CARE PROGRAM**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 247 – Senators Raskin, Colburn, Forehand, Frosh, Garagiola, Gladden, Jennings, King, Madaleno, Pugh, Shank, Stone, Young, and Zirkin

AN ACT concerning

Criminal Procedure – Seizure and Forfeiture – Property Used in Human Trafficking

SB0247/748372/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 247
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zirkin" and substitute "Zirkin, Brochin, Jacobs, Ramirez, and Montgomery".

AMENDMENT NO. 2

On page 5, in line 1, strike "**§ 13–509**" and substitute "**§§ 13–517, 13–527, AND 13–529**".

On page 18, in line 7, strike "**§ 13–528**" and substitute "**§ 13–529**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 299 – Senators Jennings, Shank, Forehand, Gladden, Kelley, King, Pugh, Ramirez, Raskin, Stone, Young, and Zirkin

AN ACT concerning

Wiretapping and Electronic Surveillance – Investigation of Human Trafficking

SB0299/858675/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 299
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "by" insert ", and a judge may grant an order authorizing,"; and in line 10, after "10–402(c)(2)" insert "and 10–406(a)".

AMENDMENT NO. 2

On page 3, after line 10, insert:

"10–406.

(a) The Attorney General, State Prosecutor, or any State's Attorney may apply to a judge of competent jurisdiction, and the judge, in accordance with the provisions of § 10–408 of this subtitle, may grant an order authorizing the interception of wire, oral, or electronic communications by investigative or law enforcement officers when the interception may provide or has provided evidence of the commission of:

(1) Murder;

(2) Kidnapping;

(3) Rape;

(4) A sexual offense in the first or second degree;

(5) Child abuse in the first or second degree;

(6) Child pornography under § 11–207, § 11–208, or § 11–208.1 of the Criminal Law Article;

(7) Gambling;

(8) Robbery under § 3–402 or § 3–403 of the Criminal Law Article;

(9) A felony under Title 6, Subtitle 1 of the Criminal Law Article;

(10) Bribery;

(11) Extortion;

(12) Dealing in a controlled dangerous substance, including a violation of § 5–617 or § 5–619 of the Criminal Law Article;

(13) A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the Insurance Article;

(14) An offense relating to destructive devices under § 4–503 of the Criminal Law Article;

(15) A HUMAN TRAFFICKING OFFENSE UNDER § 11–303 OF THE CRIMINAL LAW ARTICLE;

[(15)**] (16)** Sexual solicitation of a minor under § 3–324 of the Criminal Law Article;

[(16)**] (17)** An offense relating to obstructing justice under § 9–302, § 9–303, or § 9–305 of the Criminal Law Article;

[(17)**] (18)** Sexual abuse of a minor under § 3–602 of the Criminal Law Article; or

[(18)**] (19)** A conspiracy or solicitation to commit an offense listed in items (1) through **[**(17)**] (18)** of this subsection.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 411 – Senators Raskin and Forehand

AN ACT concerning

Financial Crimes – Seizure and Forfeiture of Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 515 – Senators Zirkin and Miller

AN ACT concerning

Public Defender – Representation – Income Eligibility and Appointment by a Court

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #9

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

Senate Bill 1 – Senator Middleton

AN ACT concerning

Joint Committee on Workers' Compensation Benefit and Insurance Oversight – Membership

SB0001/297478/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 1
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Middleton" and substitute "Senators Middleton, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Muse, and Pugh".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 81 – Chair, Finance Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Assistance Efforts for Family Investment Program Recipients – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 203 – Senators Montgomery, Benson, Forehand, Garagiola, Glassman, Kasemeyer, Kelley, King, Madaleno, Manno, Middleton, Pinsky, Pugh, Ramirez, Raskin, Robey, and Rosapepe

AN ACT concerning

Health Care Decisions Act – "Medical Orders for Life–Sustaining Treatment" Form

SB0203/457871/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 203
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "develop" insert "and periodically revise"; strike beginning with "and" in line 14 down through "providers" in line 15; in line 15, strike "use" and substitute "accept and update or complete"; in line 16, after "form" insert "for certain patients during the admission process or, under certain circumstances, during an inpatient hospital stay"; in line 17, after "providers" insert ", when updating or completing a "Medical Orders for Life–Sustaining Treatment" form,"; in lines 18 and 20, in each instance, strike "the completion of a" and substitute "updating or completing the"; in line 21, after "form;" insert "requiring, under certain circumstances, that certain health care facilities offer any physician or nurse practitioner selected by the patient the opportunity to participate in updating or completing a "Medical Orders for Life–Sustaining Treatment" form; requiring, under certain circumstances, that certain health care facilities provide certain information to certain individuals;"; and in lines 28 and 29, strike "under certain circumstances" and substitute "within a certain time period".

On page 2, in line 5, strike "form and" and substitute "form,"; in line 6, after "instructions" insert ", and training materials"; in line 7, strike the second "and" and substitute a comma; in the same line, after "instructions" insert ", and training

materials"; in lines 14 and 15, strike "certain health care facilities" and substitute "nursing homes and assisted living programs"; in line 16, after "for" insert "certain"; and in line 23, strike "5–602(f)(4)" and substitute "5–602(f)(3) and (4)".

On page 3, in line 1, strike "(4)" and substitute "(3) If the care of a declarant is transferred from one health care provider to another, the transferring health care provider may prepare an "Instructions on Current Life–Sustaining Treatment Options" form in accordance with § 5–608.1 of this subtitle.

(4)".

AMENDMENT NO. 2

On page 7, in line 3, strike "**MAY**"; in line 30, after "**(I)**" insert "**1.**"; and strike beginning with "**COMPLETE**" in line 30 down through "**ACCEPT**" in line 31 and substitute "**ACCEPT**".

On page 8, in line 2, after "**FACILITY;**" insert "**AND**"; in line 3, strike "**(II)**" and substitute "**2.**"; in line 4, strike the second "**AND**" and substitute "**OR**"; after line 4, insert:

"**(II) COMPLETE A "MEDICAL ORDERS FOR LIFE–SUSTAINING TREATMENT" FORM:**

1. FOR A HEALTH CARE FACILITY THAT IS NOT A HOSPITAL, DURING THE ADMISSION PROCESS FOR EACH PATIENT BEING ADMITTED TO THE HEALTH CARE FACILITY; OR

2. FOR A HOSPITAL, DURING AN INPATIENT HOSPITAL STAY FOR PATIENTS WHO ARE BEING DISCHARGED TO ANOTHER HEALTH CARE FACILITY.";

strike in their entirety lines 5 through 7, inclusive; in line 8, strike "**A**" and substitute "**WHEN A HEALTH CARE FACILITY UPDATES OR COMPLETES A "MEDICAL ORDERS FOR LIFE–SUSTAINING TREATMENT" FORM UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE**"; in the same line, strike "**NOTE**" and substitute "**:**

(I) OFFER THE PATIENT, HEALTH CARE AGENT, OR SURROGATE DECISION MAKER THE OPPORTUNITY TO PARTICIPATE IN UPDATING OR COMPLETING THE FORM;

(II) NOTE";

and strike beginning with "**THE**" in line 10 down through "**FORM**" in line 11 and substitute "**UPDATING OR COMPLETING THE FORM, INDICATING THE DATE AND WITH WHOM THE FORM WAS DISCUSSED;**

(III) ON REQUEST OF THE PATIENT, OFFER ANY PHYSICIAN OR NURSE PRACTITIONER SELECTED BY THE PATIENT THE OPPORTUNITY TO PARTICIPATE IN UPDATING OR COMPLETING THE FORM; AND

(IV) INFORM THE PATIENT, HEALTH CARE AGENT, OR SURROGATE DECISION MAKER THAT THE FORM WILL BECOME A PART OF THE PATIENT'S MEDICAL RECORD AND CAN BE ACCESSED THROUGH THE PROCEDURES USED TO ACCESS A MEDICAL RECORD".

AMENDMENT NO. 3

On page 9, strike beginning with "**IF**" in line 8 down through "**HOME**" in line 9 and substitute "**WITHIN 48 HOURS OF COMPLETION OF THE FORM OR SOONER IF THE PATIENT IS TRANSFERRED OR DISCHARGED**"; in line 27, strike "**BECOMES VOID**" and substitute "**IS REVISED OR REVOKED**"; in line 32, after "**FORM**" insert "**, INCLUDING INSTRUCTIONS ON HOW THE FORM IS REVISED OR REVOKED,**"; in line 33, after "**FORM**" insert a comma; in the same line, strike the second "**AND**"; and in the same line, after "**INSTRUCTIONS**" insert "**, AND TRAINING MATERIALS**".

AMENDMENT NO. 4

On page 12, in line 1, strike "February" and substitute "April"; strike beginning with "health" in line 2 down through "Act," in line 3 and substitute "nursing home or assisted living program"; in line 6, strike "health care facility" and substitute "nursing home or assisted living program"; and in line 7, after "2011" insert ", and who is a patient of the nursing home or assisted living program on April 1, 2012".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 317 – Senators Pinsky and Brinkley

AN ACT concerning

Property and Casualty Insurance – Victims of Crimes of Violence – Discrimination Prohibited

SB0317/197070/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 317
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Brinkley" and substitute ", Brinkley, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, Muse, and Pugh"; in line 2, strike "Property and Casualty" and substitute "Homeowner's"; in line 4, strike "from using" and substitute ", based solely on"; in line 5, strike "to take" and substitute ", from taking"; in lines 6 and 12, in each instance, strike "property and casualty" and substitute "homeowner's"; in line 7, strike "an" and substitute "a certain"; and in line 8, after "circumstances;" insert "authorizing an insurer to exclude certain property from coverage; providing that an insurer making a certain payment shall have the right of subrogation against a certain perpetrator; providing that this Act does not require a payment in excess of certain limits, prohibit an insurer from applying certain standards, or prohibit an insurer or insurance producer from asking certain individuals about a certain claim or from using certain information for certain purposes;".

AMENDMENT NO. 2

On page 2, in line 24, strike "**PERSON**" and substitute "**POLICYHOLDER OR CLAIMANT**"; in line 27, strike "**USE**" and substitute "**, BASED SOLELY ON**"; in line 29, strike "**TO**"; in line 31, strike "**PROPERTY AND CASUALTY**" and substitute "**HOMEOWNER'S**"; in lines 32 and 33, strike "**PROPERTY AND CASUALTY**" and substitute "**HOMEOWNER'S**"; and in line 33, after the semicolon, insert "**OR**".

AMENDMENT NO. 3

On page 3, strike beginning with "**INCREASE**" in line 1 down through "**(4)**" in line 3; in lines 3 and 6, in each instance, strike "**PROPERTY AND CASUALTY**" and substitute "**HOMEOWNER'S**"; in line 3, after "**INSURANCE,**" insert "**INCREASE A PREMIUM,**"; strike beginning with "**OR**" in line 4 down through "**ACCOUNT**" in line 5 and substitute "**RETIER A POLICY, REMOVE A DISCOUNT, OR TAKE ANY OTHER ADVERSE UNDERWRITING OR RATING ACTION**"; in line 8, after "**PAYMENT**" insert "**FOR A LOSS**"; in the same line, after "**TO**" insert "**A VICTIM WHO:**

(I) IS";

in the same line, strike "**WHO**" and substitute "**;**

(II)";

strike beginning with "**COOPERATE**" in line 8 down through "**OF**" in line 9 and substitute "**COMMIT, CAUSE TO BE COMMITTED, OR DIRECT THE CRIME OF VIOLENCE LEADING TO**"; in line 9, strike "**IF:**" and substitute "**; AND**"; strike in their entirety lines 10 through 12, inclusive, and substitute:

"**(III) COOPERATES IN ANY CRIMINAL INVESTIGATION, INCLUDING THE FILING OF AN OFFICIAL POLICE REPORT, AND IF UNDERTAKEN, ANY PROSECUTION OF THE PERPETRATOR.**";

strike in their entirety lines 14 and 15 and substitute "**THE AMOUNT OF THE LOSS UP TO THE HOMEOWNER'S INSURANCE POLICY LIMITS, LESS ANY APPLICABLE DEDUCTIBLE AND COINSURANCE AND ANY PAYMENT TO ANY SECURED PARTY.**";

after line 15, insert:

"**(3) AN INSURER MAY EXCLUDE PROPERTY OWNED SOLELY BY THE PERPETRATOR FROM COVERAGE UNDER THE POLICY OF HOMEOWNER'S INSURANCE.**

(4) AN INSURER MAKING PAYMENT TO THE INNOCENT COINSURED UNDER THIS SECTION SHALL HAVE THE RIGHT OF SUBROGATION

AGAINST THE PERPETRATOR WHO COMMITTED, CAUSED TO BE COMMITTED, OR DIRECTED THE CRIME OF VIOLENCE LEADING TO THE LOSS.

(D) THIS SECTION DOES NOT:

(1) REQUIRE PAYMENT IN EXCESS OF A HOMEOWNER'S INSURANCE POLICY LIMITS;

(2) PROHIBIT AN INSURER FROM APPLYING REASONABLE STANDARDS OF PROOF OF A CLAIM; OR

(3) PROHIBIT AN INSURER OR INSURANCE PRODUCER FROM:

(I) ASKING AN APPLICANT, A POLICYHOLDER, OR A CLAIMANT ABOUT A CLAIM UNDER THIS SECTION; OR

(II) USING INFORMATION OBTAINED BY INVESTIGATION TO EVALUATE A CLAIM AND EXERCISE THE INSURER'S RIGHTS AND PERFORM ITS DUTIES.";

and in line 22, strike "and contracts of property and casualty" and substitute "of homeowner's".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 402 – Senator Glassman

AN ACT concerning

Motor Carrier Companies – Local Public Transportation Systems – Exemption from Motor Carrier Permit Requirement

SB0402/167071/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 402
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "corporation;" insert "providing that a motor carrier permit is not required for a motor vehicle used by a privately owned transportation company exclusively to provide transportation system services under a certain contract; requiring a certain privately owned transportation company to obtain a motor carrier permit for certain motor vehicles under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 19, strike "or"; in line 20 after "**(7)**" insert "**SUBJECT TO SUBSECTION (C) OF THIS SECTION, A MOTOR VEHICLE USED BY A PRIVATELY OWNED TRANSPORTATION COMPANY EXCLUSIVELY TO PROVIDE TRANSPORTATION SYSTEM SERVICES UNDER A CONTRACT WITH THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION OR WITH A UNIT OF STATE GOVERNMENT; OR**

(8)";

after line 24, insert:

"**(C) A PRIVATELY OWNED TRANSPORTATION COMPANY THAT PROVIDES TRANSPORTATION SYSTEM SERVICES UNDER A CONTRACT WITH THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION OR WITH A UNIT OF STATE GOVERNMENT SHALL OBTAIN A MOTOR CARRIER PERMIT FOR MOTOR VEHICLES THAT THE COMPANY DOES NOT USE EXCLUSIVELY TO PROVIDE TRANSPORTATION SYSTEM SERVICES UNDER A CONTRACT WITH THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION OR WITH A UNIT OF STATE GOVERNMENT.**";

and in line 25, strike "(c)" and substitute "**(D)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0402/727070/1
BY: Finance Committee

AMENDMENT TO SENATE BILL 402
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Glassman" and substitute "Senators Glassman and Pugh".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 428 – Senator Klausmeier

AN ACT concerning

Mental Hygiene – Admission Provisions – Definition of "Psychologist"

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senator Gladden moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 977 – Senators Gladden and Dyson

AN ACT concerning

Freedom of Speech – Picketing at a Funeral – Distance

FOR the purpose of altering the distance within which a person is prohibited from engaging in picketing activities at a funeral, burial, memorial service, or funeral procession; and generally relating to picketing at a funeral, burial, memorial service, or funeral procession.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–205(c)
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

Senator Muse moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 978 – Senator Muse

AN ACT concerning

Prince George's County – Landlord and Tenant – Reclaiming Property After Repossession

FOR the purpose of authorizing a landlord in Prince George's County to repossess certain premises under certain circumstances and after a certain period of time; establishing that the tenant has the right to reclaim any personal property left in the premises within a certain time period after the repossession; authorizing the landlord to secure the tenant's personal property in a certain manner; requiring the landlord to allow the tenant to make reasonable arrangements to obtain and move the personal property; prohibiting the landlord from demanding a certain fee or imposing certain conditions; requiring the tenant to pay certain moving and storage fees under certain circumstances; providing for the disposal of the tenant's personal property under certain circumstances; establishing that certain persons are not obligated to take certain actions; and generally relating to the disposition of the tenant's personal property after a landlord's repossession in Prince George's County.

BY adding to
Article – Real Property
Section 8–406
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

Senator Jones-Rodwell moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 979 – Senator Jones–Rodwell

AN ACT concerning

Taxation of Corporations – Alternative Minimum Assessment

FOR the purpose of imposing a certain tax on corporations doing business in the State based on a certain alternative minimum assessment; providing that a certain tax applies even if a corporation is exempt from the State income tax in accordance with a certain federal law; providing for the computation of the alternative minimum assessment as a certain percentage of a corporation's gross receipts or gross profits, based on a certain election made by the corporation; limiting the alternative minimum assessment to a certain amount for any corporation and to a certain amount for certain groups of corporations; providing for certain credits against the corporate income tax; providing for the application of this Act; and generally relating to the imposition of an alternative minimum assessment on corporations doing business in the State.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 1–101(i)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Tax – General
Section 10–102.2 and 10–729
Annotated Code of Maryland
(2010 Replacement Volume)

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

Senator Middleton moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 980 – Senator Middleton

AN ACT concerning

Credit Unions – Boards of Directors – Electronically Conducted Elections

FOR the purpose of authorizing the election of the board of directors of a credit union to be conducted electronically under certain circumstances; requiring the secretary of a credit union, for an election of directors conducted electronically, to provide certain information and a certain identification form to certain members of the credit union as provided in regulations adopted by the Commissioner of Financial Regulation; requiring the Commissioner to establish by regulation procedures for conducting an election of directors electronically; making certain conforming and stylistic changes; and generally relating to elections of the board of directors of a credit union.

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 6–329(a), (d), and (f)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY adding to
Article – Financial Institutions
Section 6–329(i)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 317)

RECESS

At 12:39 P.M. on motion of Senator Garagiola, seconded, the Senate recessed until 5:00 P.M. Wednesday, March 9, 2011.

AFTER RECESS
Annapolis, Maryland
Wednesday, March 9, 2011

At 5:23 P.M. the Senate resumed its session.

QUORUM CALL

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

(See Roll Call No. 319)

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

SPECIAL ORDERS

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

Senate Bill 167 – Senators Ramirez, Madaleno, Benson, Conway, Currie, Ferguson, Forehand, Garagiola, Gladden, Jones–Rodwell, Kelley, King, Manno, Montgomery, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Higher Education – Tuition Charges – Maryland High School Students

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

FLOOR AMENDMENT

SB0167/183827/1
BY: Senator Garagiola

AMENDMENT TO SENATE BILL 167
(First Reading File Bill)

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

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0167/493226/2
BY: Senator Middleton

AMENDMENTS TO SENATE BILL 167, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, in line 11, after "**OR**" insert "**LEGAL**".

AMENDMENT NO. 2

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), in line 13 of Amendment No. 2, after the first "**OR**" insert "**LEGAL**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0167/313027/1
BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 167, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 7, strike "Maryland income tax withholding".

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), in line 6 of Amendment No. 1, strike "certain" and substitute "the"; in line 7, strike "or"; in the same line, after "filing" insert "of certain federal and Maryland income tax returns"; and in the same line, strike "at certain times" and substitute "for a certain time period".

AMENDMENT NO. 2

On page 2 of the bill, in line 11, strike "**HAS HAD MARYLAND INCOME TAX WITHHELD**".

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 10 of Amendment No. 2, strike "**OR**"; in the same line, after "**A**" insert "**FEDERAL INCOME TAX RETURN AND A**"; and strike beginning with the colon in line 10 down through the second "**THE**" in line 16 and substitute "**FOR THE 2 YEARS IMMEDIATELY PRECEDING THE YEAR IN WHICH THE INDIVIDUAL ENROLLS IN A**".

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

Affirmative – 21 Negative – 25 (See Roll Call No. 320)

FLOOR AMENDMENT

SB0167/453721/1
BY: Senator Garagiola

AMENDMENTS TO SENATE BILL 167, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), in line 7 of Amendment No. 1, strike "or" and substitute "and the"; and in the same line, strike "at certain times" and substitute "of certain federal and Maryland income tax returns for a certain time period".

AMENDMENT NO. 2

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 10 of Amendment No. 2, strike "**OR**" and substitute "**AND**"; in the same line, after "**A**" insert "**FEDERAL INCOME TAX RETURN AND A**"; and strike beginning with the colon in line 10 down through the second "**THE**" in line 16 and substitute "**FOR THE 2 YEARS IMMEDIATELY PRECEDING THE YEAR IN WHICH THE INDIVIDUAL ENROLLS IN A**".

The preceding 2 amendments were read only.

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

The motion was adopted.

FLOOR AMENDMENT

SB0167/983325/1
BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 167
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "repealing certain provisions of law that require an honorably discharged veteran of the United States armed forces to submit certain documentation to qualify for a certain exemption from paying a nonresident tuition rate; extending the time period within which an honorably discharged veteran must present certain evidence in order to qualify for a certain tuition rate;"; and after line 10, insert:

"BY repealing and reenacting, with amendments,
Article – Education
Section 15–106.4(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 1, after line 18, insert:

"15–106.4.

(b) Notwithstanding any other provision of this article, an individual described in subsection (a) of this section who attends a public institution of higher education in the State is exempt from paying nonresident tuition at a public institution of higher education in this State if:

(1) The active duty member referred to in subsection (a) of this section:

(i) Is stationed in this State;

(ii) Resides in this State; or

(iii) Is domiciled in this State;

(2) The honorably discharged veteran presents **[**the following documentation**]** **EVIDENCE THAT THE VETERAN WAS HONORABLY DISCHARGED** within **[**1 year**]** **4 YEARS** after the veteran's discharge**[**:

(i) Evidence that the veteran attended a public or private secondary school in this State for at least 3 years; and

(ii) Documentation that the veteran graduated from a public or private secondary school in this State or received the equivalent of a high school diploma in this State**]**; or

(3) The National Guard member described in subsection (a)(5) of this section is a member of the Maryland National Guard and joined or subsequently serves in the Maryland National Guard to:

(i) Provide a Critical Military Occupational Skill; or

(ii) Be a member of the Air Force Critical Specialty Code as determined by the National Guard.".

The preceding 2 amendments were read only.

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

The motion was adopted.

FLOOR AMENDMENT

SB0167/803921/1
BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 167, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after the semicolon insert "requiring community colleges and public senior higher education institutions that admit certain students to keep a record of the number of individuals paying resident tuition charges in accordance with this Act and to report certain information to the Maryland Higher Education Commission; requiring the Commission to submit a certain report to the General Assembly each year;".

AMENDMENT NO. 2

On page 2, in line 24, before "**THE**" insert:

"**(1) A COMMUNITY COLLEGE OR PUBLIC SENIOR HIGHER EDUCATION INSTITUTION THAT ADMITS AN INDIVIDUAL WHO QUALIFIES FOR RESIDENT TUITION CHARGES UNDER THIS SECTION SHALL:**

(I) KEEP A RECORD OF THE NUMBER OF INDIVIDUALS WHO PAY RESIDENT TUITION CHARGES IN ACCORDANCE WITH THE REQUIREMENTS UNDER SUBSECTION (B) OR (C) OF THIS SECTION; AND

(II) REPORT THE INFORMATION REQUIRED IN ITEM (I) OF THIS PARAGRAPH TO THE COMMISSION EACH YEAR.

(2) THE COMMISSION SHALL SUBMIT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, AN ANNUAL REPORT CONSISTING OF A COMPILATION OF THE REPORTS SUBMITTED TO THE COMMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(G)".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0167/723020/1
BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 167
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, before "and" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 2, in line 28, after "2011." insert "It shall remain effective for a period of 2 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 rejected by a roll call vote as follows:

Affirmative – 17 Negative – 28 (See Roll Call No. 321)

FLOOR AMENDMENT

SB0167/293325/1
BY: Senator Brochin

AMENDMENT TO SENATE BILL 167, AS AMENDED

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), after line 3 of Amendment No. 2, insert:

"**(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN INDIVIDUAL SHALL BE EXEMPT FROM PAYING THE NONRESIDENT TUITION RATE AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IF THE INDIVIDUAL HAS RESIDED IN THE STATE FOR AT LEAST 10 CONSECUTIVE YEARS AND HAS ONLY RESIDED IN ANOTHER STATE FOR LESS THAN 2 YEARS.**";

and in lines 4, 16, and 18, strike "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(E)**", "**(F)**", and "**(G)**", respectively.

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

Affirmative – 15 Negative – 31 (See Roll Call No. 322)

FLOOR AMENDMENT

SB0167/673725/2

BY: Senator Brochin

AMENDMENT TO SENATE BILL 167, AS AMENDED

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), in line 4 of Amendment No. 2, strike "**A**" and substitute "**:**

(I) A";

and in line 5, after "**§ 1101(A)(15)**" insert "**; OR**

(II) 1. AN INDIVIDUAL WHOSE FEDERAL ADJUSTED GROSS INCOME IS $100,000 OR MORE; OR

2. IF THE INDIVIDUAL MAY BE CLAIMED AS A DEPENDENT FOR INCOME TAX PURPOSES, AN INDIVIDUAL WHOSE PARENT OR GUARDIAN HAS A FEDERAL ADJUSTED GROSS INCOME OF $100,000 OR MORE".

The preceding amendment was read only.

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

The motion was adopted.

FLOOR AMENDMENT

SB0167/943420/1
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 167, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 6, after "circumstances;" insert "authorizing a board of community college trustees to exempt certain community colleges from the application of certain provisions regarding the out–of–county tuition rate at a community college;".

AMENDMENT NO. 2

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), in line 4 of Amendment No. 2, after "**(D)**" insert "**(1)**"; in the same line, strike "**NOTWITHSTANDING**" and substitute "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, NOTWITHSTANDING**"; in lines 7, 9, 11, and 13, strike "**(1)**", "**(2)**", "**(I)**", and "**(II)**", respectively, and substitute "**(I)**", "**(II)**", "**1.**", and "**2.**", respectively; and after line 15, insert:

"**(2) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY TO A COMMUNITY COLLEGE IF THE BOARD OF COMMUNITY COLLEGE TRUSTEES IN THE COUNTY IN WHICH THE COMMUNITY COLLEGE IS LOCATED DECLARES BY AN AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD THAT THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY TO A COMMUNITY**

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0167/943420/3
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 167, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 6, after "circumstances;" insert "authorizing the governing body of a county in which a community college is located to exempt certain community colleges from the application of certain provisions regarding the out–of–county tuition rate at a community college;".

AMENDMENT NO. 2

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), in line 4 of Amendment No. 2, after "**(D)**" insert "**(1)**"; in the same line, strike "**NOTWITHSTANDING**" and substitute "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, NOTWITHSTANDING**"; in lines 7, 9, 11, and 13, strike "**(1)**", "**(2)**", "**(I)**", and "**(II)**", respectively, and substitute "**(I)**", "**(II)**", "**1.**", and "**2.**", respectively; and after line 15, insert:

"**(2) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY TO A COMMUNITY COLLEGE IF THE GOVERNING BODY OF THE COUNTY IN WHICH THE COMMUNITY COLLEGE IS LOCATED DECLARES BY AN AFFIRMATIVE VOTE OF THE MAJORITY OF THE MEMBERS THAT THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY TO A COMMUNITY COLLEGE IN THE COUNTY.**".

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

Affirmative – 19 Negative – 26 (See Roll Call No. 323)

FLOOR AMENDMENT

SB0167/733221/2
BY: Senator Colburn

AMENDMENTS TO SENATE BILL 167, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), in line 3 of Amendment No. 1, strike "Rates – Exemptions" and substitute "Rate Exemptions and Scholarship Eligibility".

On page 1 of the bill, in line 8, after "policies" insert "; altering the eligibility requirements for a certain senatorial scholarship to require an applicant to be a citizen of the United States"; and after line 15, insert:

"BY repealing and reenacting, with amendments,
Article – Education
Section 18–402
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2 of the bill, after line 26, insert:

"18–402.

(a) (1) Except as provided in paragraph (2) of this subsection, each applicant for a senatorial scholarship shall:

(i) Take a competitive examination administered by the Office; and

(ii) Be accepted for admission in the regular undergraduate, graduate, or professional program at an eligible institution; or be enrolled in a 2–year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution.

(2) An applicant is exempt from the examination if the applicant:

(i) Is attending an eligible institution and has completed at least 1 year in good academic standing at the institution;

(ii) Graduated from high school at least 5 years before application for a senatorial scholarship;

(iii) Is accepted for admission to a private career institution, if the institution's curriculum is approved by the Commission, and the institution is accredited by a national accrediting association approved by the United States Department of Education; or

(iv) Is planning to attend or is attending a Maryland community college.

(b) Each applicant shall:

(1) BE A CITIZEN OF THE UNITED STATES;

[(1)**] (2)** Be a resident of this State; and

[(2)**] (3)** At the time of the applicant's initial application, be a resident of the legislative district from which the applicant seeks an award.

(c) (1) Each applicant shall demonstrate to the Office a definite financial need, and each Senator shall consider the financial need of each applicant.

(2) Each Senator is the final judge of the financial need of each applicant to whom he awards a scholarship, and the Office may not negate this judgment or impose requirements of time or procedure.

(d) Each applicant shall accept any other conditions attached to the award.".

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

Affirmative – 21 Negative – 23 (See Roll Call No. 324)

FLOOR AMENDMENT

SB0167/613520/2
BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 167
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after the semicolon insert "requiring certain individuals, as a condition of being exempt from paying the out–of–state tuition rate, to provide to a community college certain documentation of registration with the Selective Service System;".

AMENDMENT NO. 2

On page 2, in line 18, strike "**AND**"; after line 18, insert:

"**(6) IN THE CASE OF AN INDIVIDUAL WHO IS REQUIRED TO REGISTER WITH THE SELECTIVE SERVICE SYSTEM, PROVIDES TO THE COMMUNITY COLLEGE DOCUMENTATION SATISFACTORY TO THE COMMUNITY COLLEGE THAT THE INDIVIDUAL HAS COMPLIED WITH THE REGISTRATION REQUIREMENT; AND**";

and in line 19, strike "**(6)**" and substitute "**(7)**".

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

Affirmative – 23 Negative – 23 (See Roll Call No. 325)

FLOOR AMENDMENT

SB0167/603127/1
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 167, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), in line 5 of Amendment No. 1, strike "certain" and substitute "the payment of"; in line 7, strike "or"; and in the same line, after "filing" insert "of a Maryland income tax return".

On page 1 of the bill, in line 7, strike "withholding" and substitute "and the".

AMENDMENT NO. 2

On page 2 of the bill, in line 11, strike "**HAD**" and substitute "**PAID**"; and in the same line, strike "**WITHHELD**".

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments in line 10 of Amendment No. 2, strike "**OR**" and substitute "**ON ALL TAXABLE INCOME, INCLUDING TAXABLE INCOME EARNED OUTSIDE THE STATE, AND**".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0167/373720/1
BY: Senator Pipkin

AMENDMENT TO SENATE BILL 167, AS AMENDED
(First Reading File Bill)

On page 2 of the bill, in line 15, strike "**PROVIDES**" and substitute "**SUBMITS**"; in lines 15 and 16, strike "**AN AFFIDAVIT STATING**" and substitute "**EVIDENCE**"; in line 16, strike "**WILL FILE**" and substitute "**FILED**"; and strike beginning with "**WITHIN**" in line 17 down through "**SO**" in line 18.

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), in line 9 of Amendment No. 2, strike "**AFFIDAVIT**" and substitute "**EVIDENCE OF A FILED APPLICATION FOR PERMANENT RESIDENCY**".

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

Affirmative – 19 Negative – 27 (See Roll Call No. 326)

FLOOR AMENDMENT

SB0167/243226/3
BY: Senator Simonaire

AMENDMENTS TO SENATE BILL 167, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 6, after "circumstances;" insert "providing that this Act applies only to certain individuals;".

AMENDMENT NO. 2

On page 1 of the bill, before line 20, insert:

"**(B) THIS SECTION APPLIES ONLY TO AN INDIVIDUAL WHO, ON OR BEFORE JULY 1, 2011, HAS AN ESTABLISHED PRESENCE IN THE STATE AS EVIDENCED BY ONGOING INVOLVEMENT IN COMMUNITY ACTIVITIES AND CONNECTIONS WITH FAMILY, EMPLOYERS, OR EDUCATIONAL INSTITUTIONS LOCATED IN THE STATE.**".

AMENDMENT NO. 3

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), in line 6 of Amendment No. 2, strike "**(B)**" and substitute "**(C)**".

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments, in line 1 of Amendment No. 2, strike "**(C)**" and substitute "**(D)**"; in line

5, strike "**(B)**" and substitute "**(C)**"; and in line 9, strike "**(B)(5)**" and substitute "**(C)(5)**".

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments, in line 4 of Amendment No. 2, strike "**(D)**" and substitute "**(E)**"; in line 7, strike "**(B)**" and substitute "**(C)**"; in line 16, strike "**(E)**" and substitute "**(F)**"; and in line 18, strike "**(F)**" and substitute "**(G)**".

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

Affirmative – 16 Negative – 27 (See Roll Call No. 327)

FLOOR AMENDMENT

SB0167/983325/1
BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 167
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "repealing certain provisions of law that require an honorably discharged veteran of the United States armed forces to submit certain documentation to qualify for a certain exemption from paying a nonresident tuition rate; extending the time period within which an honorably discharged veteran must present certain evidence in order to qualify for a certain tuition rate;"; and after line 10, insert:

"BY repealing and reenacting, with amendments,
Article – Education
Section 15–106.4(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 1, after line 18, insert:

"15–106.4.

(b) Notwithstanding any other provision of this article, an individual described in subsection (a) of this section who attends a public institution of higher education in the State is exempt from paying nonresident tuition at a public institution of higher education in this State if:

(1) The active duty member referred to in subsection (a) of this section:

(i) Is stationed in this State;

(ii) Resides in this State; or

(iii) Is domiciled in this State;

(2) The honorably discharged veteran presents **[**the following documentation**]** **EVIDENCE THAT THE VETERAN WAS HONORABLY DISCHARGED** within **[**1 year**]** **4 YEARS** after the veteran's discharge**[**:

(i) Evidence that the veteran attended a public or private secondary school in this State for at least 3 years; and

(ii) Documentation that the veteran graduated from a public or private secondary school in this State or received the equivalent of a high school diploma in this State**]**; or

(3) The National Guard member described in subsection (a)(5) of this section is a member of the Maryland National Guard and joined or subsequently serves in the Maryland National Guard to:

(i) Provide a Critical Military Occupational Skill; or

(ii) Be a member of the Air Force Critical Specialty Code as determined by the National Guard.".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0167/983325/2

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 167
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "extending the time period within which an honorably discharged veteran must present certain evidence in order to qualify for a certain tuition rate;"; and after line 10, insert:

"BY repealing and reenacting, with amendments,
Article – Education
Section 15–106.4(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 1, after line 18, insert:

"15–106.4.

(b) Notwithstanding any other provision of this article, an individual described in subsection (a) of this section who attends a public institution of higher education in the State is exempt from paying nonresident tuition at a public institution of higher education in this State if:

(1) The active duty member referred to in subsection (a) of this section:

(i) Is stationed in this State;

(ii) Resides in this State; or

(iii) Is domiciled in this State;

(2) The honorably discharged veteran presents the following documentation within **[**1 year**]** **4 YEARS** after the veteran's discharge:

(i) Evidence that the veteran attended a public or private secondary school in this State for at least 3 years; and

(ii) Documentation that the veteran graduated from a public or private secondary school in this State or received the equivalent of a high school diploma in this State; or

(3) The National Guard member described in subsection (a)(5) of this section is a member of the Maryland National Guard and joined or subsequently serves in the Maryland National Guard to:

(i) Provide a Critical Military Occupational Skill; or

(ii) Be a member of the Air Force Critical Specialty Code as determined by the National Guard.".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0167/673725/2
BY: Senator Brochin

AMENDMENT TO SENATE BILL 167, AS AMENDED

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), in line 4 of Amendment No. 2, strike "**A**" and substitute "**:**

(I) A";

and in line 5, after "**§ 1101(A)(15)**" insert "**; OR**

(II) 1. AN INDIVIDUAL WHOSE FEDERAL ADJUSTED GROSS INCOME IS $100,000 OR MORE; OR

2. IF THE INDIVIDUAL MAY BE CLAIMED AS A DEPENDENT FOR INCOME TAX PURPOSES, AN INDIVIDUAL WHOSE PARENT OR GUARDIAN HAS A FEDERAL ADJUSTED GROSS INCOME OF $100,000 OR MORE".

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

Affirmative – 19 Negative – 27 (See Roll Call No. 328)

FLOOR AMENDMENT

SB0167/943420/5
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 167, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 6, after "circumstances;" insert "authorizing a board of community college trustees to exempt certain community colleges from the application of certain provisions regarding the out–of–county tuition rate at a community college;".

AMENDMENT NO. 2

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), in line 4 of Amendment No. 2, after "**(D)**" insert "**(1)**"; in the same line, strike "**NOTWITHSTANDING**" and substitute "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, NOTWITHSTANDING**"; in lines 7, 9, 11, and 13, strike "**(1)**", "**(2)**", "**(I)**", and "**(II)**", respectively, and substitute "**(I)**", "**(II)**", "**1.**", and "**2.**", respectively; and after line 15, insert:

"**(2) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY TO A COMMUNITY COLLEGE IF THE BOARD OF COMMUNITY COLLEGE TRUSTEES THAT HAS JURISDICTION OVER THE COMMUNITY COLLEGE DECLARES BY AN AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD THAT THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY TO THE COMMUNITY COLLEGE.**".

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

Affirmative – 18 Negative – 28 (See Roll Call No. 329)

FLOOR AMENDMENT

SB0167/733221/3
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 167, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), in line 3 of Amendment No. 1, strike "Rates – Exemptions" and substitute "Rate Exemptions and Scholarship Eligibility".

On page 1 of the bill, in line 8, after "policies" insert "; altering the eligibility requirements for certain legislative scholarships to require an applicant to be a citizen of the United States"; and after line 15, insert:

"BY repealing and reenacting, with amendments,
Article – Education
Section 18–402 and 18–502
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 18–501(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2 of the bill, after line 26, insert:

"18–402.

(a) (1) Except as provided in paragraph (2) of this subsection, each applicant for a senatorial scholarship shall:

(i) Take a competitive examination administered by the Office; and

(ii) Be accepted for admission in the regular undergraduate, graduate, or professional program at an eligible institution; or be enrolled in a 2–year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution.

(2) An applicant is exempt from the examination if the applicant:

(i) Is attending an eligible institution and has completed at least 1 year in good academic standing at the institution;

(ii) Graduated from high school at least 5 years before application for a senatorial scholarship;

(iii) Is accepted for admission to a private career institution, if the institution's curriculum is approved by the Commission, and the institution is accredited by a national accrediting association approved by the United States Department of Education; or

(iv) Is planning to attend or is attending a Maryland community college.

(b) Each applicant shall:

(1) BE A CITIZEN OF THE UNITED STATES;

[(1)**] (2)** Be a resident of this State; and

[(2)**] (3)** At the time of the applicant's initial application, be a resident of the legislative district from which the applicant seeks an award.

(c) (1) Each applicant shall demonstrate to the Office a definite financial need, and each Senator shall consider the financial need of each applicant.

(2) Each Senator is the final judge of the financial need of each applicant to whom he awards a scholarship, and the Office may not negate this judgment or impose requirements of time or procedure.

(d) Each applicant shall accept any other conditions attached to the award.

18–501.

(a) There is a program of Delegate Scholarships in this State that are awarded under this subtitle.

18–502.

(A) [Each**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH** member of the House of Delegates may select the recipients of the scholarships on any basis that the Delegate considers appropriate.

(B) EACH APPLICANT SHALL BE A CITIZEN OF THE UNITED STATES.".

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

Affirmative – 16 Negative – 28 (See Roll Call No. 330)

FLOOR AMENDMENT

SB0167/653324/1
BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 167
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, before "and" insert "prohibiting certain public institutions of higher education from charging an undergraduate student who is a citizen of the United States a tuition rate that is higher than the tuition rate charged an undergraduate student who is not a citizen of the United States;"; and in line 13, after "15–106.8" insert "and 15–113".

AMENDMENT NO. 2

On page 2, after line 26, insert:

"**15–113.**

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT CHARGE AN UNDERGRADUATE STUDENT WHO IS A CITIZEN OF THE UNITED STATES A TUITION RATE THAT IS HIGHER THAN THE TUITION RATE THAT IS CHARGED AN UNDERGRADUATE STUDENT WHO IS NOT A CITIZEN OF THE UNITED STATES.".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0167/603127/2
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 167, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), in line 7 of Amendment No. 1, after "filing" insert "of a Maryland income tax return".

AMENDMENT NO. 2

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 10 of Amendment No. 2, before "**OR**" insert "**ON ALL TAXABLE INCOME, INCLUDING TAXABLE INCOME EARNED OUTSIDE THE STATE**".

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

Affirmative – 20 Negative – 26 (See Roll Call No. 331)

FLOOR AMENDMENT

SB0167/453721/1
BY: Senator Garagiola

AMENDMENTS TO SENATE BILL 167, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), in line 7 of Amendment No. 1, strike "or" and substitute "and the"; and in the same line, strike "at certain times" and substitute "of certain federal and Maryland income tax returns for a certain time period".

AMENDMENT NO. 2

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 10 of Amendment No. 2, strike "**OR**" and substitute "**AND**"; in the same line, after "**A**" insert "**FEDERAL INCOME TAX RETURN AND A**"; and strike beginning with the colon in line 10 down through the second "**THE**" in line 16 and substitute "**FOR THE 2 YEARS IMMEDIATELY PRECEDING THE YEAR IN WHICH THE INDIVIDUAL ENROLLS IN A**".

The preceding 2 amendments were withdrawn.

RECESS

At 7:44 P.M. on motion of Senator Garagiola, seconded, the Senate recessed until 7:55 P.M. on Wednesday, March 9, 2011.

AFTER RECESS
Annapolis, Maryland
Wednesday, March 9, 2011

At 8:03 P.M. the Senate resumed its session.

QUORUM CALL

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

(See Roll Call No. 332)

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

SPECIAL ORDERS

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

Senate Bill 167 – Senators Ramirez, Madaleno, Benson, Conway, Currie, Ferguson, Forehand, Garagiola, Gladden, Jones–Rodwell, Kelley, King, Manno, Montgomery, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Higher Education – Tuition Charges – Maryland High School Students

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

FLOOR AMENDMENT

SB0167/813523/1
BY: Senator Garagiola

AMENDMENTS TO SENATE BILL 167
(First Reading File Bill)

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0167/544633/1), in line 11 of Amendment No. 2, strike "**WHILE**" and

substitute "**ANNUALLY FOR THE 3 YEARS WHILE**"; in line 12, after "**STATE**" insert "**IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION**"; and in line 16, strike "**DURING**" and substitute "**ANNUALLY DURING**".

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments, in line 15 of Amendment No. 2, strike "**WHILE**" and substitute "**ANNUALLY WHILE**"; and in line 20, strike "**DURING**" and substitute "**ANNUALLY DURING**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senator Mathias moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

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

Affirmative – 45 Negative – 1 (See Roll Call No. 333)

Senate Bill 981 – Senators Mathias and Colburn

AN ACT concerning

Wicomico County – Board of Education – Selection of Members – Straw Ballot

FOR the purpose of requiring that a question be placed on the ballot in Wicomico County at the November general election of 2012 to determine the sense of the voters of the County on the issue of changing the method of selecting members of the Wicomico County Board of Education; providing for carrying out of the straw ballot; and generally relating to the holding of a straw ballot in Wicomico County.

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

Senator Simonaire moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

The motion was adopted.

Senate Bill 982 – Senator Simonaire

AN ACT concerning

Criminal Law – Funerals, Burials, Memorial Services, and Funeral Processions – Picketing and Penalties

FOR the purpose of altering the distance within which a person is prohibited from engaging in picketing activities at a funeral, burial, memorial service, or funeral procession; altering the penalties for certain violations relating to picketing and other activities at funerals, burials, memorial services, and funeral processions; and generally relating to funerals, burials, memorial services, and funeral processions.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–205
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 334)

ADJOURNMENT

At 8:12 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 10, 2011.

Annapolis, Maryland
Thursday, March 10, 2011
10:00 A.M. Session

The Senate met at 10:13 A.M.

Prayer by Senator Anthony C. Muse.

(See Exhibit A of Appendix III)

The Journal of March 9, 2011 was read and approved.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 337)

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 215 – Chair, Health and Government Operations Committee (By Request – Departmental – Maryland Institute for Emergency Medical Services Systems)

AN ACT concerning

State Emergency Medical Services Board – Emergency Medical Services Providers

Reassigned to the Committee on Finance under Rule 33(d).

Read and ordered journalized.

THE COMMITTEE ON RULES REPORT #7

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

Senate Bill 949 – **Senator Ramirez**

AN ACT concerning

Prince George's County – Single Bottles or Cans of Beer – Size Prohibition

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

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

Senate Bill 950 – **Senator Ramirez**

AN ACT concerning

Prince George's County – Secondhand Precious Metal Object Dealers – Precious Metal Objects – Holding Period

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

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

Senate Bill 951 – **Senator Ramirez**

AN ACT concerning

Prince George's County – Foreclosed–On Property Registry

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

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

Senate Bill 952 – **Senator Ramirez**

AN ACT concerning

Prince George's County – Bladensburg – Alcoholic Beverages – Development District Licenses

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

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

Senate Bill 953 – **Senator Ramirez**

AN ACT concerning

Prince George's County – Police Departments – Use of Force – Reports

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

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

Senate Bill 954 – **Senator Ramirez**

AN ACT concerning

Prince George's County – Real Property – Age 55 and Older – Residential Leases

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

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

Senate Bill 965 – **Senator Benson**

AN ACT concerning

Prince George's County – Age for Compulsory Public School Attendance – Exemption

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

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

Senate Bill 966 – **Senator Benson**

AN ACT concerning

Family Law – Child Support – Age of Majority – Postsecondary Education

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

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

Senate Bill 967 – Senator Benson

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Prince George's County – John E. Feggans Center Renovation

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

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

Senate Bill 968 – Senator Middleton

AN ACT concerning

Creation of a State Debt – Charles County – Greater Baden Medical Services Facility

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

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

Senate Bill 970 – Senator Simonaire

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Lake Shore Volunteer Fire Company

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

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

Senate Bill 971 – Senator Young

AN ACT concerning

Labor and Employment – User Name and Password Privacy Protection

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

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

Senate Bill 972 – Senator DeGrange

AN ACT concerning

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

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

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

Senate Bill 973 – Senator Astle

AN ACT concerning

Legislative Community Initiatives Loan of 2004 – Anne Arundel County – Carrie Weedon Science Center

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

MOTION

Senator Kelley moved, duly seconded, that the Senate receive in Open Session the following Report from the Committee on Executive Nominations.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #6

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

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #6
March 10, 2011

District Court, Baltimore City (District 1)

1. Jamey H. Hueston District 43

Judge of the District Court of Maryland, District 1, Baltimore City; reappointed to serve a term of ten years from April 12, 2011

2. Ronald Alan Karasic District 43

Judge of the District Court of Maryland, District 1, Baltimore City; appointed to serve a term of ten years from July 17, 2011

3. Catherine Curran O'Malley District 45

Judge of the District Court of Maryland, District 1, Baltimore City; reappointed to serve a term of ten years from July 17, 2011

4. C. Yvonne Holt Stone District 41

Judge of the District Court of Maryland, District 1, Baltimore City; reappointed to serve a term of ten years from April 12, 2011

5. Barbara Baer Waxman District 41

Judge of the District Court of Maryland, District 1, Baltimore City; reappointed to serve a term of ten years from April 12, 2011

District Court, Baltimore County (District 8)

6. Nancy M. Purpura District 11

Judge of the District Court of Maryland, District 8, Baltimore County; reappointed to serve a term of ten years from August 2, 2011

7. Dorothy Jean Wilson District 8

Judge of the District Court of Maryland, District 8, Baltimore County; reappointed to serve a term of ten years from August 2, 2011

District Court, Caroline County (District 3)

8. Douglas H. Everngam District 37

Judge of the District Court of Maryland, District 3, Caroline County; reappointed to serve a term of ten years from May 17, 2011

District Court, Carroll County (District 10)

9. JoAnn M. Ellinghaus–Jones District 5

Judge of the District Court of Maryland, District 10, Carroll County; reappointed to serve a term of ten years from March 7, 2011

District Court, Montgomery County (District 6)

10. Gary Gilbert Everngam District 19

Judge of the District Court of Maryland, District 6, Montgomery County; reappointed to serve a term of ten years from May 11, 2011

11. Eugene Wolfe District 19

Judge of the District Court of Maryland, District 6, Montgomery County; reappointed to serve a term of ten years from May 11, 2011

Agriculture, Board of Review of the Department of

12. Albert Cleveland Brown, V.M.D. District 14
4408 Dustin Road
Burtonsville, MD 20866

Member of the Board of Review of the Department of Agriculture; reappointed to serve a term of three years from January 1, 2009

13. Charles E. Fry District 3
4410 Tuscarora Road
Tuscarora, MD 21790

Member of the Board of Review of the Department of Agriculture; appointed to serve a term of three years from January 1, 2011

14. Jeffrey W. Griffith District 33
5643 Greenock Road
Lothian, MD 20711

Member of the Board of Review of the Department of Agriculture; reappointed to serve a term of three years from January 1, 2010

15. Richard A. Horsmon District 29
1805 Parran Road
St. Leonard, MD 20695

Member of the Board of Review of the Department of Agriculture; reappointed to serve a term of three years from January 1, 2009

16. Wayne Carl Stafford District 34
2617 Blue Ball Road
Elkton, MD 21921

Member of the Board of Review of the Department of Agriculture; appointed to serve a term of three years from January 1, 2011

Archaeology, Advisory Committee on

17. Joy Beasley District 41
5312 Brabant Road
Baltimore, MD 21229

Member of the Advisory Committee on Archaeology; appointed to serve a term of three years from July 1, 2011

Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists, State Board of Examiners for

18. Rodric D. McKinnon District 9
3310 Fox Valley Drive
West Friendship, MD 21794

Member of the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists; appointed to serve a term of four years from July 1, 2011

Blind Industries and Services of Maryland, Board of Trustees of

19. Michael L. Gosse, Ph.D. District 46
2540 E. Baltimore Street
Baltimore, MD 21224

Member of the Board of Trustees of Blind Industries and Services of Maryland; appointed to serve a term of three years from July 1, 2009

Collection Agency Licensing Board

20. Naomi B. Powell District 23
2301 Woodvale Lane
Mitchellville, MD 20721

Member of the Collection Agency Licensing Board; appointed to serve a term of four years from July 1, 2010

Correctional Standards, Commission on

21. Thomas D. Reece, Jr. District 28
5233 Colebrook Drive
La Plata, MD 20646

Member of the Commission on Correctional Standards; appointed to serve a term of three years from July 1, 2011

Correctional Training Commission

22. C. Steven Snow District 3
5601 Drought Spring Court
Frederick, MD 21702

Member of the Correctional Training Commission; appointed to serve a term of three years from July 1, 2011

Longitudinal Data System Center Governing Board, Maryland

23. Michael J. Martirano, Ed.D. District 29
22398 Crossbill Lane
Leonardtown, MD 20650

Member of the Maryland Longitudinal Data System Center Governing Board; appointed to serve remainder of a term of three years from July 1, 2010

Residential Child Care Program Administrators, State Board for Certification of

24. Brady Graves Daniels — District 13
10045 Cottonmill Lane
Columbia, MD 21046

Member of the State Board for Certification of Residential Child Care Program Administrators; appointed to serve a term of four years from July 1, 2011

Women, Maryland Commission for

25. Kimberly Brown, Ph.D. — District 21
8232 Brooktree Street
Laurel, MD 20724

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2008

Youth Camp Safety, Advisory Council on

26. Jay Gerson — District 14
24200 Hawkins Landing Drive
Laytonsville, MD 20882

Member of the Advisory Council on Youth Camp Safety; appointed to serve a term of three years from July 1, 2010

Statewide Nominees

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

Agriculture, Board of Review of the Department of

S–1. Nina Bhat — District 27
11612 Capstan Drive
Upper Marlboro, MD 20772

Member of the Board of Review of the Department of Agriculture; reappointed to serve a term of three years from January 1, 2010

Airport Zoning Appeals Board

S–2. Andrea M. Jones Horton District 32
7715 East Classic Court
Severn, MD 21061

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2011

S–3. Phillip Arthur Selden District 16
P.O. Box 703
Glen Echo, MD 20812

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2011

Amusement Ride Safety Board

S–4. Nancy R. Brashear District 4
108 Park Lane
Thurmont, MD 21788

Member of the Amusement Ride Safety Board; reappointed to serve a term of four years from July 1, 2011

Archaeology, Advisory Committee on

S–5. C. Jane Cox District 33
1621 Defense Highway
Gambrills, MD 21054

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2011

Chiropractic and Massage Therapy Examiners, State Board of

S–6. Stephanie J. Chaney, D.C. District 30
477 Penwood Drive
Edgewater, MD 21037

Member of the State Board of Chiropractic and Massage Therapy Examiners; reappointed to serve a term of four years from July 1, 2011

S–7. Daniel J. Kraus, D.C. District 16
7502 Leesburg Place
Bethesda, MD 20817

Member of the State Board of Chiropractic and Massage Therapy Examiners; reappointed to serve a term of four years from July 1, 2011

Contract Appeals, Maryland State Board of

S–8. Dana Lee Dembrow, Esq. District 9
1226 Canterbury Drive
Sykesville, MD 21784

Member of the Maryland State Board of Contract Appeals; reappointed to serve a term of five years from February 1, 2010

Correctional Standards, Commission on

S–9. John Michael Stouffer District 2
13733 Franks Run Road
Smithsburg, MD 21783

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2011

Residential Child Care Program Administrators, State Board for Certification of

S–10. Krystal H. McKinney District 24
4010 Bald Hill Terrace
Bowie, MD 20732

Member of the State Board for Certification of Residential Child Care Program Administrators; reappointed to serve a term of four years from July 1, 2011

Local Nominees

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

Allegany County Board of Elections

L–1. Lionel F. Baker, Sr. District 1
15011 Paradise Street
Midland, MD 21542

Member of the Allegany County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–2. Richard Lee DeVore, Jr. District 1
10325 Mason Dixon View NW, P.O. Box 45
Ellerslie, MD 21502

Member of the Allegany County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–3. Georgia Martin District 1
148 N. Mechanic Street
Cumberland, MD 21502

Member of the Allegany County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–4. Catherine O'Rourke Davis District 1
410 Crest View Drive
Frostburg, MD 21502

Member of the Allegany County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–5. JoAnn Spiker District 1
14401 New Georges Creek Road SW
Frostburg, MD 21332

Member of the Allegany County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Anne Arundel County Board of Elections

L–6. Kimberly Jill Barr, Esq. District 33
639 Sean Drive
Annapolis, MD 21401

Member of the Anne Arundel County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–7. John "Jack" Ensor District 33
1133 Nichols Court
Millersville, MD 21108

Member of the Anne Arundel County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–8. Barbara L. Fisher District 31
1455 Pleasantville Drive
Glen Burnie, MD 21061

Member of the Anne Arundel County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–9. Michael E. Malone District 33
2011 Aldrich Lane
Gambrills, MD 21054

Member of the Anne Arundel County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–10. William G. Voelp District 31
21 Nicholson Drive
Pasadena, MD 21122

Member of the Anne Arundel County Board of Elections; appointed to serve a term of four years from June 6, 2011

Baltimore City Board of Elections

L–11. Tara Andrews District 41
3407 Elgin Avenue, #2 West
Baltimore, MD 21216

Member of the Baltimore City Board of Elections; appointed to serve a term of four years from June 6, 2011

L–12. Lawrence C. Cager, Jr. District 41
3001 Granada Avenue
Baltimore, MD 21207

Member of the Baltimore City Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–13. Cory McCray District 45
6908 Brook Avenue
Baltimore, MD 21206

Member of the Baltimore City Board of Elections; appointed to serve a term of four years from June 6, 2011

L–14. Frankie L. Powell District 41
5123 Queensberry Avenue
Baltimore, MD 21215

Member of the Baltimore City Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–15. Eleanor K. Wang District 41
5405 Falls Road Terrace
Baltimore, MD 21210

Member of the Baltimore City Board of Elections; reappointed to serve a term of four years from June 6, 2011

Baltimore County Board of Elections

L–16. Bruce N. Harris District 11
7015 Plymouth Road
Baltimore, MD 21208

Member of the Baltimore County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–17. Timothy R. Hickman District 42
2312 Springlake Drive
Timonium, MD 21093

Member of the Baltimore County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–18. Leronia A. Josey District 10
3700 Lochearn Drive
Baltimore, MD 21207

Member of the Baltimore County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–19. Joseph N. Karey District 42
102 Edgerton Road
Towson, MD 21286

Member of the Baltimore County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–20. Marjorie J. Neuman District 8
19 Juliet Lane, Unit 201
Baltimore, MD 21236

Member of the Baltimore County Board of Elections; appointed to serve a term of four years from June 6, 2011

Calvert County Board of Elections

L–21. James C. Fisk District 27
2921 Cedarwood Lane
Dunkirk, MD 20754

Member of the Calvert County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–22. Timothy W. Klares District 29
1830 Peace Court East
St. Leonard, MD 20685

Member of the Calvert County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–23. Keith A. Lotridge District 27
8431 Meadowview Circle
Owings, MD 20736

Member of the Calvert County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–24. Eugene C. McNerney District 27
10311 Three Doctors Road
Dunkirk, MD 20754

Substitute Member of the Calvert County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–25. Ceferino A. Von Epps District 29
12112 Catalina Drive
Lusby, MD 20657

Member of the Calvert County Board of Elections; appointed to serve a term of four years from June 6, 2011

Caroline County Board of Elections

L–26. Warner G. Johnson District 37
27320 Chipman Lane
Federalsburg, MD 21632

Member of the Caroline County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–27. Jack M. Keats District 36
15169 Day Road
Goldsboro, MD 21630

Member of the Caroline County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–28. Ronald M. Pippin District 36
25880 Dogwood Road
Greensboro, MD 21639

Member of the Caroline County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–29. Greta H. Scanlan District 36
24561 Mill Creek Lane
Denton, MD 21629

Member of the Caroline County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–30. Margaret A. Thompson District 37
8250 Harmony Road
Denton, MD 21629

Member of the Caroline County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 11, 2011.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 338)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #21

Senate Bill 287 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Public Accountancy – Educational Requirements for Examination and Licensure

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

Affirmative – 44 Negative – 0 (See Roll Call No. 339)

The Bill was then sent to the House of Delegates.

Senate Bill 288 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Cultural Diversity Programs – Reporting Requirements

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

Affirmative – 44 Negative – 0 (See Roll Call No. 340)

The Bill was then sent to the House of Delegates.

Senate Bill 290 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board for Professional Engineers – Examinations

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

Affirmative – 44 Negative – 0 (See Roll Call No. 341)

The Bill was then sent to the House of Delegates.

Senate Bill 292 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Institutions of Postsecondary Education – Falsified Transcripts, Diplomas, and Grade Reports – Penalties

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

Affirmative – 44 Negative – 0 (See Roll Call No. 342)

The Bill was then sent to the House of Delegates.

Senate Bill 293 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Examiners of Landscape Architects – Applicants for Licensure – Educational and Experience Requirements

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

Affirmative – 44 Negative – 0 (See Roll Call No. 343)

The Bill was then sent to the House of Delegates.

Senate Bill 294 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Pilots – Limited Licenses to Provide Pilotage

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

Affirmative – 44 Negative – 0 (See Roll Call No. 344)

The Bill was then sent to the House of Delegates.

Senate Bill 370 – Senator Conway

AN ACT concerning

Accountants – Regulation – Preparation of a Compilation of Financial Statements

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

Affirmative – 44 Negative – 0 (See Roll Call No. 345)

The Bill was then sent to the House of Delegates.

Senate Bill 371 – Senator Conway

AN ACT concerning

Health Occupations Boards – Discipline of Health Care Practitioners – Failure to Comply with Governor's Order

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

Affirmative – 44 Negative – 0 (See Roll Call No. 346)

The Bill was then sent to the House of Delegates.

Senate Bill 421 – Senators Edwards and Middleton

AN ACT concerning

Program Open Space – Attainment of Acquisition Goals – Increased Allocation for Local Government

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

Affirmative – 44 Negative – 0 (See Roll Call No. 347)

The Bill was then sent to the House of Delegates.

Senate Bill 479 – Senators Conway, Manno, Raskin, Benson, Ferguson, Frosh, Garagiola, Gladden, Glassman, Pinsky, Pugh, Young, and Zirkin

AN ACT concerning

Transportation – Procurement for MARC Train Service – Disclosure Requirements Regarding Involvement in Deportations

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

Affirmative – 45 Negative – 0 (See Roll Call No. 348)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #22

Senate Bill 282 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Education)

AN ACT concerning

Family Day Care Providers – Amnesty Period – Repeal

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

Affirmative – 45 Negative – 0 (See Roll Call No. 349)

The Bill was then sent to the House of Delegates.

Senate Bill 286 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Services – State Comprehensive Juvenile Services 3–Year Plan

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

Affirmative – 45 Negative – 0 (See Roll Call No. 350)

The Bill was then sent to the House of Delegates.

Senate Bill 309 – Senator Kelley

AN ACT concerning

Consumer Protection – Transparency in Consumer Arbitrations Act

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

Affirmative – 32 Negative – 13 (See Roll Call No. 351)

The Bill was then sent to the House of Delegates.

Senate Bill 328 – Senator Kasemeyer

AN ACT concerning

Estates and Trusts – Transfers – Recordation and Transfer Taxes

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

Affirmative – 45 Negative – 0 (See Roll Call No. 352)

The Bill was then sent to the House of Delegates.

Senate Bill 346 – Senator Zirkin

AN ACT concerning

Income Tax – Subtraction Modification – Maryland Defense Force

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

Affirmative – 44 Negative – 0 (See Roll Call No. 353)

The Bill was then sent to the House of Delegates.

Senate Bill 356 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Eligibility

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

Affirmative – 45 Negative – 0 (See Roll Call No. 354)

The Bill was then sent to the House of Delegates.

Senate Bill 357 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Administration – Simplification

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

Affirmative – 45 Negative – 0 (See Roll Call No. 355)

The Bill was then sent to the House of Delegates.

Senate Bill 359 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Unclaimed Money – Former Members, Retirees, and Beneficiaries

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

Affirmative – 45 Negative – 0 (See Roll Call No. 356)

The Bill was then sent to the House of Delegates.

Senate Bill 403 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Reemployment Earnings Offset – Retiree Health Care Premiums

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

Affirmative – 45 Negative – 0 (See Roll Call No. 357)

The Bill was then sent to the House of Delegates.

Senate Bill 799 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

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 – 38 Negative – 7 (See Roll Call No. 358)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #23

Senate Bill 139 – Senator Zirkin

AN ACT concerning

Family Law – Grounds for Absolute Divorce ~~– Time Requirements~~

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

Affirmative – 40 Negative – 5 (See Roll Call No. 359)

The Bill was then sent to the House of Delegates.

Senate Bill 205 – Senator Frosh

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Accuracy of Notice of Intent to Foreclose

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

Affirmative – 45 Negative – 0 (See Roll Call No. 360)

The Bill was then sent to the House of Delegates.

Senate Bill 211 – Senators Kelley and Stone

AN ACT concerning

Real Property – Condominiums and Homeowners Associations – Foreclosure of Certain Liens Prohibited

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

Affirmative – 40 Negative – 5 (See Roll Call No. 361)

The Bill was then sent to the House of Delegates.

Senate Bill 264 – Senator Kelley

AN ACT concerning

Common Ownership Communities – Fidelity Insurance – Indemnification

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

Affirmative – 45 Negative – 0 (See Roll Call No. 362)

The Bill was then sent to the House of Delegates.

Senate Bill 284 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Education)

AN ACT concerning

Education – High School Graduation Records – Collection, Maintenance, Analysis, and Reporting

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

Affirmative – 45 Negative – 0 (See Roll Call No. 363)

The Bill was then sent to the House of Delegates.

Senate Bill 289 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Edward T. Conroy Memorial Scholarship Program – Eligibility

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

Affirmative – 45 Negative – 0 (See Roll Call No. 364)

The Bill was then sent to the House of Delegates.

Senate Bill 383 – Senator Mathias

EMERGENCY BILL

AN ACT concerning

Somerset County – Deputy State's Attorney – Private Practice

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

Affirmative – 45 Negative – 0 (See Roll Call No. 365)

The Bill was then sent to the House of Delegates.

Senate Bill 450 – Senator Frosh

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Lost Note Affidavit

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

Affirmative – 45 Negative – 0 (See Roll Call No. 366)

The Bill was then sent to the House of Delegates.

Senate Bill 516 – Senators Forehand, Kelley, Madaleno, Ramirez, and Raskin

AN ACT concerning

Foreclosed Residential Property – Tenants – Collection of Rent Payments – Prior Notice

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

Affirmative – 44 Negative – 0 (See Roll Call No. 367)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 368)

ADJOURNMENT

At 10:48 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 11, 2011.

Annapolis, Maryland
Friday, March 11, 2011
11:00 A.M. Session

The Senate met at 11:14 A.M.

Prayer by Reverend Doctor Romaine Williams, Union Bethel A.M.E. Church, guest of Senator Kelley.

(See Exhibit A of Appendix III)

The Journal of March 10, 2011 was read and approved.

On motion of Senator Garagiola it was ordered that Senators Jennings and Zirkin be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 371)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 103 – Delegates Haddaway–Riccio, Cane, Eckardt, Hershey, Jacobs, McDermott, O'Donnell, Otto, Rudolph, and Smigiel

AN ACT concerning

Vehicle Laws – ~~Gross Weight Limits~~ Exceptional Hauling Permits – Farm ~~Vehicles and Vehicles Carrying Farm~~ Products

FOR the purpose of ~~allowing~~ authorizing the State Highway Administration to issue permits for certain vehicles ~~that are registered as farm vehicles or that are~~ carrying certain ~~farm products, and that are loaded in a certain location, a certain gross weight limit tolerance~~ products and loads of certain maximum weights to operate in certain areas ~~under~~ in certain circumstances and subject to certain conditions; expanding the scope of a certain permitting process for certain vehicles that carry certain forest products to include certain vehicles that carry certain farm products; repealing a certain separate permitting

process for certain vehicles that carry certain milk products; altering certain fees for permits for certain vehicles that carry certain products; altering certain time periods in which certain permits for certain vehicles that carry certain products are valid; defining a certain term; and generally relating to ~~gross weight limits for farm vehicles and~~ exceptional hauling permits for vehicles carrying farm products.

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 10–601(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section ~~24–109~~ 24–113.2
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing
Article – Transportation
Section 24–113.3
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 167 – The Speaker (By Request – Administration) and Delegates Stein and Cardin

AN ACT concerning

Maryland Electric Vehicle Infrastructure Council

FOR the purpose of establishing the Maryland Electric Vehicle Infrastructure Council; specifying the membership and staffing of the Council; requiring the Governor to designate the chair or cochairs of the Council; requiring the Council to perform certain duties and make certain recommendations; prohibiting members of the Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Council to submit an interim and a final report by certain dates; defining certain terms; providing for the termination of this Act; and generally relating to the Maryland Electric Vehicle Infrastructure Council.

Read the first time and referred to the Committee on Finance and the Committee on Education, Health, and Environmental Affairs.

House Bill 205 – Delegates Kaiser, Kach, Barkley, Boteler, Carr, Clippinger, Frick, Haynes, Healey, Hixson, Ivey, Lafferty, McDermott, Morhaim, Parrott, Reznik, B. Robinson, Smigiel, Szeliga, Tarrant, F. Turner, and Wilson

AN ACT concerning

Election Law – Campaign Funds – Investments

FOR the purpose of authorizing a campaign finance entity to invest funds the entity receives in a certificate of deposit with a certain term or a United States Treasury bill; providing for a delayed effective date; and generally relating to the investment of campaign funds.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–220(a)
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 222 – ~~Delegate Malone~~ Delegates Malone, Clagett, Frush, Glenn, Howard, Stein, and Wilson

AN ACT concerning

Motor Vehicles – Use of Wireless Communication Device – Prohibited Acts, ~~and~~ Enforcement, and Penalties

FOR the purpose of repealing certain provisions of law that require enforcement as a secondary offense of certain violations involving the use of a wireless communication device while operating a motor vehicle; repealing certain provisions of law that apply certain prohibitions involving the use of a wireless communication device to certain operators of certain motor vehicles only if the motor vehicle is in motion; providing that certain prohibitions against the use of a wireless communication device while operating a motor vehicle only apply if the vehicle is in the travel portion of the roadway; altering the penalty imposed for a violation of a certain prohibition on the use of a handheld telephone while operating a motor vehicle; repealing a certain provision of law prohibiting, under certain circumstances, a certain assessment of points for a first violation of a certain prohibition on the use of a handheld telephone while operating a motor vehicle; making a certain technical correction; and generally relating to the use of wireless communication devices while operating a motor vehicle.

BY repealing and reenacting, with amendments,

Article – Transportation
Section 21–1124 and 21–1124.2
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 27–101(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 227 – **Delegates Waldstreicher, Afzali, Anderson, Barkley, Barve, Cardin, Carr, Dumais, Frush, Gilchrist, Glenn, Hucker, Kach, A. Kelly, Kipke, Lee, McComas, Morhaim, Reznik, Smigiel, Valderrama, and Washington**

AN ACT concerning

Criminal Law – ~~Abuse or Neglect of Animals~~ Animal Abuse, Neglect, or Cruelty – ~~Sentencing~~ Conditions of Probation

FOR the purpose of authorizing a court, as a condition of ~~sentencing~~ probation for certain violations concerning ~~the abuse or neglect of animals~~ animal abuse, neglect, or cruelty, to prohibit a certain defendant from owning, possessing, or residing with an animal ~~for a certain period~~; and generally relating to animal abuse, neglect, or cruelty.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–604 and 10–606
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

House Bill 228 – **Delegates Haddaway–Riccio and Eckardt**

AN ACT concerning

Housing Authorities – Consolidation or Merger – Talbot County and St. Michaels

FOR the purpose of authorizing the Housing Commission of Talbot County and the St. Michaels Housing Authority to unite by consolidation or merger to form one authority under certain circumstances; requiring the unification of the Housing

Commission of Talbot County and the St. Michaels Housing Authority to be initiated by the passage of a certain proposal of unification by the legislative body of certain municipal corporations; requiring the appointment of a certain commission to draft proposed articles of organization for a proposed authority under certain circumstances; imposing certain duties on a certain commission; providing that the legislative body of each municipal corporation must adopt or reject certain articles of organization as a whole; prohibiting the articles of organization from being amended or changed except under certain circumstances; requiring a certain custodian of records to file certain articles of organization with the Secretary of State under certain circumstances; requiring the Secretary of State to issue a certificate of approval for certain articles of organization under certain circumstances; prohibiting an authority created under this Act from doing business or exercising its powers unless a certain certificate has been issued; defining certain terms; and generally relating to the consolidation or merger of the Housing Commission of Talbot County and the St. Michaels Housing Authority.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 12–105, 12–201, and 12–204(a)
Annotated Code of Maryland
(2006 Volume and 2010 Supplement)

BY adding to
Article – Housing and Community Development
Section 12–208
Annotated Code of Maryland
(2006 Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 247 – Delegates Simmons, Dumais, and Kramer

AN ACT concerning

Maryland General and Limited Power of Attorney Act – Modifications

FOR the purpose of establishing that certain provisions of law relating to durable powers of attorney apply to all powers of attorney; altering the authority of an agent under certain statutory form powers of attorney; providing that certain powers shall be deemed to be included in certain forms executed during a certain period of time under certain circumstances; defining certain terms; altering a certain definition; providing for the application of certain provisions of this Act; and generally relating to powers of attorney.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts
Section 17–101, 17–105, 17–109, 17–202, and 17–203
Annotated Code of Maryland
(2001 Replacement Volume and 2010 Supplement)

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

House Bill 301 – Delegates Frush and Beitzel

AN ACT concerning

Natural Resources – Suspension of Hunting Licenses and Privileges

FOR the purpose of authorizing the Department of Natural Resources to suspend for certain periods of time the hunting license or privileges of a person who is convicted of a State or federal hunting violation; requiring the Department to suspend for a certain time period the hunting license or privileges of a person who receives within a certain time period a ~~certain~~ second conviction for ~~a hunting violation~~ certain hunting violations; authorizing the Department to order that certain persons not obtain a hunting license for a certain time period; repealing certain provisions of law authorizing the Department to impose a certain fine and certain hunting license suspensions for a conviction for certain hunting violations; authorizing a court to suspend the hunting license of a person convicted of a federal hunting violation and the hunting privileges of a person convicted of a State or federal hunting violation; prohibiting a person whose hunting license is suspended from hunting or performing certain hunting activities anywhere in the State; prohibiting a person whose hunting privileges are suspended from hunting, or performing certain activities related to hunting, in the State; authorizing the Department to adopt regulations to implement this Act; clarifying certain language; defining a certain term; and generally relating to the suspension of hunting licenses and privileges in the State.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–205, 10–423, 10–1101, and 10–1108
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 312 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Courts – Sentence Review – Review Panel

FOR the purpose of altering the number of judges on a criminal sentence review panel; altering a certain definition to require review panel judges to be of a certain judicial circuit; clarifying who is entitled to a sentence review by a review panel; clarifying that a sentence includes any suspended portion for the purposes of a sentence review; repealing a provision of law authorizing a certain sentencing judge to sit with a review panel in an advisory capacity; ~~authorizing~~ prohibiting a review panel ~~to confer~~ from conferring with a certain sentencing judge; establishing that the sentencing court retains jurisdiction over a defendant's case and may rule on a certain motion if the review panel decides that the sentence should remain unchanged; establishing that a review panel has jurisdiction over a defendant's case once a sentence has been changed; establishing that, after resentencing by a review panel, the defendant may file a certain motion for modification even if the defendant previously filed a certain motion for modification; clarifying who may be heard at a criminal sentence review hearing; making a certain clarifying change; and generally relating to criminal sentence reviews and review panels.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 8–101, 8–102, 8–105, and 8–106
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 313 – Delegate Stein

AN ACT concerning

Natural Resources – Woodland Incentives Fund – Renaming

FOR the purpose of renaming the Woodland Incentives Fund to be the Mel Noland Woodland Incentives Fund; making certain conforming changes; clarifying certain provisions of law relating to the contents of and reports about the Fund; and generally relating to the Woodland Incentives Fund.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–204(a)(2)(ii), 5–301(g), and 5–307(a), (b), (f), and (j)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–2A–04(c)(2)(iv)
Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 13–306(a)(3)(i)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 348 – Delegate Cardin

AN ACT concerning

Election Law – Citizens Who Have Not Lived in the United States – Right to Vote

FOR the purpose of providing that a citizen who has not lived in the United States but has a parent who is a registered voter in the State is a resident of the State for purposes of voter registration; prohibiting an individual from being considered a resident of the State if the individual has established a domicile outside the State; authorizing an individual to register to vote and vote only in elections for federal office in the county in the State where a parent resides if the individual meets certain requirements; and generally relating to enfranchising certain citizens who have not lived in the United States.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–102
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 908 – Delegate Stein

AN ACT concerning

Motor Vehicles – Leased Vehicles – Advertising Practices

FOR the purpose of prohibiting a person who leases vehicles to lessees from failing to include certain charges in calculating the base lease payment shown in an advertisement for a leased vehicle, or from advertising to the general public a capitalized cost reduction to a lessee unless the capitalized cost reduction is offered to all potential lessees; clarifying that certain provisions of law apply to

an advertisement for a leased vehicle; and generally relating to advertising practices for a person who leases vehicles.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 14–2001(a) through (d)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 14–2003
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–313(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 27 – Delegate O'Donnell

AN ACT concerning

Ethics – Executive Branch – Lobbying by Former Officials

FOR the purpose of prohibiting certain former Executive Branch officials from engaging in certain employment for a certain period of time; providing exceptions to the employment prohibition; and generally relating to lobbying by former Executive Branch officials.

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–504(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 39 – Delegates Conway and McDermott

AN ACT concerning

Worcester County – Slot Machines for Nonprofit Organizations

FOR the purpose of adding Worcester County to the list of counties in which certain nonprofit fraternal, religious, and war veterans' organizations may own and operate a certain number of slot machines under certain circumstances; and generally relating to slot machines in Worcester County.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–304
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

House Bill 46 – Delegate O'Donnell

AN ACT concerning

Ethics Law – Soliciting the Employment of Lobbyists

FOR the purpose of prohibiting a State official or public official from directly or indirectly ~~soliciting~~ initiating a solicitation for a person to retain the services of a particular regulated lobbyist or lobbying firm; and generally relating to the regulation of conduct by State and public officials under the Maryland Public Ethics Law.

BY repealing and reenacting, without amendments,
Article – State Government
Section 15–102(bb), (ff), and (ll)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–506
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 51 – Delegates Olszewski and Kach

AN ACT concerning

Video Lottery Operation Licenses – Information on Payouts

FOR the purpose of requiring that regulations adopted by the State Lottery Commission include provisions that require certain payouts above certain amounts be reported to the State Lottery Agency in a report that contains certain information; requiring that the State Lottery Agency modify the report in a certain manner and forward the modified report to the Department of Human Resources' Child Support Enforcement Administration for certain purposes; and generally relating to video lottery terminal payouts and the holding of a video lottery operation license.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–24(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–24(f)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Government
Section 9–1A–24(g)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 339 – Delegates Frush, Busch, Alston, Anderson, Barkley, Barnes, Barve, Braveboy, Carr, Frick, Gaines, Gilchrist, Glenn, Griffith, Gutierrez, Hubbard, Hucker, Ivey, Kipke, Lee, Morhaim, Niemann, Pena–Melnyk, Proctor, B. Robinson, Ross, Rudolph, Summers, Tarrant, V. Turner, Valderrama, Valentino–Smith, Waldstreicher, and Zucker

AN ACT concerning

Task Force on the Establishment of a Statewide Spay/Neuter Fund

FOR the purpose of establishing a Task Force on the Establishment of a Statewide Spay/Neuter Fund; specifying the membership, chair, and staff of the Task Force; specifying that a member of the Task Force may not receive compensation, but may receive reimbursement for certain expenses; requiring the Task Force to review certain spay/neuter programs, develop a certain spay/neuter program, and make certain recommendations; requiring the Task Force to report its findings and recommendations to the Governor and certain

committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force on the Establishment of a Statewide Spay/Neuter Fund.

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 347 – Delegate Lafferty

AN ACT concerning

Environment – Nitrogen Removal Technology – Evaluation and Ranking

FOR the purpose of requiring the Department of the Environment to evaluate and rank certain nitrogen removal technologies for on–site sewage disposal systems for certain purposes; requiring the Department to make available a certain evaluation and ranking on the Department's Web site; requiring the Department to provide a certain evaluation and ranking to a county, municipality, or resident of the State under certain circumstances; requiring the Department to request certain information from certain vendors for certain purposes; defining certain terms; and generally relating to nitrogen removal technology for on–site sewage disposal systems.

BY adding to
Article – Environment
Section 9–1108.1
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 355 – Delegates Schulz, Afzali, Aumann, Boteler, Clagett, Cluster, Frank, Hershey, Hogan, Hough, McDermott, Minnick, Myers, Ready, Serafini, Smigiel, and Weir

AN ACT concerning

Natural Resources – Hunting – Junior Deer Hunt

FOR the purpose of requiring the Department of Natural Resources to establish by regulation and by a certain date each year a junior deer hunt to occur on certain days during ~~the bow~~ a deer hunting season; prohibiting the regulations from authorizing the junior deer hunt to occur on certain Sundays in certain counties; authorizing certain persons who are under a certain age to participate in the junior deer hunt under certain circumstances; authorizing a person who participates in the junior deer hunt to use a firearm to hunt deer during the

hunt; establishing a certain exception to the prohibition against Sunday deer hunting; and generally relating to the regulation of hunting.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–405(a) and 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 408 – Delegates McComas, Alston, Anderson, Aumann, Carter, Cluster, Conaway, DeBoy, Dumais, Dwyer, Frank, Haddaway–Riccio, K. Kelly, Lee, McConkey, Parrott, B. Robinson, Simmons, and Smigiel

AN ACT concerning

Criminal Law – Identity Fraud – Assumption of Identity of Fictitious Person

FOR the purpose of clarifying that a person is prohibited from knowingly and willfully assuming the identity of a fictitious person to avoid identification, apprehension, or prosecution for a crime, or with fraudulent intent to get a benefit, credit, good, service, or any other thing of value or to avoid the payment of debt or other legal obligation; providing penalties for a violation of this Act; and generally relating to identity fraud.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 8–301(c)
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 8–301(g)
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

House Bill 497 – Delegates Conway and Otto

AN ACT concerning

Natural Resources – Somers Cove Marina Commission – Procurement ~~of~~ ~~Capital Projects~~

FOR the purpose of authorizing the Executive Director of the Somers Cove Marina to procure certain capital improvement, design, and maintenance projects; requiring the Executive Director to follow certain procurement procedures under certain circumstances; providing that certain procurements with an expected value that exceeds a certain amount are governed by certain provisions of the procurement law; and generally relating to ~~the~~ procurement ~~of capital improvement, design, and maintenance projects~~ for the Somers Cove Marina.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5–908.1(b)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–908.1(f)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 509 – Delegate Niemann

EMERGENCY BILL

AN ACT concerning

Real Property – Mortgages – Enforcement

FOR the purpose of clarifying the authority of the Commissioner of Financial Regulation to enforce the provisions of certain laws relating to mortgages by exercising certain investigative and enforcement powers; authorizing the Commissioner to seek an injunction to prohibit a person who has engaged or is engaging in a violation of certain laws from engaging or continuing to engage in the violation; authorizing a court to enter certain orders or judgments; authorizing the Commissioner to recover certain cost in certain actions; authorizing the Commissioner to require a violator of certain laws to take certain affirmative actions to correct the violation; authorizing the Commissioner to investigate violations of certain laws and aid any other unit of State government that has regulatory jurisdiction over the business activities of a violator under certain circumstances; authorizing the Commissioner to cooperate with certain units of law enforcement in the investigation and prosecution of violations of certain laws; clarifying that a homeowner or other

person may bring an action for damages under certain laws without having to exhaust administrative remedies under certain laws and regardless of the status of an administrative action or a criminal prosecution under certain laws; defining a certain term; making stylistic changes; making this Act an emergency measure; and generally relating to the enforcement of laws relating to mortgages.

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 2–113 through 2–116
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 7–319 ~~and 7–404~~, 7–320, 7–404, and 7–406
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Real Property
Section 7–319.1, 7–401(a–1), and 7–404.1
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

House Bill 523 – Delegates Rosenberg and Dumais

AN ACT concerning

Courts – Fee for the Special Admission of an Out–of–State Attorney – Janet L. Hoffman Loan Assistance Repayment Program

FOR the purpose of requiring the State Court Administrator to assess a certain fee for the special admission of an out–of–state attorney and to pay a certain portion of the fee into the Janet L. Hoffman Loan Assistance Repayment Program; requiring certain funds for the Program to be allocated to certain individuals; providing that funds for the Program include money paid to the Program from the assessment of a certain fee; and generally relating to funding for the Janet L. Hoffman Loan Assistance Repayment Program with fees paid for the special admission of out–of–state attorneys.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 10–215
Annotated Code of Maryland

(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–202
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 18–1502
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 18–1504
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings and the Committee on Education, Health, and Environmental Affairs.

House Bill 663 – Delegate Simmons

AN ACT concerning

Crimes – Committing a Crime of Violence in the Presence of a Minor – Penalties

FOR the purpose of prohibiting a person from committing a certain crime of violence when the person knows or reasonably should know that a minor is present; establishing certain circumstances under which a minor is present in a residence; establishing certain penalties for a violation of this Act; establishing that a sentence under this Act is separate from and consecutive to a sentence for a crime based on the act establishing a violation of this Act; providing that a person who violates this Act is guilty of the abuse of a child under 18 for certain purposes; and generally relating to the commission of crimes of violence in the presence of minors.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 9–106(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY adding to

Article – Criminal Law
Section 3–601.1
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5–101(a) and (c)
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

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

House Bill 876 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Single Parent Services – Repeal

FOR the purpose of repealing provisions of law requiring the Secretary of Human Resources to establish a single parent services program in each local department of social services; repealing related provisions of law; and generally relating to single parent services.

BY repealing
Article – Family Law
Section 6–101 through 6–103 and the title "Title 6. Single Parents"
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 454 (Emergency Bill)	The President	Annual Curative Bill
SB 455 (Emergency Bill)	The President	Annual Corrective Bill

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #10

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

Senate Bill 191 – Senator Edwards

AN ACT concerning

Real Property – Interference With Property Markers – Penalty Increase

SB0191/808177/1
BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 191
(First Reading File Bill)

In line 2, strike "Interference With" and substitute "Obliterating, Damaging, or Removing"; in line 3, strike "altering" and substitute "increasing"; in the same line, after "for" insert "willfully"; and in line 7, strike "interfering with" and substitute "obliterating, damaging, or removing".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 333 – Senator Garagiola

AN ACT concerning

Children in Need of Assistance – Hearings – Written Findings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 469 – Carroll County Senators

AN ACT concerning

Carroll County – Fortune Telling Ban – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 500 – Senator Getty

AN ACT concerning

Criminal Law – Identity Fraud – Assumption of Identity of Fictitious Person

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #10

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

Senate Bill 484 – Senators King, Forehand, Garagiola, Montgomery, Peters, and Robey

AN ACT concerning

Municipal Corporations – Direct Deposit of Wages

SB0484/637279/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 484
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Municipal" insert "Counties and"; in line 4, after "deposit" insert "and to require an employee to receive the payment of wages by direct

deposit as a condition of employment; prohibiting a county or municipal corporation from requiring the payment of wages by direct deposit for an employee who was hired before a certain date, whose employment is not conditioned on the employee receiving the payment of wages by direct deposit, or who does not have a certain bank account and opts–out of direct deposit in a certain manner; authorizing certain employees of certain counties and municipal corporations to elect to receive the payment of wages by direct deposit"; in line 5, after "to" insert "provide certain employees with a certain form,"; in the same line, after "in" insert "a"; in the same line, strike "accounts" and substitute "account, and provide certain employees with a certain direct deposit statement at certain times; requiring certain employees to complete and submit to a county or municipal corporation a certain form; requiring certain employees to select a personal bank account for the direct deposit of the employee's wages that is at a financial institution that participates in a certain network; specifying that an employee may change a certain personal bank account number or financial institution by completing and submitting a certain form"; and in line 6, after the second "by" insert "counties and".

AMENDMENT NO. 2

On page 2, in line 7, after "**(1)**" insert "**(I)**"; in the same line, strike "**A**" and substitute "**SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A COUNTY OR**"; in the same line, after "**MAY**" insert "**:**

1.";

in line 9, strike the period and substitute "**; AND**

2. REQUIRE AN EMPLOYEE TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT AS A CONDITION OF EMPLOYMENT.

(II) A COUNTY OR MUNICIPAL CORPORATION MAY NOT REQUIRE THE PAYMENT OF WAGES BY DIRECT DEPOSIT FOR AN EMPLOYEE:

1. WHO WAS HIRED BEFORE OCTOBER 1, 2011;

2. WHOSE EMPLOYMENT IS NOT CONDITIONED ON THE EMPLOYEE RECEIVING THE PAYMENT OF WAGES BY DIRECT DEPOSIT; OR

3. WHO:

A. DOES NOT HAVE A PERSONAL BANK ACCOUNT; AND

B. INFORMS THE EMPLOYEE'S EMPLOYER THAT THE EMPLOYEE WISHES TO OPT–OUT OF DIRECT DEPOSIT.

(III) IF A COUNTY OR MUNICIPAL CORPORATION ELECTS TO PAY WAGES BY DIRECT DEPOSIT, AN EMPLOYEE WHO IS NOT REQUIRED TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT MAY ELECT TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.";

in line 10, after "**A**" insert "**COUNTY OR**"; in line 11, after "**THE**" insert "**COUNTY OR**"; in the same line, after "**SHALL**" insert "**:**

(I) PROVIDE AN EMPLOYEE WHO IS REQUIRED OR ELECTS TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT WITH AN ELECTRONIC FUND TRANSFER AUTHORIZATION FORM;

(II)";

in lines 13 and 14, strike "**:**

(I)";

in line 14, after "**EMPLOYEE**" insert "**ON THE ELECTRONIC FUND TRANSFER AUTHORIZATION FORM**"; in the same line, after the semicolon insert "**AND**

(III) EACH TIME THE COUNTY OR MUNICIPAL CORPORATION PAYS THE WAGE OF AN EMPLOYEE BY DIRECT DEPOSIT, PROVIDE THE EMPLOYEE WITH A DIRECT DEPOSIT STATEMENT THAT INCLUDES:

1. THE TOTAL AMOUNT OF THE WAGE;

2. ANY AMOUNT DEDUCTED FROM THE WAGE; AND

3. THE AMOUNT OF THE WAGE DIRECTLY DEPOSITED INTO THE PERSONAL BANK ACCOUNT OF THE EMPLOYEE.";

strike in their entirety lines 15 through 19, inclusive; and after line 19, insert:

"**(3) (I) AN EMPLOYEE WHO IS REQUIRED OR ELECTS TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT SHALL COMPLETE AND SUBMIT TO THE COUNTY OR MUNICIPAL CORPORATION THE ELECTRONIC FUND TRANSFER AUTHORIZATION FORM PROVIDED TO THE EMPLOYEE UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

(II) AN EMPLOYEE WHO IS REQUIRED OR ELECTS TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT SHALL SELECT A PERSONAL BANK ACCOUNT FOR THE DIRECT DEPOSIT OF THE EMPLOYEE'S WAGES THAT IS AT A FINANCIAL INSTITUTION THAT PARTICIPATES IN THE AUTOMATIC CLEARING HOUSE NETWORK.

(III) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN EMPLOYEE MAY CHANGE THE PERSONAL BANK ACCOUNT NUMBER OR THE FINANCIAL INSTITUTION DESIGNATED ON AN ELECTRONIC FUND TRANSFER AUTHORIZATION FORM BY COMPLETING AND SUBMITTING A NEW ELECTRONIC FUND TRANSFER AUTHORIZATION FORM TO THE COUNTY OR MUNICIPAL CORPORATION.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 690 – Senator Middleton

AN ACT concerning

Renewable Energy Portfolio – Waste–to–Energy

SB0690/667170/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 690
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Middleton" and substitute "Senators Middleton, Astle, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Muse, and Pugh"; in line 5, after the semicolon insert "providing that waste–to–energy is eligible for inclusion in meeting a certain standard only if the source is connected with the distribution grid serving Maryland;"; and in line 9, after "(m)" insert "and 7–704(a) and (f)".

AMENDMENT NO. 2

On page 3, after line 16, insert:

"7–704.

(a) (1) Energy from a Tier 1 renewable source:

(i) is eligible for inclusion in meeting the renewable energy portfolio standard regardless of when the generating system or facility was placed in service; and

(ii) may be applied to the percentage requirements of the standard for either Tier 1 renewable sources or Tier 2 renewable sources.

(2) (i) 1. Except as provided in subsubparagraph 2 of this subparagraph, energy from a Tier 1 renewable source under § 7–701(l)(1)**, [**or**]** (9)**, AND (10)** of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard only if the source is connected with the electric distribution grid serving Maryland.

2. On or before December 31, 2011, energy from a Tier 1 renewable source under § 7–701(l)(1) of this subtitle that is not connected with the electric distribution grid serving Maryland is eligible for inclusion in meeting the renewable energy portfolio standard only if offers for solar credits from Maryland grid

sources are not made to the electricity supplier that would satisfy requirements under the standard and only to the extent that such offers are not made.

(ii) If the owner of a solar generating system in this State chooses to sell solar renewable energy credits from that system, the owner must first offer the credits for sale to an electricity supplier or electric company that shall apply them toward compliance with the renewable energy portfolio standard under § 7–703 of this subtitle.

(3) Energy from a Tier 1 renewable source under § 7–701(l)(8) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard if it is generated at a dam that existed as of January 1, 2004, even if a system or facility that is capable of generating electricity did not exist on that date.

(4) Energy from a Tier 2 renewable source under § 7–701(m)**[**(1) or (2)**]** of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard through 2018 if it is generated at a system or facility that existed and was operational as of January 1, 2004, even if the facility or system was not capable of generating electricity on that date.

(f) (1) In order to create a renewable energy credit, a Tier 1 renewable source or Tier 2 renewable source must substantially comply with all applicable environmental and administrative requirements, including air quality, water quality, solid waste, and right–to–know provisions, permit conditions, and administrative orders.

(2) (i) This paragraph applies to Tier **[**2**]** **1** renewable sources that incinerate solid waste.

(ii) At least 80% of the solid waste incinerated at a Tier **[**2**]** **1** renewable source facility shall be collected from:

1. for areas in Maryland, jurisdictions that achieve the recycling rates required under § 9–505 of the Environment Article; and

2. for other states, jurisdictions for which the electricity supplier demonstrates recycling substantially comparable to that required under § 9–505 of the Environment Article, in accordance with regulations of the Commission.

(iii) An electricity supplier may report credits received under this paragraph based on compliance by the facility with the percentage requirement of subparagraph (ii) of this paragraph during the year immediately preceding the year in which the electricity supplier receives the credit to apply to the standard.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 701 – Senator Klausmeier

AN ACT concerning

Health Insurance – Prescription Eye Drops – Refills

SB0701/907275/1
BY: Finance Committee

AMENDMENT TO SENATE BILL 701
(First Reading File Bill)

On page 2, in line 12, strike "**WHEN**"; strike in their entirety lines 13 through 18, inclusive, and substitute:

"**(1) IN ACCORDANCE WITH GUIDANCE FOR EARLY REFILLS OF TOPICAL OPHTHALMIC PRODUCTS PROVIDED TO MEDICARE PART D PLAN SPONSORS BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES; AND**

(2) IF:";

and in lines 19, 22, and 25, strike "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 702 – Senator Klausmeier

AN ACT concerning

Health Insurance – Coverage of Hearing Aids

SB0702/627670/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 702
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 9 down through "nondisposable" in line 10 and substitute "making certain conforming changes".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 21 through 24, inclusive.

AMENDMENT NO. 3

On page 2, in lines 1, 9, 19, and 22, strike "(b)", "(c)", "(d)", and "**(E)**", respectively, and substitute "**(A)**", "**(B)**", "**(C)**", and "**(D)**", respectively; in line 9, after "(1)" insert "**IN THIS SUBSECTION, "HEARING AID" MEANS A DEVICE THAT:**

(I) IS OF A DESIGN AND CIRCUITRY TO OPTIMIZE AUDIBILITY AND LISTENING SKILLS IN THE ENVIRONMENT COMMONLY EXPERIENCED BY CHILDREN; AND

(II) IS NONDISPOSABLE.

(2)";

in line 12, strike "(2)" and substitute "**(3)**"; and in line 13, strike "(1)" and substitute "**(2)**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #6

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

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #6
March 10, 2011

District Court, Baltimore City (District 1)

1. Jamey H. Hueston District 43

   Judge of the District Court of Maryland, District 1, Baltimore City; reappointed to serve a term of ten years from April 12, 2011

2. Ronald Alan Karasic District 43

   Judge of the District Court of Maryland, District 1, Baltimore City; appointed to serve a term of ten years from July 17, 2011

3. Catherine Curran O'Malley District 45

   Judge of the District Court of Maryland, District 1, Baltimore City; reappointed to serve a term of ten years from July 17, 2011

4. C. Yvonne Holt Stone District 41

Judge of the District Court of Maryland, District 1, Baltimore City; reappointed to serve a term of ten years from April 12, 2011

5. Barbara Baer Waxman District 41

Judge of the District Court of Maryland, District 1, Baltimore City; reappointed to serve a term of ten years from April 12, 2011

District Court, Baltimore County (District 8)

6. Nancy M. Purpura District 11

Judge of the District Court of Maryland, District 8, Baltimore County; reappointed to serve a term of ten years from August 2, 2011

7. Dorothy Jean Wilson District 8

Judge of the District Court of Maryland, District 8, Baltimore County; reappointed to serve a term of ten years from August 2, 2011

District Court, Caroline County (District 3)

8. Douglas H. Everngam District 37

Judge of the District Court of Maryland, District 3, Caroline County; reappointed to serve a term of ten years from May 17, 2011

District Court, Carroll County (District 10)

9. JoAnn M. Ellinghaus–Jones District 5

Judge of the District Court of Maryland, District 10, Carroll County; reappointed to serve a term of ten years from March 7, 2011

District Court, Montgomery County (District 6)

10. Gary Gilbert Everngam District 19

Judge of the District Court of Maryland, District 6, Montgomery County; reappointed to serve a term of ten years from May 11, 2011

11. Eugene Wolfe District 19

Judge of the District Court of Maryland, District 6, Montgomery County; reappointed to serve a term of ten years from May 11, 2011

Agriculture, Board of Review of the Department of

12. Albert Cleveland Brown, V.M.D. District 14
4408 Dustin Road
Burtonsville, MD 20866

Member of the Board of Review of the Department of Agriculture; reappointed to serve a term of three years from January 1, 2009

13. Charles E. Fry District 3
4410 Tuscarora Road
Tuscarora, MD 21790

Member of the Board of Review of the Department of Agriculture; appointed to serve a term of three years from January 1, 2011

14. Jeffrey W. Griffith District 33
5643 Greenock Road
Lothian, MD 20711

Member of the Board of Review of the Department of Agriculture; reappointed to serve a term of three years from January 1, 2010

15. Richard A. Horsmon District 29
1805 Parran Road
St. Leonard, MD 20695

Member of the Board of Review of the Department of Agriculture; reappointed to serve a term of three years from January 1, 2009

16. Wayne Carl Stafford District 34
2617 Blue Ball Road
Elkton, MD 21921

Member of the Board of Review of the Department of Agriculture; appointed to serve a term of three years from January 1, 2011

Archaeology, Advisory Committee on

17. Joy Beasley District 41
5312 Brabant Road
Baltimore, MD 21229

Member of the Advisory Committee on Archaeology; appointed to serve a term of three years from July 1, 2011

Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists, State Board of Examiners for

18. Rodric D. McKinnon District 9
3310 Fox Valley Drive
West Friendship, MD 21794

Member of the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists; appointed to serve a term of four years from July 1, 2011

Blind Industries and Services of Maryland, Board of Trustees of

19. Michael L. Gosse, Ph.D. District 46
2540 E. Baltimore Street
Baltimore, MD 21224

Member of the Board of Trustees of Blind Industries and Services of Maryland; appointed to serve a term of three years from July 1, 2009

Collection Agency Licensing Board

20. Naomi B. Powell District 23
2301 Woodvale Lane
Mitchellville, MD 20721

Member of the Collection Agency Licensing Board; appointed to serve a term of four years from July 1, 2010

Correctional Standards, Commission on

21. Thomas D. Reece, Jr. District 28
5233 Colebrook Drive
La Plata, MD 20646

Member of the Commission on Correctional Standards; appointed to serve a term of three years from July 1, 2011

Correctional Training Commission

22. C. Steven Snow District 3
5601 Drought Spring Court
Frederick, MD 21702

Member of the Correctional Training Commission; appointed to serve a term of three years from July 1, 2011

Longitudinal Data System Center Governing Board, Maryland

23. Michael J. Martirano, Ed.D. District 29
22398 Crossbill Lane
Leonardtown, MD 20650

Member of the Maryland Longitudinal Data System Center Governing Board; appointed to serve remainder of a term of three years from July 1, 2010

Residential Child Care Program Administrators, State Board for Certification of

24. Brady Graves Daniels District 13
10045 Cottonmill Lane
Columbia, MD 21046

Member of the State Board for Certification of Residential Child Care Program Administrators; appointed to serve a term of four years from July 1, 2011

Women, Maryland Commission for

25. Kimberly Brown, Ph.D. District 21
8232 Brooktree Street
Laurel, MD 20724

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2008

Youth Camp Safety, Advisory Council on

26. Jay Gerson District 14
24200 Hawkins Landing Drive
Laytonsville, MD 20882

Member of the Advisory Council on Youth Camp Safety; appointed to serve a term of three years from July 1, 2010

Statewide Nominees

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

Agriculture, Board of Review of the Department of

S–1. Nina Bhat — District 27
11612 Capstan Drive
Upper Marlboro, MD 20772

Member of the Board of Review of the Department of Agriculture; reappointed to serve a term of three years from January 1, 2010

Airport Zoning Appeals Board

S–2. Andrea M. Jones Horton — District 32
7715 East Classic Court
Severn, MD 21061

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2011

S–3. Phillip Arthur Selden — District 16
P.O. Box 703
Glen Echo, MD 20812

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2011

Amusement Ride Safety Board

S–4. Nancy R. Brashear — District 4
108 Park Lane
Thurmont, MD 21788

Member of the Amusement Ride Safety Board; reappointed to serve a term of four years from July 1, 2011

Archaeology, Advisory Committee on

S–5. C. Jane Cox District 33
1621 Defense Highway
Gambrills, MD 21054

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2011

Chiropractic and Massage Therapy Examiners, State Board of

S–6. Stephanie J. Chaney, D.C. District 30
477 Penwood Drive
Edgewater, MD 21037

Member of the State Board of Chiropractic and Massage Therapy Examiners; reappointed to serve a term of four years from July 1, 2011

S–7. Daniel J. Kraus, D.C. District 16
7502 Leesburg Place
Bethesda, MD 20817

Member of the State Board of Chiropractic and Massage Therapy Examiners; reappointed to serve a term of four years from July 1, 2011

Contract Appeals, Maryland State Board of

S–8. Dana Lee Dembrow, Esq. District 9
1226 Canterbury Drive
Sykesville, MD 21784

Member of the Maryland State Board of Contract Appeals; reappointed to serve a term of five years from February 1, 2010

Correctional Standards, Commission on

S–9. John Michael Stouffer District 2
13733 Franks Run Road
Smithsburg, MD 21783

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2011

Residential Child Care Program Administrators, State Board for Certification of

S–10. Krystal H. McKinney District 24
4010 Bald Hill Terrace
Bowie, MD 20732

Member of the State Board for Certification of Residential Child Care Program Administrators; reappointed to serve a term of four years from July 1, 2011

Local Nominees

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

Allegany County Board of Elections

L–1. Lionel F. Baker, Sr. District 1
15011 Paradise Street
Midland, MD 21542

Member of the Allegany County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–2. Richard Lee DeVore, Jr. District 1
10325 Mason Dixon View NW, P.O. Box 45
Ellerslie, MD 21502

Member of the Allegany County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–3. Georgia Martin District 1
148 N. Mechanic Street
Cumberland, MD 21502

Member of the Allegany County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–4. Catherine O'Rourke Davis District 1
410 Crest View Drive
Frostburg, MD 21502

Member of the Allegany County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–5. JoAnn Spiker District 1
14401 New Georges Creek Road SW
Frostburg, MD 21332

Member of the Allegany County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Anne Arundel County Board of Elections

L–6. Kimberly Jill Barr, Esq. District 33
639 Sean Drive
Annapolis, MD 21401

Member of the Anne Arundel County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–7. John "Jack" Ensor District 33
1133 Nichols Court
Millersville, MD 21108

Member of the Anne Arundel County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–8. Barbara L. Fisher District 31
1455 Pleasantville Drive
Glen Burnie, MD 21061

Member of the Anne Arundel County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–9. Michael E. Malone District 33
2011 Aldrich Lane
Gambrills, MD 21054

Member of the Anne Arundel County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–10. William G. Voelp District 31
21 Nicholson Drive
Pasadena, MD 21122

Member of the Anne Arundel County Board of Elections; appointed to serve a term of four years from June 6, 2011

Baltimore City Board of Elections

L–11. Tara Andrews District 41
3407 Elgin Avenue, #2 West
Baltimore, MD 21216

Member of the Baltimore City Board of Elections; appointed to serve a term of four years from June 6, 2011

L–12. Lawrence C. Cager, Jr. District 41
3001 Granada Avenue
Baltimore, MD 21207

Member of the Baltimore City Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–13. Cory McCray District 45
6908 Brook Avenue
Baltimore, MD 21206

Member of the Baltimore City Board of Elections; appointed to serve a term of four years from June 6, 2011

L–14. Frankie L. Powell District 41
5123 Queensberry Avenue
Baltimore, MD 21215

Member of the Baltimore City Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–15. Eleanor K. Wang District 41
5405 Falls Road Terrace
Baltimore, MD 21210

Member of the Baltimore City Board of Elections; reappointed to serve a term of four years from June 6, 2011

Baltimore County Board of Elections

L–16. Bruce N. Harris District 11
7015 Plymouth Road
Baltimore, MD 21208

Member of the Baltimore County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–17. Timothy R. Hickman District 42
2312 Springlake Drive
Timonium, MD 21093

Member of the Baltimore County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–18. Leronia A. Josey District 10
3700 Lochearn Drive
Baltimore, MD 21207

Member of the Baltimore County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–19. Joseph N. Karey District 42
102 Edgerton Road
Towson, MD 21286

Member of the Baltimore County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–20. Marjorie J. Neuman District 8
19 Juliet Lane, Unit 201
Baltimore, MD 21236

Member of the Baltimore County Board of Elections; appointed to serve a term of four years from June 6, 2011

Calvert County Board of Elections

L–21. James C. Fisk District 27
2921 Cedarwood Lane
Dunkirk, MD 20754

Member of the Calvert County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–22. Timothy W. Klares District 29
1830 Peace Court East
St. Leonard, MD 20685

Member of the Calvert County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–23. Keith A. Lotridge District 27
8431 Meadowview Circle
Owings, MD 20736

Member of the Calvert County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–24. Eugene C. McNerney District 27
10311 Three Doctors Road
Dunkirk, MD 20754

Substitute Member of the Calvert County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–25. Ceferino A. Von Epps District 29
12112 Catalina Drive
Lusby, MD 20657

Member of the Calvert County Board of Elections; appointed to serve a term of four years from June 6, 2011

Caroline County Board of Elections

L–26. Warner G. Johnson District 37
27320 Chipman Lane
Federalsburg, MD 21632

Member of the Caroline County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–27. Jack M. Keats District 36
15169 Day Road
Goldsboro, MD 21630

Member of the Caroline County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–28. Ronald M. Pippin District 36
25880 Dogwood Road
Greensboro, MD 21639

Member of the Caroline County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–29. Greta H. Scanlan District 36
24561 Mill Creek Lane
Denton, MD 21629

Member of the Caroline County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–30. Margaret A. Thompson District 37
8250 Harmony Road
Denton, MD 21629

Member of the Caroline County Board of Elections; reappointed to serve a term of four years from June 6, 2011

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

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

The above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 372)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 323 – Senator George C. Edwards:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Jakob "Bubba" Scheffel
in recognition of
setting the Maryland State Record of the most high school wrestling wins with 167 wins to date and for earning three Maryland State Championship titles representing Southern Garrett High School. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 11th day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 43 Negative – 0 (See Roll Call No. 373)

INTRODUCTION OF BILLS

Senator Conway moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 983 – Senator Conway

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Baltimore City – Long–Term Care at Stadium Place

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2010 to expand the authorized purposes of a certain grant; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2010.

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA02(Q) and Item ZA03(R)

Senator Conway moved to suspend the rules to allow **Senate Bill 983** to be referred immediately.

The motion was adopted.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 374)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #24

Senate Bill 200 – Senator Zirkin

AN ACT concerning

Juvenile Services – Recidivism – Reporting

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

Affirmative – 45 Negative – 0 (See Roll Call No. 375)

The Bill was then sent to the House of Delegates.

Senate Bill 247 – Senators Raskin, Colburn, Forehand, Frosh, Garagiola, Gladden, Jennings, King, Madaleno, Pugh, Shank, Stone, Young, ~~and Zirkin~~ Zirkin, Brochin, Jacobs, Ramirez, and Montgomery

AN ACT concerning

Criminal Procedure – Seizure and Forfeiture – Property Used in Human Trafficking

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

Affirmative – 45 Negative – 0 (See Roll Call No. 376)

The Bill was then sent to the House of Delegates.

Senate Bill 299 – Senators Jennings, Shank, Forehand, Gladden, Kelley, King, Pugh, Ramirez, Raskin, Stone, Young, and Zirkin

AN ACT concerning

Wiretapping and Electronic Surveillance – Investigation of Human Trafficking

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

Affirmative – 45 Negative – 0 (See Roll Call No. 377)

The Bill was then sent to the House of Delegates.

Senate Bill 411 – Senators Raskin and Forehand

AN ACT concerning

Financial Crimes – Seizure and Forfeiture of Property

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

Affirmative – 45 Negative – 0 (See Roll Call No. 378)

The Bill was then sent to the House of Delegates.

Senate Bill 515 – Senators Zirkin and Miller

AN ACT concerning

Public Defender – Representation – Income Eligibility and Appointment by a Court

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

Affirmative – 44 Negative – 0 (See Roll Call No. 379)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #25

Senate Bill 1 – ~~Senator Middleton~~ Senators Middleton, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Muse, and Pugh

AN ACT concerning

Joint Committee on Workers' Compensation Benefit and Insurance Oversight – Membership

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

Affirmative – 45 Negative – 0 (See Roll Call No. 380)

The Bill was then sent to the House of Delegates.

Senate Bill 81 – Chair, Finance Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Assistance Efforts for Family Investment Program Recipients – Repeal

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

Affirmative – 45 Negative – 0 (See Roll Call No. 381)

The Bill was then sent to the House of Delegates.

Senate Bill 203 – Senators Montgomery, Benson, Forehand, Garagiola, Glassman, Kasemeyer, Kelley, King, Madaleno, Manno, Middleton, Pinsky, Pugh, Ramirez, Raskin, Robey, and Rosapepe

AN ACT concerning

Health Care Decisions Act – "Medical Orders for Life–Sustaining Treatment" Form

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

Affirmative – 45 Negative – 0 (See Roll Call No. 382)

The Bill was then sent to the House of Delegates.

Senate Bill 317 – Senators Pinsky ~~and Brinkley~~, Brinkley, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, Muse, and Pugh

AN ACT concerning

~~Property and Casualty~~ Homeowner's Insurance – Victims of Crimes of Violence – Discrimination Prohibited

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

Affirmative – 45 Negative – 0 (See Roll Call No. 383)

The Bill was then sent to the House of Delegates.

Senate Bill 402 – ~~Senator Glassman~~ Senators Glassman and Pugh

AN ACT concerning

Motor Carrier Companies – Local Public Transportation Systems – Exemption from Motor Carrier Permit Requirement

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

Affirmative – 45 Negative – 0 (See Roll Call No. 384)

The Bill was then sent to the House of Delegates.

Senate Bill 428 – Senator Klausmeier

AN ACT concerning

Mental Hygiene – Admission Provisions – Definition of "Psychologist"

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

Affirmative – 41 Negative – 4 (See Roll Call No. 385)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 386)

ADJOURNMENT

At 11:56 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 14, 2011.

Annapolis, Maryland
Monday, March 14, 2011
8:00 P.M. Session

The Senate met at 7:58 P.M.

Prayer by Reverend Greg St.Cyr, Bay Area Community Church, guest of Senator Astle.

(See Exhibit A of Appendix III)

The Journal of March 11, 2011 was read and approved.

QUORUM CALL

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

(See Roll Call No. 388)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 354 – Delegates V. Turner, Alston, Costa, Donoghue, Elliott, Healey, Hubbard, Kach, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Valderrama, and Valentino–Smith

AN ACT concerning

Health Occupations – Temporary Volunteer Dentist's License, Temporary Volunteer Dental Hygienist's License, and Temporary Dental Clinic Permit

FOR the purpose of establishing a temporary volunteer dentist's license, a temporary volunteer dental hygienist's license, and a temporary dental clinic permit under the State Board of Dental Examiners; <u>altering a certain qualification for certain dentists and dental hygienists licensed in another state to be granted a license in this State;</u> establishing certain procedures for dentists, dental hygienists, and bona fide charitable organizations to apply for certain licenses and permits; establishing the scope of practice of certain licenses; prohibiting the Board from requiring continuing education as a condition for the issuance of certain licenses; requiring temporary dental clinics to have a medical emergency plan, certain equipment, and certain safeguards; specifying certain powers of the

Board; altering certain definitions; defining a certain term; making a stylistic change; and generally relating to the establishment of a temporary volunteer dentist's license, a temporary volunteer dental hygienist's license, and a temporary dental clinic permit.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–101, 4–304, 4–306(b), and 4–308
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 357 – Chair, Economic Matters Committee

AN ACT concerning

State Real Estate Commission – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Real Estate Commission in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to certain statutory and regulatory authority of the Commission; requiring the Commission to include certain information in its annual report to the Secretary of Labor, Licensing, and Regulation; increasing the amount that a person may recover for each claim against the Real Estate Guaranty Fund; prohibiting a certain settlement offered to a licensee by the Commission from including a certain provision; requiring the licensee to submit notice of the change, certain documentation, and a certain fee to the Commission if the address of the affiliated brokerage of a licensed associate real estate broker or a licensed real estate salesperson changes; increasing a certain fee for collection of a dishonored check; requiring the Commission to submit a certain report on or before a certain date; and generally relating to the State Real Estate Commission.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–210, 17–404(b), 17–520, 17–521(a), and 17–702
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Business Occupations and Professions
Section 17–413
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(60)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 378 – Delegates Nathan–Pulliam, Braveboy, Burns, Costa, Hubbard, A. Kelly, Kipke, Oaks, Pena–Melnyk, B. Robinson, and V. Turner

EMERGENCY BILL

AN ACT concerning

State Board of Nursing – Medication Technician Graduates and Certified Medication Technicians

FOR the purpose of extending the time period during which a medication technician graduate may practice without certification from the State Board of Nursing; authorizing certain medication technicians to practice for a certain time period while the State Board of Nursing processes a certain application; requiring the State Board of Nursing to provide a certain report to certain committees of the General Assembly on or before a certain date; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the State Board of Nursing and medication technician graduates and certified medication technicians.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–6A–07 and 8–6A–08(f)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 460 – Delegates Murphy, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hammen, Hubbard, Kach, Kipke, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Ready, Reznik, Tarrant, ~~and V. Turner~~ V. Turner, Rudolph, and Valderrama

AN ACT concerning

Prescription Drug Repository Program – Disposal of Prescription Drugs and Medical Supplies

FOR the purpose of altering the purpose of the Prescription Drug Repository Program to include disposal of certain prescription drugs and medical supplies; altering the definition of "repository" to include a licensed pharmacy approved by the State Board of Pharmacy to dispose of certain prescription drugs and medical supplies; altering a certain requirement relating to disposal of prescription drugs and medical supplies by a repository; authorizing a pharmacy to accept prescription drugs and medical supplies taken to the pharmacy for disposal only under certain circumstances; expanding certain exemptions from criminal prosecution and liability to include disposal of medical supplies; altering certain requirements for Program regulations; authorizing the Board to take certain disciplinary action against a pharmacist or pharmacy that fails to dispense or dispose of prescription drugs or medical supplies in accordance with certain provisions of law; making a certain conforming change; and generally relating to the Prescription Drug Repository Program and disposal of prescription drugs and medical supplies.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–601, 15–602, 15–605(b), 15–607, and 15–608
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health – General
Section 15–605(f)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–313(b)(30) and (31) and 12–403(b)(19) and (20)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health Occupations
Section 12–313(b)(32) and 12–403(b)(21)

Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 12–403(g)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance and the Committee on Education, Health, and Environmental Affairs.

House Bill 503 – Delegates Bromwell, Kach, and W. Miller

AN ACT concerning

Health Occupations Boards – Discipline of Health Care Practitioners – Failure to Comply with Governor's Order

FOR the purpose of authorizing certain health occupations boards to take certain actions against certain health care practitioners under certain circumstances and subject to certain hearing provisions; prohibiting certain health care practitioners from knowingly and willfully failing to comply with certain provisions of law; subjecting certain health care practitioners to certain discipline under certain circumstances; and generally relating to the discipline of health care practitioners for the failure to comply with the Governor's order relating to catastrophic health emergencies.

BY adding to
Article – Health Occupations
Section 1–219
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 14–3A–01(a) and (e) and 14–3A–03(c)
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 14–3A–08
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 529 – Delegates A. Miller, Afzali, Alston, Arora, Barkley, Barve, Boteler, Carr, Clippinger, Cullison, Dumais, Feldman, George, Gilchrist, Glass, Hammen, Ivey, Kaiser, A. Kelly, Kramer, Lee, Luedtke, Niemann, O'Donnell, Olszewski, Pena–Melnyk, Reznik, S. Robinson, Serafini, Summers, F. Turner, Valderrama, Valentino–Smith, and Zucker

AN ACT concerning

Telephone Companies – Distribution of Telephone Directories ~~to Residential Customers~~

FOR the purpose of providing that a telephone company may not be required to distribute a certain telephone directory to an address in the State unless the property owner or an occupant requests the directory; requiring a telephone company to provide certain notice to customers if the telephone company elects not to deliver a telephone directory to each customer; requiring a telephone company to deliver a print telephone directory to a customer at no cost to the customer under certain circumstances; and generally relating to telephone companies and the distribution of telephone directories.

BY adding to
Article – Public Utilities
Section 8–206
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 709 – Delegates V. Turner, Donoghue, Griffith, Hammen, Hubbard, Morhaim, Nathan–Pulliam, Pendergrass, and Valderrama

AN ACT concerning

Health Officers – Authority to Enter into Contracts or Agreements for Delivery of Health Care Services

FOR the purpose of authorizing a health officer, under certain circumstances, to enter into a contract or other written agreement to assist or participate in the delivery of health care services with a certain person; and generally relating to the powers of health officers.

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

Section 3–306
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 37 – Delegates Carr, Pena–Melnyk, Barnes, Beidle, Hucker, Lafferty, Mizeur, and Niemann

AN ACT concerning

State Government – Access to Public Records – Electronic Documents

FOR the purpose of requiring a custodian of a public record to provide certain applicants with a copy of the public record in a certain electronic format under certain circumstances; establishing a certain exception; authorizing a custodian to remove certain metadata from certain documents; providing for the construction of certain provisions of this Act; clarifying that a certain act does not constitute creating~~, compiling, or programming~~ a new public record; authorizing a custodian to charge an applicant a certain fee for producing a copy of a public record in an electronic format under certain circumstances; defining a certain term; and generally relating to access to public records.

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–611, 10–620, and 10–621
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 61 – Delegate O'Donnell

AN ACT concerning

Fire, Rescue, or Emergency Medical Services Entities – Resale of Admission Tickets

FOR the purpose of prohibiting a person from selling or offering for sale an admission ticket to a certain event held for the benefit of a fire, a rescue, or an emergency services entity at a greater price than that printed on the ticket; providing for a certain penalty; and generally relating to fire, rescue, and emergency services entities.

BY adding to
Article – Public Safety

Section 7–404
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

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

House Bill 68 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring the Board to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 9A–602
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(28)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 204 – Chair, Economic Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Commercial Motor Vehicles Engaged in Intrastate Commerce – Minimum Security Requirements

FOR the purpose of extending to certain for–hire vehicles engaged in intrastate commerce that exceed a certain gross vehicle weight rating, the authority of the Motor Vehicle Administration to adopt regulations in conformance with federal standards establishing specific minimum levels of required security for commercial vehicles; providing for a delayed effective date; and generally relating to minimum security requirements for motor carriers.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–920(h) and 17–103(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 25–111.1
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 281 – Delegates Beitzel and Conway

AN ACT concerning

Maryland Strategic Energy Investment Fund – Small Rural Electric Cooperative – Prohibition

FOR the purpose of ~~prohibiting funds in a certain account in~~ providing that a certain provision of law relating to the use of certain proceeds received by the Maryland Strategic Energy Investment Fund ~~from being used to offset electricity rates of~~ and credited to a certain account does not apply to residential customers of a small rural electric cooperative; requiring, as approved by the Public Service Commission, certain small rural electric cooperatives to distribute certain moneys held in a certain account as of a certain date to certain organizations; and generally relating to the Maryland Strategic Energy Investment Fund and small rural electric cooperatives.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–20B–05(a) and (b)
Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–20B–05(g)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Government
Section 9–20B–05(g–2)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 306 – Delegate Frush

AN ACT concerning

Task Force on Solar Hot Water Systems in Prince George's County

FOR the purpose of reestablishing the Task Force on Solar Hot Water Systems in Prince George's County; providing for the members of the Task Force; providing for the designation of a chair of the Task Force; requiring the Prince George's County government to provide staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation; providing that a member of the Task Force may receive reimbursement of certain expenses; requiring the Task Force to study certain matters and make certain findings and recommendations; requiring the Task Force to report its findings and recommendations to the Prince George's County Senators, the Prince George's County Delegation, the Prince George's County Council, the Prince George's County Executive, and certain committees of the General Assembly on or before a certain date; stating a certain intent of the General Assembly concerning technical assistance provided by the Maryland Energy Administration; stating a certain intent of the General Assembly concerning the selection of Task Force members; providing for the termination of this Act; and generally relating to the Task Force on Solar Hot Water Systems in Prince George's County.

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

House Bill 329 – Delegates S. Robinson, Arora, Barkley, Conaway, Cullison, Gilchrist, Hucker, A. Kelly, Lee, Luedtke, A. Miller, O'Donnell, Ready, Reznik, B. Robinson, Summers, Waldstreicher, and Zucker

AN ACT concerning

Public Information Act – Required Denials – Senior Citizen Activities Centers

FOR the purpose of requiring a custodian of records under the Public Information Act to deny inspection of the part of a public record that contains certain information regarding an individual enrolled in or a member of certain senior citizen activities centers; requiring a custodian to permit inspection of certain information by a person in interest, law enforcement personnel, and emergency services personnel; defining ~~a~~ certain ~~term~~ terms; and generally relating to the inspection of the records of senior citizen activities centers under the Public Information Act.

BY repealing and reenacting, without amendments,
Article – Human Services
Section 10–513(c)
Annotated Code of Maryland
(2007 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 10–611(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Government
Section 10–617(m)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

MESSAGE FROM THE EXECUTIVE

March 11, 2011

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

Dear Mr. President:

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

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

Sincerely,

Governor

GUBERNATORIAL APPOINTMENTS TO STATEWIDE BOARDS REQUIRING CONFIRMATION 2011 SESSION OF THE MARYLAND GENERAL ASSEMBLY

LABOR RELATIONS BOARD, PUBLIC SCHOOL	
Seymour Strongin, Esq. 8010 Church Neck Road St. Michaels, Maryland 21663 Talbot/37	Appointment Public Term to expire June 30, 2014
Robert Chanin, Esq. 600 Quaint Acres Drive Silver Spring, Maryland 20904 Montgomery/20	Appointment Organization Representing Majority of Public School Employees in the State Term to expire June 30, 2013
Stuart O. Simms, Esq. 3511 Cedardale Road Baltimore, Maryland 21215 Baltimore City/41	Appointment Statewide Organization Representing Public School Employees in a Jurisdiction within the State other than the Majority Organization Term to expire June 30, 2014
Charles I. Ecker 5002 Durham Road E. Columbia, Maryland 21044 Howard/12	Appointment MD Association of Boards of Education/State Superintendents Association of Maryland Term to expire June 30, 2012
Donald P. Kopp 614 Wood Glenn Court Timonium, Maryland 21093 Baltimore County/11	Appointment MD Association of Boards of Education/State Superintendents Association of Maryland Term to expire June 30, 2013
WOMEN, MARYLAND COMMISSION FOR	

Kristy Herring 8126 Milford Garden Drive Baltimore, Maryland 21244 Baltimore County/10	Appointment Member Remainder of a term of 4 years from July 1, 2009
ANNE ARUNDEL COUNTY BOARD OF LICENSE COMMISSIONERS	
Melvin Hyatt 19 Williams Drive Annapolis, Maryland 21401 Anne Arundel/30	Reappointment Democrat – Chair Term to expire May 6, 2013
James C. Thomas 40 Glendale Avenue Glen Burnie, Maryland 21061 Anne Arundel/32	Reappointment Democrat Term to expire May 6, 2013
John G. Warner 2027 Poplar Ridge Road Pasadena, Maryland 21122 Anne Arundel/31	Reappointment Republican Term to expire May 6, 2013
BALTIMORE COUNTY, COMMUNITY COLLEGE TRUSTEES FOR	
Gloria K. McJilton 7260 Meadow Lane Baltimore, Maryland 21222 Baltimore County/06	Appointment 7th Councilmanic District Remainder of a term of 5 years from July 1, 2007

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

MESSAGE FROM THE EXECUTIVE

March 14, 2011

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

Dear Mr. President:

In accordance with Article II, § 13 of the Constitution of Maryland, I am pleased to submit the following appointment nomination for confirmation by the Maryland State Senate.

State Ethics Commission
Andrea Leahy-Fucheck, Esq.
14001 Barkham Court

Laurel, Maryland 20707
Prince George's County, Legislative District 21
Appointment as Member
Remainder of a term of 5 years from July 1, 2008

I trust you will find this individual to be well qualified and highly deserving of your support for the office in which he will serve. I look forward to your favorable approval of this nominee. Thank you for your assistance and support.

Sincerely,

Governor

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

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #12

CONSENT CALENDAR #50

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

BILL NO.	REPORT	SPONSOR	CONTENT
SB 270	FAV	Sen Edwards	Alcoholic Beverages – Allegany County Board of License Commissioners – Vacancies
SB 366	FAV	Sen Edwards	Allegany Co – Alc Bevs – Eligibility for Class B–BT (Buffet Theater) License
SB 391	FAV	Sen Shank, et al	Washington County – Alcoholic Beverages – Wine Festival License
SB 466	FAV	Carroll County Senators	Carroll County – Winery Special Event Permits – Farmers' Markets
SB 467	FAV	Carroll County Senators	Carroll County – Alcoholic Beverages – Liquor Tasting
SB 541	FAV	Sen Colburn	Dorchester County Liquor Act of 2011

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #13

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

Senate Bill 414 – Senator Frosh

AN ACT concerning

Natural Resources – Administrative Procedures – Electronic Citations, Inspections, and Hearings

SB0414/474737/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 414
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 13 down through "operations;" in line 14.

AMENDMENT NO. 2

On page 4, in line 28, strike the comma.

On page 6, in line 35, strike the first "**ON**" and substitute "**OF**".

On page 7, in line 2, strike the comma; in line 24, strike the brackets; in line 25, strike "**THE DEPARTMENT**"; and in the same line, after "**TIMES,**" insert "**INCLUDING WHEN THE LICENSEE OR PERSON IS ENGAGED IN AN ACTIVITY THAT REQUIRES A LICENSE UNDER THIS SECTION,**".

On page 8, after line 7, insert:

"**(IV) INSPECTIONS OF BUSINESSES AUTHORIZED UNDER THIS PARAGRAPH MAY BE CONDUCTED IN ANY BUILDING OTHER THAN A DWELLING HOUSE.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 468 – Carroll County Senators

AN ACT concerning

Carroll County – Deer Hunting on Private Property – Sundays

Senator Middleton moved, duly seconded, to make the Bill and Report a Special Order for March 15, 2011.

The motion was adopted.

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

Senate Bill 635 – Senator Frosh

AN ACT concerning

Natural Resources – Striped Bass and Crabs – Revocation

SB0635/844839/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 635
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Frosh" and substitute "Senators Frosh and Simonaire"; in line 2, after "Resources –" insert "Authorization to Catch"; in line 3, strike "receives a citation for" and substitute "commits"; and in line 9, strike "offenses" and substitute "violations".

On page 2, in line 11, strike "**OFFENSES**" and substitute "**EGREGIOUS OR REPEAT VIOLATIONS**"; and in line 26, after "**PERSON**" insert "**KNOWINGLY**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 655 – Senators Pinsky, Conway, Frosh, Manno, Montgomery, and Young

AN ACT concerning

Natural Resources – Commercial Fishing Violations – Enhanced Penalties

SB0655/334731/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 655
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Young" and substitute "Young, and Simonaire".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 341 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Bel Air Elementary School
Allegany County
in recognition of
having won the great honor of being a 2011 Blue Ribbon School. We are very proud of your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution

be presented on this 14th day of March 2011.

Senate Resolution No. 343 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Mt. Washington Elementary School
Baltimore City
in recognition of
having won the great honor of being a 2011 Blue Ribbon School. We are very proud of your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 14th day of March 2011.

Senate Resolution No. 345 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Oklahoma Road Middle School
Carroll County
in recognition of
having won the great honor of being a 2011 Blue Ribbon School. We are very proud of your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 14th day of March 2011.

Senate Resolution No. 346 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Lime Kiln Middle School
Howard County
in recognition of
having won the great honor of being a 2011 Blue Ribbon School. We are very proud of your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 14th day of March 2011.

Senate Resolution No. 344 – The President and All Members:

Be it hereby known to all that

The Senate of Maryland
offers its sincerest congratulations to
Towson High School Public Law and Policy
Baltimore County
in recognition of
having won the great honor of being a 2011 Blue Ribbon School. We are very proud of your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 14th day of March 2011.

Senate Resolution No. 342 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Severna Park High School
Anne Arundel County
in recognition of
having won the great honor of being a 2011 Blue Ribbon School. We are very proud of your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 14th day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 389)

Senate Resolution No. 347 – Senator James E. DeGrange, Sr.:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Archbishop Spalding High School Wrestling Team
in recognition of
their outstanding undefeated season and for achieving the rank of Maryland Independent School State Champions. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 14th day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 390)

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #14

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

Senate Bill 538 – Senators Colburn and Pipkin

AN ACT concerning

Natural Resources – Oyster Sanctuaries – Designation

SB0538/554431/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 538
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "available" and substitute "quality"; and in line 5, after "sanctuaries" insert ", except under certain circumstances".

AMENDMENT NO. 2

On page 1, in line 17, strike "**AVAILABLE**" and substitute "**QUALITY**"; and in line 18, after "**SANCTUARIES**" insert "**, UNLESS THE DEPARTMENT CONDUCTS A PUBLIC HEARING DURING WHICH IT PRESENTS SCIENTIFIC EVIDENCE OF A SIGNIFICANT INCREASE IN THE HARVESTABLE OYSTER POPULATION**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 720 – Senator Mathias

AN ACT concerning

Commercial Fishing Apprenticeship Permit – Eligibility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 763 – Senator Kittleman

AN ACT concerning

Hunting Licenses – Exemption for Disabled Armed Forces Members

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #8

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

Senate Bill 974 – Senator Astle

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – Contracts, Disclosures, and Audits

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

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

Senate Bill 975 – Senator Edwards

AN ACT concerning

Economic Development – Tri–County Council for Western Maryland – Membership and Leadership

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

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

Senate Bill 976 – **Senator Middleton**

AN ACT concerning

Income Tax – Credit for Charitable Contributions to Community Foundations

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

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

Senate Bill 977 – **Senators Gladden and Dyson**

AN ACT concerning

Freedom of Speech – Picketing at a Funeral – Distance

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

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

Senate Bill 978 – **Senator Muse**

AN ACT concerning

Prince George's County – Landlord and Tenant – Reclaiming Property After Repossession

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

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

Senate Bill 979 – **Senator Jones–Rodwell**

AN ACT concerning

Taxation of Corporations – Alternative Minimum Assessment

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

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

Senate Bill 980 – **Senator Middleton**

AN ACT concerning

Credit Unions – Boards of Directors – Electronically Conducted Elections

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

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

Senate Bill 981 – Senators Mathias and Colburn

AN ACT concerning

Wicomico County – Board of Education – Selection of Members – Straw Ballot

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

QUORUM CALL

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

(See Roll Call No. 391)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #26

Senate Bill 167 – Senators Ramirez, Madaleno, Manno, Benson, Conway, Currie, Ferguson, Forehand, Garagiola, Gladden, Jones–Rodwell, Kelley, King, ~~Manno,~~ Montgomery, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

~~Higher Education – Tuition Charges – Maryland High School Students~~
Public Institutions of Higher Education – Tuition Rates – Exemptions

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

Affirmative – 27 Negative – 20 (See Roll Call No. 392)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Pipkin moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senator Pipkin moved to suspend the rules to allow **Senate Bill 984** to be referred immediately.

The motion was adopted.

Senate Bill 984 – Senators Pipkin and Brinkley

AN ACT concerning

Budget Reconciliation and Balancing Act

FOR the purpose of altering or repealing certain required appropriations; altering the distribution of certain revenues; altering or repealing certain funding requirements; altering the authorized use of certain funds; altering or repealing certain grant programs; repealing the Maryland Stem Cell Research Fund, the Stem Cell Research Commission, and certain provisions of law providing for State–funded stem cell research; repealing a certain unit in the Department of Labor, Licensing, and Regulation; altering a certain limit on the amount of certain distributions required to be made to certain counties and Baltimore City based on per capita yield of county income taxes; altering certain State aid to local jurisdictions for local expenditures for police protection for certain fiscal years; authorizing certain units of government to charge a certain fee for certain purposes; repealing certain requirements for a certain notice relating to abandoned property to be published in certain newspapers; requiring the Comptroller to maintain, or cause to be maintained, an abandoned property database containing the names and last known addresses, if any, of persons listed in certain reports; requiring the Comptroller to maintain, or cause to be maintained, a certain Internet Web site relating to the abandoned property database; requiring the Comptroller to publish certain notices of a certain Internet Web site; requiring the counties and Baltimore City to reimburse the State for certain costs to employ certain law clerks; altering a certain fee imposed on persons supervised by the Division of Parole and Probation; prohibiting the use of State funds for certain purposes; altering certain State education funding for a certain fiscal year; providing that certain grants to county boards of education may be funded from the proceeds of certain bonds; requiring certain counties to reimburse the State for certain nonpublic education costs; authorizing the Maryland Higher Education Commission to impose certain fees; prohibiting new awards under a certain scholarship

program and abolishing the program by a certain date; altering the calculation of certain State aid to community colleges; altering certain State aid provided to certain nonpublic institutions of higher education; providing for the accreditation of certain youth camps by nationally recognized organizations; altering certain youth camp regulatory responsibilities of the Department of Health and Mental Hygiene; repealing certain youth camp inspection requirements; abolishing the Youth Camp Safety Advisory Council; altering a certain quality assessment on certain nursing facilities; repealing the sunset date for the quality assessment paid by certain nursing facilities; altering certain provisions relating to certain requirements that certain nonprofit health service plans use certain funds for certain purposes under certain circumstances; requiring the transfer of certain interest from certain funds into the General Fund; authorizing the State to establish separate health insurance benefit options for retirees that differ from those for active employees; authorizing the State to discontinue certain health benefits for certain retirees in a certain year; altering certain requirements that certain subsidies be deposited in the State Employees and Retirees Health and Welfare Benefits Program; establishing a certain reformed contributory pension benefit for new members of the Employees' Pension System and the Teachers' Pension System on or after a certain date; altering for certain members of the Employees' Pension System and the Teachers' Pension System the method for calculating the average final compensation that is used to determine certain retirement allowances; requiring the adjustment of a certain employer contribution rate for certain State retirement and pension systems to reflect the cost of legislative changes under certain circumstances; requiring certain members of the Employees' Pension System and the Teachers' Pension System to make a certain selection that affects the rate of member contributions and the rate used to calculate certain benefits; providing for a certain selection if an individual fails to make a selection on or before a certain date or within a certain time period; making the selections irrevocable and not subject to change; altering the rate of member contributions and the method for calculating certain benefits for certain members of the Employees' Pension System and the Teachers' Pension System; altering eligibility for, and the method of calculating, an early service retirement allowance for certain members of the Employees' Pension System and the Teachers' Pension System; altering certain eligibility requirements for participation in certain deferred retirement option programs for members of the State Police Retirement System and the Law Enforcement Officers' Pension System; altering the rate of member contributions for certain members of the Judges' Retirement System; altering certain eligibility requirements for a certain vested allowance for certain members of the Employees' Pension System and the Teachers' Pension System; providing for a certain cost–of–living adjustment for members of the Employees' Pension System and the Teachers' Pension System who are subject to the reformed contributory pension benefit; altering the method for applying service credit for military service so as to use the accrual rate in effect at the time of application for the military service credit; requiring the Governor's Salary Commission and the General Assembly Salary Commission to make certain recommendations concerning benefit and

contribution levels; requiring the Board of Trustees for the State Retirement and Pension System to provide certain reports to the Governor and the Joint Committee on Pensions; requiring counties to pay a certain portion of employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; providing for the method of payment each county is required to make to the Board of Trustees for the State Retirement and Pension System regarding a certain portion of employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; altering the distribution of certain motor fuel tax revenue; altering the distribution of certain sales and use tax revenues from short–term rental vehicles; altering the distribution of certain sales and use tax revenues for certain fiscal years; altering certain provisions relating to the funding of a certain highway; altering certain requirements for the percentage of operating costs that must be recovered from certain revenues for certain public transit services; altering the distribution of certain highway user revenues for a certain fiscal year; altering the share of the operating deficits of a certain regional transit system that the State is required to fund by certain annual grants from the Department of Transportation; requiring certain tax clearance verification before registration or renewal of registration of a motor vehicle; requiring certain tax clearance verification before issuance or renewal of a driver's license; authorizing the transfer of certain funds for certain purposes; providing that the Governor is not required to include certain appropriations in the budget for certain fiscal years under certain circumstances; prohibiting certain payments for certain rate increases for certain providers for a certain fiscal year; prohibiting the payment of certain merit increases for certain State employees for a certain period; authorizing the prefunding of certain education funding obligations; stating certain intent of the General Assembly regarding restraining spending in the State budget by implementation of certain actions; making the provisions of this Act severable; providing for the effective dates and application of this Act; and generally relating to the financing of State government.

BY repealing
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1104
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing
Article – Economic Development
Section 10–429 through 10–432 and 10–434 through 10–442 and the part "Part III. Stem Cell Research"
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY repealing

Article – Education
Section 5–202(f), 6–112; 18–1101 through 18–1107 and the subtitle "Subtitle 11. Distinguished Scholar Programs"; and 18–1201 through 18–1207 and the subtitle "Subtitle 12. Private Career School Student Grant Program"
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing
Article – Health – General
Section 14–401(b), (d), and (e), 14–402(b), (c), and (d), and 14–403 through 14–410
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing
Article – Labor and Employment
Section 2–107(f)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1101(a)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1101(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 41 – Governor – Executive and Administrative Departments
Section 4–407
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 15–607 and 17–311
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–512

Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–226(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–523(a)(3)(i)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY adding to
Article – Economic Development
Section 10–640(g) and 10–643(g)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–202(a)(13), 5–206(f)(1), 6–306, 8–710, 11–105(o), 14–405(b)(2), 16–305(c)(1), 16–310(d)(1), 16–512(a), 17–103, 17–104(a), 23–205(c) and (d), and 23–503(b)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Education
Section 8–507 and 18–1107
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 13–1114(g)(3)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 2–301, 2–302(b)(2), 14–402(a), 14–411, 19–214(b) and (c), and 19–310.1(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health – General
Section 14–401(b), 14–402(b), and 14–403 through 14–405
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–106(d)(1)(iv) and (2) and 14–106.1
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 2–107(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–212(g), 5–212.1(g), and 5–215(b) and (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3A–309(e), 6–226(a), and 7–325(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 2–508(b)(3), 20–101(hh–1), 20–205.1, 21–309.1, 23–212(d) and (e), 23–221(d); 23–225 and 23–226 to be under the new part "Part IV. Reformed Contributory Pension Benefit"; 23–401(f) and (g), 29–303(h); 29–430 through 29–432 to be under the new part "Part VII. Three/One Percent Compound Adjustment"; and 31–116.2
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–509.1, 2–516, 20–101(g) and (bb), 20–205(a), 21–304(a), (b), (e), and (f), 23–212(c), 23–221(a), 23–222, 23–401(a), (b), and (d), 23–402,

24–401.1(c), 26–401.1(c), 27–202, 29–303(b), (c), and (e), 34–101(d), and 38–104(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–202(b), 2–1104, 2–1302.1, 2–1302.2, and 11–105(c)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing
Article – Transportation
Section 1–103(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–321(e), 7–208(b), 8–402(c)(2), and 10–205(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–406(9) and (10) and 16–103.1(11) and (12)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 13–406(11) and 16–115(j)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Chapter 503 of the Acts of the General Assembly of 2007
Section 6

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

QUORUM CALL

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

(See Roll Call No. 393)

ADJOURNMENT

At 10:26 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 15, 2011.

Annapolis, Maryland
Tuesday, March 15, 2011
10:00 A.M. Session

The Senate met at 10:21 A.M.

Prayer by Reverend Florida T. Morehead, Shalom Ministries Christian Center, guest of Senator Muse.

(See Exhibit A of Appendix III)

The Journal of March 14, 2011 was read and approved.

QUORUM CALL

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

(See Roll Call No. 395)

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #15

CONSENT CALENDAR #51

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

Senate Bill 9 – Senators Glassman, Jacobs, and Jennings

EMERGENCY BILL

AN ACT concerning

Harford County – Alcoholic Beverages – Special Class C–3 Miscellaneous Organization or Club License

SB0009/284933/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 9

(First Reading File Bill)

On page 5, in line 13, strike "**40**" and substitute "**60**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 102 – Senators Pipkin and Colburn

AN ACT concerning

Caroline County – Alcoholic Beverages Act of 2011

SB0102/474735/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 102
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after "8–404.2(i)," insert "8–507.1(g), 11–301(a) and (d)(2), 11–302(a), (c), and (d), 11–303(a) and (d)(4),".

AMENDMENT NO. 2

On page 2, after line 4, insert:

"8–507.1.

(g) The hours and days for sale for a Class GC 7–day (golf course) beer, wine and liquor license are **[**as follows:

(1) Monday through Saturday from 6 a.m. to 2 a.m. the following day; and

(2) Sunday from 1 p.m. to 12 midnight**] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY**.

11–301.

(a) (1) Except as otherwise provided in this subsection, the hours during which the privileges conferred by a Class A beer license may be exercised are from 6 a.m. to midnight, on every day except Sunday.

(2) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.

[(2)**](3)** In Frederick County, the hours of operation are:

(i) On Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) On Sunday, from 11 a.m. to 2 a.m. the following day.

[(3)**](4)** In Montgomery County the hours are as provided in § 11–516(d)(1).

[(4)**](5)** In Prince George's County the hours are from 6 a.m. to 2 a.m. on the day following, except on Sunday when sales are not permitted after 2 a.m.

[(5)**](6)** In Washington County, the hours of sale are as provided under § 11–522 of this article.

(d) (2) In Caroline County the hours are from 6 a.m. **[**Monday through Saturday until 1 a.m. on the following day (including Sunday)**] TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY**.

11–302.

(a) (1) Except as otherwise provided in this subsection, the hours during which the privileges conferred by a Class A beer and light wine license may be exercised are from 6 a.m. to midnight on every day except Sunday.

(2) In the Park Heights Redevelopment Area that is specified in the Park Heights Master Plan adopted by Baltimore City in 2006, the hours of sale begin at 9 a.m. each day.

(3) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.

[(3)**](4)** In Frederick County, the hours of operation are:

(i) On Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) On Sunday, from 11 a.m. to 2 a.m. the following day.

[(4)**](5)** In Montgomery County the hours are as provided in § 11–516(d)(1).

[(5)**](6)** In Prince George's County the hours are from 6 a.m. to 2 a.m. on the following day except on Sunday when sales are not permitted after 2 a.m.

(c) (1) The hours during which the privileges conferred by a Class C beer and light wine license may be exercised are from 6 a.m. to midnight.

(2) Except as otherwise provided in subsections (h) and (i) of this section, in Baltimore City the hours are from 6 a.m. to 2 a.m. on the following day.

(3) In Baltimore County the hours are from 6 a.m. to 2 a.m. on the following day.

(4) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.

[(4)**](5)** In Montgomery County, except as provided in § 11–516 of this article, sales may not be made before 11 a.m.

[(5)**](6)** In Prince George's County the hours are from 6 a.m. to 2 a.m. on the following day.

(d) (1) The hours during which the privileges conferred by a Class D beer and light wine license may be exercised are from 6 a.m. to midnight.

(2) Except as otherwise provided in subsections (h), (i), and (j) of this section, in Baltimore City the hours are from 6 a.m. to 1 a.m. on the following day.

(3) In Baltimore County the hours are from 6 a.m. to 2 a.m. Monday through Sunday.

(4) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.

[(4)**](5)** In Montgomery County, except as provided in § 11–516 of this article, the hours for on–sale are from 9 a.m. on any day to 1 a.m. on the following day.

[(5)**](6)** In Prince George's County the hours are from 6 a.m. to 2 a.m. on the following day.

[(6)**](7)** In Wicomico County, notwithstanding the provisions of paragraph (1) of this subsection, the hours on Sunday are from noon to midnight only by bowling alleys as defined in § 1–102(b)(4) of this article.

11–303.

(a) (1) The hours during which the privileges conferred by a Class A beer, wine and liquor license may be exercised are from 6 a.m. to midnight, on every day except Sunday.

(2) The provisions of paragraph (1) of this subsection are superseded as follows:

(i) In Annapolis, the hours may be fixed by the Mayor, Counselor, and Aldermen of the City of Annapolis;

(ii) In the Park Heights Redevelopment Area that is specified in the Park Heights Master Plan adopted by Baltimore City in 2006, the hours of sale begin at 9 a.m. each day;

(III) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY;

[(iii)**](IV)** In Carroll County, the privileges conferred by a Class A beer, wine and liquor license may be exercised from 11 a.m. to 6 p.m. on Sunday;

[(iv)**](V)** In Frederick County holders of a Class A beer, wine and liquor (off–sale) license may sell beer, wine and liquor for off–premises consumption on:

1. Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

2. Sunday, from 11 a.m. to 2 a.m. the following day, if they hold a special Sunday opening permit;

[(v)**](VI)** In Kent County, the provisions of § 11–515 of this article apply;

[(vi)**](VII)** In St. Mary's County, holders of a Class A–1 license may sell on Sunday; and

[(vii)**](VIII)** In Talbot County, the hours are from 8 a.m. to 12 midnight.

(d) (4) In Caroline County the hours **[**on Monday through Saturday are from 6 a.m. to 2 a.m. on the following day (including Sunday) for a 6–day license holder. For a 7–day license holder the hours on Monday through Saturday are from 6 a.m. to 2 a.m. the following day (including Sunday), and on Sunday, from 1 p.m. to midnight**] FOR A 6–DAY LICENSE HOLDER AND A 7–DAY LICENSE HOLDER ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY**.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 296 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Alcoholic Beverages – Micro–Breweries

SB0296/434634/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 296
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "license;" insert "prohibiting the Comptroller from issuing a Class 7 micro–brewery license for a premises on property in Washington County that has been leased unless the landlord of the property presents to the Comptroller a receipt or certificate showing certain information relating to the payment of taxes;"; and after line 19, insert:

"BY adding to
Article 2B – Alcoholic Beverages
Section 2–208(j)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 5, after line 29, insert:

"**(J) (1) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.**

(2) THE COMPTROLLER MAY NOT ISSUE A CLASS 7 MICRO–BREWERY LICENSE FOR A PREMISES ON PROPERTY THAT HAS BEEN LEASED UNLESS THE LANDLORD OF THE PROPERTY PRESENTS TO THE COMPTROLLER A RECEIPT OR CERTIFICATE SHOWING THAT THERE ARE NO UNPAID TAXES DUE TO THE STATE, A COUNTY, OR ANY LOCAL GOVERNMENT FROM THE LANDLORD OR ANY ENTITY IN WHICH THE LANDLORD HAS A DIRECT OR INDIRECT INTEREST THAT:

(I) IS PROPRIETARY; OR

(II) HAS BEEN OBTAINED BY A LOAN, MORTGAGE, OR LIEN, OR IN ANY OTHER MANNER.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 297 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Alcoholic Beverages – Criminal History Records

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 367 – Chair, Anne Arundel County Senators

AN ACT concerning

Alcoholic Beverages – Anne Arundel County – Entertainment Facility

SB0367/244138/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 367
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "be" insert "taken into and".

AMENDMENT NO. 2

On page 2, in line 18, after "**CONCESSION**" insert "**ADJACENT TO BUT**"; in line 26, strike "**RESTAURANTS**" and substitute "**FOOD SERVICE FACILITIES**"; in the same line, after "**BARS,**" insert "**OR**"; in the same line, strike "**, OR OTHER ESTABLISHMENTS**"; in line 27, strike "**ASSOCIATED WITH AND SUPPORT**" and substitute "**PART OF**"; and in line 29, strike "**MAY**" and substitute "**SHALL**".

AMENDMENT NO. 3

On page 3, in line 12, strike "**AT**" and substitute "**OPERATING IN CONJUNCTION WITH**"; in line 19, strike "**$7,500**" and substitute "**$15,000**"; in line 24, after "**(5)**" insert "**(I)**"; and strike beginning with "**BEER**" in line 24 down through "**FACILITY**" in line 26 and substitute "**AN ENTERTAINMENT FACILITY LICENSE AND A CONCESSIONAIRE LICENSE DO NOT PERMIT OFF–SALES.**

(II) BEER, WINE, AND LIQUOR PURCHASED UNDER AN ENTERTAINMENT FACILITY LICENSE OR A CONCESSIONAIRE LICENSE MAY BE TAKEN INTO AND CONSUMED ANYWHERE IN AN ENTERTAINMENT FACILITY".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 580 – Senator Edwards

EMERGENCY BILL

AN ACT concerning

Allegany County – Alcoholic Beverages – Music Promoter 1–Day Special License

SB0580/634935/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 580
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Music Promoter"; strike beginning with "held" in line 5 down through "promoter" in line 6; in line 10, strike "donate" and substitute "distribute a certain amount of"; in the same line, after the second "to" insert "the Board of License Commissioners and donate the balance of a certain license fee to"; in line 11, after "requiring" insert "license holders, with the approval of"; and in the same line, after "Commissioners" insert a comma.

AMENDMENT NO. 2

On page 3, in line 4, strike "**HELD BY A MUSIC PROMOTER**"; after line 12, insert:

"**1. DISTRIBUTE $100 OF THE LICENSE FEE TO THE BOARD OF LICENSE COMMISSIONERS; AND**";

in line 13, strike "**1.**" and substitute "**2.**"; in the same line, after "**DONATE**" insert "**THE BALANCE OF**"; strike beginning with "**; AND**" in line 15 down through "**DONATION**" in line 17; after line 17, insert:

"**(VI) THE LICENSE HOLDER, WITH THE APPROVAL OF THE COUNTY COMMISSIONERS, SHALL DESIGNATE THE BONA FIDE CHARITABLE ORGANIZATION TO BE THE RECIPIENT OF THE DONATION UNDER SUBPARAGRAPH (V) OF THIS PARAGRAPH.**";

and in line 18, strike "**(VI)**" and substitute "**(VII)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 736 – Cecil County Senators

AN ACT concerning

Cecil County – Alcoholic Beverages – Licensed Establishments – Sunday Sales Hours

SB0736/314236/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 736
(First Reading File Bill)

On page 2, strike beginning with "It" in line 32 down through "article." in line 35.

On page 3, in line 5, after "**DAY**;" insert "**AND**"; and strike beginning with "For" in line 6 down through "(iii)" in line 8.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 932 – Senator Miller

AN ACT concerning

Calvert County – Alcoholic Beverages – Special Event License

SB0932/314836/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 932
(First Reading File Bill)

On page 1, at the top of the page, insert "EMERGENCY BILL"; and in line 14, after "terms;" insert "making this Act an emergency measure;".

On page 3, strike beginning with "shall" in line 12 down through "2011" in line 13 and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote

supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #16

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

Senate Bill 534 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Board of Elections – Membership and Compensation

SB0534/684532/2
BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 534
(First Reading File Bill)

On page 1, in line 12, after "office;" insert "providing for the effective date of this Act;".

On page 4, in line 12, strike "October 1" and substitute "June 6".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 542 – Senator Colburn

AN ACT concerning

Housing Authorities – Consolidation or Merger – Talbot County and St. Michaels

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 901 – Senator Miller

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Prince George's County – Site Plan Approval Authority

SB0901/934733/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 901
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "prohibiting" and substitute "authorizing"; in line 5, strike "from reviewing" and substitute "to review"; in lines 6 and 7, strike "except under certain circumstances"; and in line 8, after "council;" insert "requiring the district council to decide whether to conduct a certain review within a certain number of days; requiring the district council to conduct a certain review hearing within a certain number of days unless that period of time is extended in certain circumstances; requiring the district council to issue a certain decision within a certain number of days;".

AMENDMENT NO. 2

On page 1, in line 23, after "**(1)**" insert "**(I)**"; in the same line, strike "**EXCEPT AS PROVIDED IN PARAGRAPH (2)**" and substitute "**SUBJECT TO PARAGRAPH (2)**"; and in line 25, strike "**NOT**".

On page 2, in line 1, after "A" insert "**DETAILED**"; in line 3, strike "**(2)**" and substitute "**(II)**"; after line 5, insert:

"**(2) (I) THE DISTRICT COUNCIL SHALL DECIDE WHETHER TO REVIEW THE FINAL APPROVAL OR DISAPPROVAL OF A DETAILED SITE PLAN UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 30 DAYS FROM THE DATE THE FINAL APPROVAL OR DISAPPROVAL WAS ISSUED.**

(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IF THE DISTRICT COUNCIL DECIDES TO REVIEW AN APPROVAL OR A DISAPPROVAL UNDER THIS PARAGRAPH, THE DISTRICT COUNCIL SHALL HOLD A REVIEW HEARING WITHIN 70 DAYS FROM THE DATE THE DISTRICT COUNCIL ISSUES THE DECISION TO CONDUCT A REVIEW.

2. THE TIME FOR HOLDING A REVIEW HEARING UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY BE EXTENDED FOR UP TO 45 ADDITIONAL DAYS AT THE DECISION OF THE DISTRICT COUNCIL OR ON REQUEST OF THE APPLICANT.

(III) THE DISTRICT COUNCIL SHALL ISSUE A FINAL DECISION WITHIN 60 DAYS AFTER THE DATE OF THE REVIEW HEARING.";

and strike beginning with "**(1)**" in line 6 down through "**(2)**" in line 11.

The preceding 2 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #17

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

Senate Bill 234 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

State Real Estate Commission – Sunset Extension and Program Evaluation

SB0234/494536/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 234
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "date;" insert "requiring the Commission to submit a certain report jointly with the Office of Financial Regulation on or before a certain date;".

AMENDMENT NO. 2

On page 5, after line 5, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the State Real Estate Commission, jointly with the Office of Financial Regulation, shall report to the Senate Education, Health, and Environmental Affairs Committee, the Senate Finance Committee, and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, on:

(1) for each licensee, the number of foreclosures resulting from a real estate transaction in which the licensee participated;

(2) recommendations on how the Commission and the Office can incorporate a licensee's foreclosure statistics into the requirements for license renewal; and

(3) recommendations for legislation regulating licensee activity to reduce the number of property foreclosures.";

and in line 6, strike "3." and substitute "4.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 496 – Senator Brinkley

AN ACT concerning

Alcoholic Beverages – Brewery License – Samples and Sales

SB0496/944439/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 496
(First Reading File Bill)

On page 2, in lines 14 and 28, in each instance, strike "**6**" and substitute "**3**"; and in lines 20 and 23, strike "(i)" and "(ii)", respectively, and substitute "**1.**" and "**2.**", respectively.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 578 – Senators Muse, Benson, Colburn, Currie, Edwards, Forehand, Montgomery, Pugh, Raskin, Rosapepe, and Young

AN ACT concerning

Health Occupations – Temporary Volunteer Dentist's License, Temporary Volunteer Dental Hygienist's License, and Temporary Dental Clinic Permit

SB0578/944735/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 578

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Young" and substitute "Young, Dyson, Klausmeier, and Pinsky"; strike in their entirety lines 2 and 3 and substitute:

"State Board of Dental Examiners – Dentists and Dental Hygienists – Licenses, Temporary Volunteer Licenses, and Temporary Dental Clinic Permits";

in line 6, after "Examiners;" insert "altering a certain qualification for certain dentists and dental hygienists for a certain license to practice dentistry or practice dental hygiene in the State;"; strike beginning with "the" in line 13 down through "permit" in line 15 and substitute "the State Board of Dental Examiners and dentist and dental hygienist licenses, temporary volunteer licenses, and temporary dental clinic permits"; and in line 18, after "4–304," insert "4–306(b),".

AMENDMENT NO. 2

On page 6, after line 25, insert:

"4–306.

(b) (1) (i) A dentist licensed in any other state who has passed a regional board shall be granted a license in this State if the applicant passes the following examinations given by or designated by the Board:

1. A comprehensive examination on applied clinical diagnosis and treatment planning; and

2. A law examination.

(ii) A dentist licensed in any other state who has not passed a regional board shall be granted a license in this State if:

1. For the 5 preceding years the dentist has been actively engaged in practicing dentistry **FOR AT LEAST 850 HOURS ON AVERAGE PER YEAR**; and

2. The applicant passes the following examinations given by or designated by the Board:

A. A comprehensive examination on applied clinical diagnosis and treatment planning; and

B. A law examination.

(2) (i) A dental hygienist licensed in any other state who has passed a regional board shall be granted a license in this State if the applicant passes an examination given by the Board.

(ii) A dental hygienist licensed in any other state who has not passed a regional board shall be granted a license in this State if:

1. For the 3 preceding years the dental hygienist has been actively engaged in practicing dental hygiene **FOR AT LEAST 150 HOURS ON AVERAGE PER YEAR**; and

2. The applicant passes an examination given by or designated by the Board.".

AMENDMENT NO. 3

On page 8, in line 10, after "**HOURS**" insert "**ON AVERAGE PER YEAR**"; and in line 17, strike "**BONA FIDE CHARITABLE ORGANIZATION**" and substitute "**TEMPORARY DENTAL CLINIC**".

On page 9, after line 12, insert:

"**(7) THE BOARD MAY ISSUE A TEMPORARY VOLUNTEER DENTIST'S LICENSE TO A DENTIST WHO PREVIOUSLY HELD A TEMPORARY VOLUNTEER DENTIST'S LICENSE IF THE DENTIST APPLIES FOR A NEW LICENSE AND SATISFIES THE REQUIREMENTS OF THIS SUBTITLE.**";

and in line 13, strike "**(7)**" and substitute "**(8)**".

AMENDMENT NO. 4

On page 12, in line 28, after "**HOURS**" insert "**ON AVERAGE PER YEAR**".

On page 13, in line 3, strike "**BONA FIDE CHARITABLE ORGANIZATION**" and substitute "**TEMPORARY DENTAL CLINIC**".

On page 14, after line 13, insert:

"**(9) THE BOARD MAY ISSUE A TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE TO A DENTAL HYGIENIST WHO PREVIOUSLY HELD A TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE IF THE DENTAL HYGIENIST APPLIES FOR A NEW LICENSE AND SATISFIES THE REQUIREMENTS OF THIS SUBTITLE.**";

in line 14, strike "**(9)**" and substitute "**(10)**"; after line 29, insert:

"**(4) THE BOARD MAY ISSUE A TEMPORARY DENTAL CLINIC PERMIT TO A BONA FIDE CHARITABLE ORGANIZATION THAT PREVIOUSLY HELD A TEMPORARY DENTAL CLINIC PERMIT IF THE BONA FIDE CHARITABLE ORGANIZATION APPLIES FOR A NEW PERMIT AND SATISFIES THE REQUIREMENTS OF THIS SUBTITLE.**";

and in line 30, strike "**(4)**" and substitute "**(5)**".

On page 15, in lines 1, 16, and 24, strike "**(5)**", "**(6)**", and "**(7)**", respectively, and substitute "**(6)**", "**(7)**", and "**(8)**", respectively.

AMENDMENT NO. 5

On page 23, in line 12, strike "October" and substitute "July".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 728 – Senator Simonaire

AN ACT concerning

State Board for Professional Engineers – Increase in Membership and Practice Specialties

SB0728/774039/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 728
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike "on" and substitute "appointed, without regard to specific professional practice, from"; and strike beginning with "requiring" in line 7 down through "specialties;" in line 8.

AMENDMENT NO. 2

On page 2, in line 6, after "**BE**" insert "**PROFESSIONAL**"; strike beginning with "**WHO**" in line 6 down through "**PARAGRAPH**" in line 8 and substitute "**APPOINTED WITHOUT REGARD TO SPECIFIC PROFESSIONAL PRACTICE WHO SHALL REPRESENT ALL DESIGNATIONS OF PROFESSIONAL ENGINEERING**"; strike beginning with "**WITHOUT**" in line 24 down through "**SPECIALTY**" in line 25 and substitute "**IDENTIFIED IN PARAGRAPH (3)(V) OF THIS SUBSECTION**"; and strike beginning with "**AND**" in line 26 down through "**SUBSECTION**" in line 28.

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 EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #18

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

Senate Bill 78 – Senator Simonaire

AN ACT concerning

Anne Arundel County Board of Education – Member Reappointment and Terms

SB0078/184331/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 78
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "for" insert "nomination and"; strike beginning with "prohibiting" in line 6 down through "terms" in line 7 and substitute "clarifying that a certain provision of law provides for the term of a member; making a certain stylistic change"; and after line 9, insert:

"BY repealing and reenacting, without amendments,
Article – Education
Section 3–108(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 1, after line 17, insert:

"3–108.

(c) (1) Each member serves for a term of 5 years beginning July 1 after the member's appointment and until a successor is appointed and qualifies.

(2) The Governor shall appoint a new member to fill any vacancy on an appointed board for the remainder of that term and until a successor is appointed and qualifies.

(3) Unless otherwise disqualified under this section, a member of a board is eligible for reappointment. However, an individual may not serve for more than 2 consecutive terms.".

AMENDMENT NO. 3

On page 3, in line 12, strike "continue to"; in line 13, after "term" insert "**, AS PROVIDED IN § 3–108(C) OF THIS SUBTITLE,**"; in line 15, strike "**(I)**"; in the same line, strike the brackets; strike beginning with "**UNLESS**" in line 15 down through "**A**"

in line 16; in line 18, after "**FOR**" insert "**NOMINATION AND**"; in line 18, after "**REAPPOINTMENT**" insert "**FOR A SECOND CONSECUTIVE TERM**"; in line 19, after "**OF**" insert "**SUBSECTIONS (A) AND (B) OF**"; and strike in their entirety lines 20 and 21.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 397 – Senator Klausmeier

AN ACT concerning

Task Force on the Method of Selecting the Baltimore County Board of Education

SB0397/314632/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 397
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2, 4, 13 and 14, and 17, in each instance, strike "Method of Selecting" and substitute "Membership and Operation of"; and in line 8, after "recommendations" insert ", including recommendations".

AMENDMENT NO. 2

On page 1, in line 22, after "Maryland" insert "who represent Baltimore County".

On page 2, in line 1, after "Delegates" insert "who represent Baltimore County".

AMENDMENT NO. 3

On page 1, in line 19, strike "12" and substitute "13".

On page 2, in line 3, strike "and"; in line 5, after "Council" insert "; and

(7) one representative of the Maryland Association of Boards of Education, appointed by the Association";

in line 25, strike "and"; and in line 27, after "process" insert "; and

(4) improving the transparency and professionalism of the Baltimore County Board of Education".

AMENDMENT NO. 4

On page 3, in line 11, strike "Parent Teacher Association" and substitute "PTA".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 754 – Senators King, Benson, Forehand, Kelley, Madaleno, Montgomery, and Raskin

AN ACT concerning

State Department of Education – Permanent Hearing Aid Loan Bank Program – Establishment and Operation

SB0754/144433/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 754

(First Reading File Bill)

On page 2, in line 6, after "**BY**" insert "**AN OTOLARYNGOLOGIST OR**"; after line 13, insert:

"**(E) "OTOLARYNGOLOGIST" MEANS AN INDIVIDUAL WHO:**

(1) IS LICENSED TO PRACTICE MEDICINE UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE; AND

(2) SPECIALIZES IN OTOLARYNGOLOGY.";

in line 14, strike "**(E)**" and substitute "**(F)**"; and in line 23, after "**EMPLOY**" insert "**AN OTOLARYNGOLOGIST OR**".

On page 3, in line 10, after "**FROM**" insert "**AN OTOLARYNGOLOGIST OR**".

On page 4, in line 10, after "**CHILD'S**" insert "**OTOLARYNGOLOGIST OR**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 772 – Senator Conway

AN ACT concerning

Task Force to Study the Creation of a Maryland Center for School Safety

SB0772/534739/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 772
(First Reading File Bill)

On page 2, in line 1, strike "teachers" and substitute "educators"; in line 2, strike "Teachers" and substitute "Education"; in the same line, after "Association" insert "and one of whom represents the American Federation of Teachers"; and in line 4, strike "psychiatrist" and substitute "psychologist".

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 JUDICIAL PROCEEDINGS REPORT #11

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

Senate Bill 12 – Senator Stone

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force – Reconstitution

SB0012/608878/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 12
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Task Force – Reconstitution" and substitute "Advisory Committee"; in line 3, strike "reconstituting" and substitute "establishing"; in lines 4, 5, 5 and 6, and 11, in each instance, strike "Task Force" and substitute "Advisory Committee"; strike beginning with "; authorizing" in line 6 down through "receive" in line 7 and substitute "and"; and strike beginning with "requiring" in line 7 down through "date;" in line 8.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 14 on page 1 through line 20 on page 3, inclusive, and substitute:

"(a) There is a Maryland Quiet Vehicles and Pedestrian Safety Advisory Committee.

(b) The Advisory Committee consists of the following members, appointed by the Secretary of Transportation:

(1) two or three individuals who:

(i) represent the organized blind community in the State;

(ii) are legally blind; and

(iii) have experience or expertise in training blind people to travel safely and independently;

(2) two or three individuals representing pedestrian organizations in the State; and

(3) one representative of an organization representing the interests of automobile manufacturers.

(c) The Secretary shall appoint a chair of the Advisory Committee from its membership.

(d) The Department of Transportation may provide staff support for the Advisory Committee.

(e) A member of the Advisory Committee may not receive compensation or reimbursement for expenses as a member of the Advisory Committee.

(f) The Advisory Committee shall:

(1) study:

(i) the effects of vehicle sound on pedestrian safety; and

(ii) all available technology that may enhance the safety of blind pedestrians;

(2) review all available research regarding the effects of vehicle sound on pedestrian safety;

(3) monitor efforts by the federal government and the automobile industry to establish safety standards for hybrid and electric vehicles;

(4) consult with:

(i) consumer groups representing individuals who are blind, other pedestrians, and cyclists;

(ii) advocates for the safety of children;

(iii) experts on acoustics, automobile design, environmental quality, orientation and mobility for blind individuals, pedestrian safety, and other relevant fields; and

(iv) interested members of the public; and

(5) advise the Secretary concerning:

(i) the minimum sound level and the nature and characteristics of the minimum sound that should be required for all new and used vehicles sold and registered in the State; and

(ii) the use of technology to enhance the safety of blind pedestrians.

(g) The Advisory Committee is not required to specify the method or technology through which automobile manufacturers should implement the recommended sound standard.".

AMENDMENT NO. 3

On page 3, in line 22, strike "Governor" and substitute "Secretary of Transportation"; in line 23, strike "Task Force" and substitute "Advisory Committee"; and in line 24, strike "predecessor" and substitute "Maryland Quiet Vehicles and Pedestrian Safety".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 334 – Senators Kelley and Frosh

AN ACT concerning

Real Property – Deposits on New Homes – Escrow Accounts

SB0334/658373/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 334
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after the semicolon insert "providing that a banking institution or national banking association at which a certain escrow account is maintained is not responsible for a withdrawal from the escrow account under certain circumstances;"; and in line 13, strike "the trust" and substitute "a certain trust obligation; defining certain terms".

AMENDMENT NO. 2

On page 2, in line 27, after "**SECTION**" insert "**THAT CONSISTS OF SUMS RECEIVED TO FINANCE THE CONSTRUCTION OF A RESIDENTIAL UNIT**"; and in line 28, after "**PURCHASER**" insert "**IN WRITING**".

AMENDMENT NO. 3

On page 2, after line 29, insert:

"**(C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(II) "BANKING INSTITUTION" HAS THE MEANING STATED IN § 1–101 OF THE FINANCIAL INSTITUTIONS ARTICLE.

(III) "NATIONAL BANKING ASSOCIATION" HAS THE MEANING STATED IN § 1–101 OF THE FINANCIAL INSTITUTIONS ARTICLE.

(2) A BANKING INSTITUTION OR NATIONAL BANKING ASSOCIATION AT WHICH AN ESCROW ACCOUNT ESTABLISHED UNDER SUBSECTION (A)(1) OF THIS SECTION IS MAINTAINED IS NOT RESPONSIBLE FOR

A WITHDRAWAL FROM THE ESCROW ACCOUNT MADE BY THE VENDOR OR BUILDER.".

AMENDMENT NO. 4

On page 3, in line 3, after "**TRUST**" insert "**OBLIGATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION**".

AMENDMENT NO. 5

On page 3, in line 14, strike "October" and substitute "July".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 673 – Senator Frosh

AN ACT concerning

Estates and Trusts – Payment of Attorney's Fees – Contingency Fee

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #11

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

Senate Bill 132 – Senators Pugh, Currie, Jones–Rodwell, Kelley, Madaleno, Manno, Montgomery, Peters, and Raskin

AN ACT concerning

Job Applicant Fairness Act

SB0132/707379/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 132
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, and Muse"; in line 5, strike "consider" and substitute "use"; in line 6, after "circumstances;" insert "providing that, for the purpose of this Act, a position for which an employer has a bona fide purpose that is substantially job–related for requesting or using information in a credit report or credit history includes a position that meets certain criteria;"; in line 7, strike "civil actions under certain circumstances" and substitute "individuals to file a complaint with the Commissioner of Labor and Industry; requiring that a complaint filed by an employee under this Act be investigated promptly by the Commissioner; requiring the Commissioner to attempt to resolve a certain matter informally; authorizing the Commissioner to assess certain civil penalties and send a certain order to pay a certain penalty to certain parties under certain circumstances; authorizing an employer to request a certain hearing under certain circumstances; requiring the Commissioner to schedule a certain hearing under certain circumstances; establishing that an order to pay a civil penalty becomes final under certain circumstances; authorizing the Commissioner or a complainant to bring certain court actions under certain circumstances".

AMENDMENT NO. 2

On page 2, in lines 1 and 2, strike "**, OR AN AFFILIATE OR SUBSIDIARY OF THE FINANCIAL INSTITUTION,**"; in line 3, after "**AGENCY**" insert "**, OR AN AFFILIATE OR SUBSIDIARY OF THE FINANCIAL INSTITUTION**"; in the same line, strike "**OR**"; after line 3, insert:

"**(3) A CREDIT UNION SHARE GUARANTY CORPORATION THAT IS APPROVED BY THE MARYLAND COMMISSIONER OF FINANCIAL REGULATION; OR**";

in line 4, strike "**(3)**" and substitute "**(4)**"; in line 13, after "**(C)**" insert "**(1)**"; in the same line, strike "**CONSIDER**" and substitute "**USE**"; in line 15, strike "**(1) (I)**" and substitute "**(I) 1.**"; in line 17, strike "**(II)**" and substitute "**2.**"; in line 20, strike "**(2)**" and substitute "**(II)**"; in the same line, strike "**OBTAINING**" and substitute "**REQUESTING**"; in line 22, strike "**(I)**" and substitute "**1.**"; in line 23, strike "**(II)**" and substitute "**2.**"; after line 24, insert:

"**(2) FOR THE PURPOSES OF THIS SUBSECTION, A POSITION FOR WHICH AN EMPLOYER HAS A BONA FIDE PURPOSE THAT IS SUBSTANTIALLY JOB–RELATED FOR REQUESTING OR USING INFORMATION IN A CREDIT REPORT OR CREDIT HISTORY INCLUDES A POSITION THAT:**

(I) IS MANAGERIAL AND INVOLVES SETTING THE DIRECTION OR CONTROL OF A BUSINESS, OR A DEPARTMENT, DIVISION, UNIT, OR AGENCY OF A BUSINESS;

(II) INVOLVES ACCESS TO PERSONAL INFORMATION, AS DEFINED IN § 14–3501 OF THE COMMERCIAL LAW ARTICLE, OF A CUSTOMER, EMPLOYEE, OR EMPLOYER, EXCEPT FOR PERSONAL INFORMATION CUSTOMARILY PROVIDED IN A RETAIL TRANSACTION;

(III) INVOLVES A FIDUCIARY RESPONSIBILITY TO THE EMPLOYER, INCLUDING THE AUTHORITY TO ISSUE PAYMENTS, COLLECT DEBTS, TRANSFER MONEY, OR ENTER INTO CONTRACTS;

(IV) IS PROVIDED AN EXPENSE ACCOUNT OR A CORPORATE DEBIT OR CREDIT CARD; OR

(V) HAS ACCESS TO:

1. INFORMATION, INCLUDING A FORMULA, PATTERN, COMPILATION, PROGRAM, DEVICE, METHOD, TECHNIQUE, OR PROCESS, THAT:

A. DERIVES INDEPENDENT ECONOMIC VALUE, ACTUAL OR POTENTIAL, FROM NOT BEING GENERALLY KNOWN TO, AND NOT BEING READILY ASCERTAINABLE BY PROPER MEANS BY, OTHER PERSONS WHO CAN OBTAIN ECONOMIC VALUE FROM THE DISCLOSURE OR USE OF THE INFORMATION; AND

B. IS THE SUBJECT OF EFFORTS THAT ARE REASONABLE UNDER THE CIRCUMSTANCES TO MAINTAIN ITS SECRECY; OR

2. OTHER CONFIDENTIAL BUSINESS INFORMATION;";

in line 25, after "**(D)**" insert "**(1)**"; in the same line, strike "**OR (C)**"; and strike beginning with "**BRING**" in line 26 down through the second "**RELIEF**" in line 27 and substitute "**FILE A WRITTEN COMPLAINT WITH THE COMMISSIONER.**

(2) IF THE COMMISSIONER RECEIVES A WRITTEN COMPLAINT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER SHALL INVESTIGATE THE MATTER PROMPTLY.

(3) IF THE COMMISSIONER DETERMINES THAT THE EMPLOYER HAS WILLFULLY OR NEGLIGENTLY VIOLATED SUBSECTION (B) OR (C) OF THIS SECTION, THE COMMISSIONER SHALL TRY TO RESOLVE THE MATTER INFORMALLY.

(4) IF THE COMMISSIONER IS UNABLE TO RESOLVE THE MATTER INFORMALLY, THE COMMISSIONER MAY:

(I) ASSESS A CIVIL PENALTY OF:

1. UP TO $500 FOR AN INITIAL VIOLATION OF SUBSECTION (B) OR (C) OF THIS SECTION; OR

2. UP TO $2,500 FOR A REPEAT VIOLATION OF SUBSECTION (B) OR (C) OF THIS SECTION; AND

(II) SEND AN ORDER TO PAY THE CIVIL PENALTY TO THE COMPLAINANT AND THE EMPLOYER.

(5) (I) WITHIN 30 DAYS AFTER AN EMPLOYER RECEIVES AN ORDER TO PAY A CIVIL PENALTY UNDER PARAGRAPH (4) OF THIS SECTION, THE EMPLOYER MAY REQUEST A DE NOVO ADMINISTRATIVE HEARING, SUBJECT TO THE REQUIREMENTS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(II) ON RECEIPT OF A REQUEST FOR A HEARING UNDER ITEM (I) OF THIS PARAGRAPH, THE COMMISSIONER SHALL SCHEDULE A HEARING.

(III) IF A HEARING IS NOT REQUESTED UNDER ITEM (I) OF THIS PARAGRAPH, THE ORDER TO PAY A CIVIL PENALTY BECOMES A FINAL ORDER OF THE COMMISSIONER.

(6) IF AN EMPLOYER FAILS TO COMPLY WITH A FINAL ORDER TO PAY A CIVIL PENALTY, THE COMMISSIONER OR THE COMPLAINANT MAY BRING AN ACTION TO ENFORCE THE ORDER TO PAY A CIVIL PENALTY IN THE CIRCUIT COURT IN THE COUNTY WHERE THE EMPLOYER OR THE COMPLAINANT IS LOCATED".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0132/873025/1
BY: Senator Muse
(To be offered in the Finance Committee)

AMENDMENT TO SENATE BILL 132
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, and Muse".

The preceding amendment was read only.

Senator Colburn moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was adopted.

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

Senate Bill 217 – Senator Kelley

AN ACT concerning

Life Insurance and Annuities – Retained Asset Accounts – Beneficiaries' Bill of Rights

SB0217/757271/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 217
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "using" and substitute "offering"; strike beginning with "discloses" in line 6 down through "proceeds" in line 14 and substitute "makes a certain offer and complies with certain disclosure requirements; requiring an insurer to disclose in writing to a beneficiary all the settlement options available under a certain policy or contract under certain circumstances; requiring an insurer that offers to a beneficiary a retained asset account as a settlement option to provide to the beneficiary in writing certain information under certain circumstances"; in line 14, strike "the description and explanation" and substitute "certain information"; strike beginning with "requiring" in line 15 down through "manner;" in line 18; and in line 20, after "Article;" insert "defining a certain term;".

AMENDMENT NO. 2

On page 2, strike beginning with the comma in line 5 down through the comma in line 6; in line 7, strike "**AN**" and substitute "**A CHECKING OR DRAFT**"; in line 10, strike "**(1)**"; in the same line, strike "**USE**" and substitute "**OFFER**"; strike beginning with the comma in line 12 down through the colon in line 26 and substitute "**THE INSURER:**

(1) OFFERS THE BENEFICIARY AT LEAST ONE OTHER MODE OF SETTLEMENT OF PROCEEDS; AND

(2) COMPLIES WITH THE PROVISIONS OF SUBSECTIONS (C) AND (D) OF THIS SECTION.

(C) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, WHEN A BENEFICIARY FILES A CLAIM FOR PROCEEDS, IF ONE OF THE SETTLEMENT

OPTIONS IS A RETAINED ASSET ACCOUNT, THE INSURER SHALL DISCLOSE IN WRITING TO THE BENEFICIARY ALL THE SETTLEMENT OPTIONS AVAILABLE UNDER THE POLICY OR CONTRACT.

(D) (1) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, IF AN INSURER OFFERS TO A BENEFICIARY A RETAINED ASSET ACCOUNT AS A SETTLEMENT OPTION, THE INSURER SHALL PROVIDE TO THE BENEFICIARY IN WRITING:";

in line 27, strike "**THE**" and substitute "**A**"; after line 29, insert:

"**(II) AN EXPLANATION OF THE FEATURES OF THE RETAINED ASSET ACCOUNT, INCLUDING:**";

in line 30, strike "**(II)**" and substitute "**1.**"; in the same line, strike "**INITIAL INTEREST RATE**" and substitute "**METHOD USED TO DETERMINE INTEREST RATES APPLIED TO THE RETAINED ASSET ACCOUNT**"; and in line 33, strike "**(III)**" and substitute "**2.**".

AMENDMENT NO. 3

On page 3, in line 1, strike "**(IV)**" and substitute "**3. WHETHER**"; in the same line, strike "**COVERAGE**" and substitute "**FUNDS IN THE RETAINED ASSET ACCOUNT ARE**"; in line 3, after "**COVERAGE**" insert "**, IF ANY**"; in line 4, strike "**(V)**" and substitute "**4.**"; in line 6, strike "**BENEFIT PAYMENT**" and substitute "**WITHDRAWAL**"; strike in their entirety lines 8 through 10, inclusive; in lines 11, 13, 15, 18, 21, and 25, strike "**(VII)**", "**(VIII)**", "**(IX)**", "**(X)**", "**(XI)**", and "**(XII)**", respectively, and substitute "**5.**", "**6.**", "**7.**", "**8.**", "**9.**", and "**10.**", respectively; strike beginning with "**PAYMENT**" in line 15 down through "**FUNDS**" in line 17 and substitute "**OBLIGATION OF THE INSURER TO PAY THE TOTAL POLICY OR CONTRACT PROCEEDS IS SATISFIED BY DEPOSITING THE TOTAL PROCEEDS IN THE RETAINED ASSET ACCOUNT**"; in line 24, after "**ACCOUNT;**" insert "**AND**"; strike in their entirety lines 28 through 30, inclusive, and substitute:

"**(III) THE STATEMENT "FOR FURTHER INFORMATION, PLEASE CONTACT YOUR STATE INSURANCE DEPARTMENT".**";

in line 31, strike "**(3)**" and substitute "**(2)**"; in the same line, strike "**REQUIRED DESCRIPTION AND EXPLANATION**" and substitute "**INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION**"; and in line 32, strike "**IN:**" and substitute "**IN EASY TO READ LANGUAGE.**".

AMENDMENT NO. 4

On pages 4 and 5, strike in their entirety the lines beginning with line 1 on page 4 through line 8 on page 5, inclusive, and substitute:

"**(E) AN INSURER IS NOT REQUIRED TO PROVIDE THE DISCLOSURES OR INFORMATION SPECIFIED IN SUBSECTIONS (C) AND (D) OF THIS SECTION IF:**

(1) THE INSURER PERMITS THE BENEFICIARY TO FILE THE CLAIM OVER THE TELEPHONE;

(2) THE INSURER DOES NOT REQUIRE THE BENEFICIARY TO FILE A DEATH CERTIFICATE OR OTHER PAPERWORK TO FILE THE CLAIM FOR PROCEEDS; AND

(3) THE BENEFICIARY SELECTS PAYMENT OF A LUMP SUM CHECK, PAYABLE DIRECTLY TO THE BENEFICIARY, AS THE SETTLEMENT OPTION DURING THE TELEPHONE CALL IN WHICH THE BENEFICIARY FILES THE CLAIM FOR PROCEEDS.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 682 – Senators Peters and Montgomery

AN ACT concerning

Behavioral Health – Veterans – Coordination and Provision of Services

SB0682/717172/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 682
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Montgomery" and substitute ", Montgomery, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, Muse, and Pugh".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 691 – Senator Middleton

EMERGENCY BILL

AN ACT concerning

Public Service Commission – Certificate of Public Convenience and Necessity – Renewable Source Generator Lead Line

SB0691/877874/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 691
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the semicolon insert "prohibiting a person from beginning construction of a qualified generator lead line under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 11, after "**OVERHEAD**" insert "**TRANSMISSION**"; in line 13, after "**WITH**" insert "**A PORTION OF**"; in line 14, after "**MARYLAND**" insert "**THAT IS OWNED BY AN ELECTRIC COMPANY**"; and after line 23, insert:

"**(III) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, A PERSON MAY NOT BEGIN CONSTRUCTION OF A QUALIFIED GENERATOR LEAD LINE UNLESS:**

1. WITHIN 10 DAYS AFTER THE FILING OF AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, THE PERSON HAD IN GOOD FAITH OFFERED THE ELECTRIC COMPANY THAT OWNS THAT PORTION OF THE ELECTRIC GRID IN MARYLAND TO WHICH THE QUALIFIED GENERATOR LEAD LINE WOULD INTERCONNECT A FULL AND FAIR OPPORTUNITY FOR THE ELECTRIC COMPANY TO CONSTRUCT THE QUALIFIED GENERATOR LEAD LINE; AND

2. WITHIN 90 DAYS AFTER FILING AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, THE ELECTRIC COMPANY:

A. DID NOT ACCEPT FROM THE PERSON A PROPOSAL OR A NEGOTIATED VERSION OF THE PROPOSAL UNDER WHICH THE ELECTRIC COMPANY WOULD CONSTRUCT THE QUALIFIED GENERATOR LEAD LINE; OR

B. STATED IN WRITING THAT THE ELECTRIC COMPANY HAD NO OBJECTION TO THE PERSON CONSTRUCTING THE QUALIFIED GENERATOR LEAD LINE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0691/717972/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 691, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Finance Committee Amendments (SB0691/877874/1), in line 2 of Amendment No. 1, strike "beginning" and substitute "applying for a certificate of public convenience and necessity for the".

AMENDMENT NO. 2

On page 1 of the Finance Committee Amendments, in line 5 of Amendment No. 2, strike "**BEGIN**" and substitute "**APPLY TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR**"; in line 7, strike "**WITHIN 10 DAYS AFTER**" and substitute "**AT LEAST 90 DAYS BEFORE**"; and in line 14, strike "**WITHIN 90 DAYS AFTER FILING**" and substitute "**AT ANY TIME AT LEAST 10 DAYS BEFORE THE FILING OF**".

On page 2 of the Finance Committee Amendments, in Amendment No. 2, strike beginning with "**HAD**" in line 4 down through "**CONSTRUCTING**" in line 5 and substitute "**DID NOT INTEND TO CONSTRUCT**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 717 – Senator Garagiola and the President (By Request – Administration) and Senators DeGrange, Klausmeier, Manno, Mathias, Middleton, Muse, Pinsky, Pugh, Raskin, Rosapepe, and Young

AN ACT concerning

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

SB0717/267975/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 717

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Young" and substitute "Young, and Kelley".

AMENDMENT NO. 2

On page 2, in line 14, strike the second "**AS**" and substitute "**TO THE**"; and in the same line, strike "**BY**" and substitute "**STANDARD OF**".

On page 3, strike beginning with the colon in line 20 down through "**(I)**" in line 21; strike beginning with "**; AND**" in line 22 down through "**COMMISSION**" in line 24; strike beginning with the colon in line 27 down through "**1.**" in line 28; and strike beginning with "**AND**" in line 29 down through "**COMMISSION;**" in line 31.

On page 4, in line 2, strike "**ANNUAL PRODUCTION ESTIMATE**" and substitute "**THERMAL PERFORMANCE RATING**"; in line 4, strike "**OG–300**"; and in the same line, strike "**BY**" and substitute "**TO THE OG–300 STANDARD OF**".

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 468 – Carroll County Senators

AN ACT concerning

Carroll County – Deer Hunting on Private Property – Sundays

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 396)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #27

Senate Bill 191 – Senator Edwards

AN ACT concerning

Real Property – ~~Interference With~~ Obliterating, Damaging, or Removing Property Markers – Penalty Increase

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

Affirmative – 47 Negative – 0 (See Roll Call No. 397)

The Bill was then sent to the House of Delegates.

Senate Bill 333 – Senator Garagiola

AN ACT concerning

Children in Need of Assistance – Hearings – Written Findings

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

Affirmative – 47 Negative – 0 (See Roll Call No. 398)

The Bill was then sent to the House of Delegates.

Senate Bill 469 – Carroll County Senators

AN ACT concerning

Carroll County – Fortune Telling Ban – Repeal

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

Affirmative – 45 Negative – 1 (See Roll Call No. 399)

The Bill was then sent to the House of Delegates.

Senate Bill 484 – Senators King, Forehand, Garagiola, Montgomery, Peters, and Robey

AN ACT concerning

Counties and Municipal Corporations – Direct Deposit of Wages

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

Affirmative – 47 Negative – 0 (See Roll Call No. 400)

The Bill was then sent to the House of Delegates.

Senate Bill 500 – Senator Getty

AN ACT concerning

Criminal Law – Identity Fraud – Assumption of Identity of Fictitious Person

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

Affirmative – 47 Negative – 0 (See Roll Call No. 401)

The Bill was then sent to the House of Delegates.

Senate Bill 690 – ~~Senator Middleton~~ Senators Middleton, Astle, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Muse, and Pugh

AN ACT concerning

Renewable Energy Portfolio – Waste–to–Energy

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

Affirmative – 47 Negative – 0 (See Roll Call No. 402)

The Bill was then sent to the House of Delegates.

Senate Bill 701 – Senator Klausmeier

AN ACT concerning

Health Insurance – Prescription Eye Drops – Refills

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

Affirmative – 47 Negative – 0 (See Roll Call No. 403)

The Bill was then sent to the House of Delegates.

Senate Bill 702 – Senator Klausmeier

AN ACT concerning

Health Insurance – Coverage of Hearing Aids

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

Affirmative – 47 Negative – 0 (See Roll Call No. 404)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Benson moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senator Klausmeier moved to suspend the rules to allow **Senate Bill 985** to be referred immediately.

The motion was adopted.

Senate Bill 985 – Senator Benson

AN ACT concerning

Legislative Community Initiatives Loan of 2004 – Prince George's County – Ivy Youth and Family Center

FOR the purpose of amending the Legislative Community Initiatives Loan of 2004 to extend the date by which a certain grantee must provide proof of a certain matching fund; extending the deadline by which a certain grant must be encumbered by the Board of Public Works or expended for certain purposes; and generally relating to amending the Legislative Community Initiatives Loan of 2004.

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

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

Senator Benson moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 986 – Senator Benson

AN ACT concerning

Creation of a State Debt – Prince George's County – Suitland and Capitol Heights Green Initiative

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

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

Senator Benson moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 987 – Senator Benson

AN ACT concerning

Creation of a State Debt – Prince George's County – Capitol Heights Seat Pleasant Boys and Girls Club Initiative

FOR the purpose of authorizing the creation of a State Debt not to exceed $100,000, the proceeds to be used as a grant to the Board of Directors of the Prince George's County Boys and Girls Club, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund;

establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

QUORUM CALL

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

(See Roll Call No. 405)

ADJOURNMENT

At 11:17 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, March 16, 2011.

Annapolis, Maryland
Wednesday, March 16, 2011
10:00 A.M. Session

The Senate met at 10:16 A.M.

Prayer by Reverend Roger J. Carlson, Asbury United Methodist Church, guest of Senator Forehand.

(See Exhibit A of Appendix III)

The Journal of March 15, 2011 was read and approved.

QUORUM CALL

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

(See Roll Call No. 409)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 209 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

SECOND PRINTING

AN ACT concerning

Maryland Agricultural Land Preservation Foundation Easements – Allowable Residential Development

FOR the purpose of authorizing the purchase of agricultural land preservation easements if the land meets certain requirements and is subject to certain regulations governing the use of the land; clarifying that certain provisions of this Act do not exempt a landowner from complying with certain local laws or certain State or local restrictions or requirements; prohibiting land subject to agricultural easement from being used for certain purposes; allowing a landowner to reserve up to a certain number of certain sized lots to construct single family residential dwellings, subject to certain conditions; requiring the

Maryland Agricultural Land Preservation Foundation to review applications to build on reserved lots and to make certain determinations regarding the applications; requiring a landowner to pay the State for land released from preservation at a certain price; requiring a certain release to be recorded among the land records where the land is located; providing for the required content of a certain release; authorizing a landowner to waive the reservation of lot rights; requiring a certain waiver of rights to be considered in determining the value of an easement; providing for the process by which a landowner may apply to release land from easement restrictions for certain purposes; providing for certain exemptions to the size limitations of a lot released from easement; authorizing a landowner to construct housing for tenants on easement land under certain conditions; establishing limitations on the construction of housing for tenants on easement land; authorizing a landowner to convert an existing dwelling into tenant housing subject to certain conditions; granting the Foundation authority to approve a landowner request to relocate an existing dwelling to another location on easement land, subject to certain conditions; granting the Foundation authority to enter into corrective easements for certain purposes; providing for the execution of corrective easements; clarifying that a corrective easement approved by the Foundation is not subject to certain requirements; providing that the purchase of an easement does not grant certain rights to the public; requiring the Foundation to adopt certain regulations; clarifying that certain provisions of law apply to easements approved for purchase before a certain date; clarifying that certain provisions of this Act ~~applies~~ apply to easements approved for purchase on or after a certain date; and generally relating to agricultural land preservation easements ~~approved for purchase on or after a certain date~~.

~~BY adding to~~
~~Article – Agriculture~~
~~Section 2–513.2~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2010 Supplement)~~

BY renumbering
Article – Agriculture
Section 2–513(b) and (c), respectively
to be Section 2–513(c) and (d), respectively
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Agriculture
Section 2–513(a) and 2–513.2
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Agriculture
Section 2–513(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

LAID OVER BILLS

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

Senate Bill 901 – Senator Miller

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Prince George's County – Site Plan Approval Authority

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

SB0901/934733/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 901
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "prohibiting" and substitute "authorizing"; in line 5, strike "from reviewing" and substitute "to review"; in lines 6 and 7, strike "except under certain circumstances"; and in line 8, after "council;" insert "requiring the district council to decide whether to conduct a certain review within a certain number of days; requiring the district council to conduct a certain review hearing within a certain number of days unless that period of time is extended in certain circumstances; requiring the district council to issue a certain decision within a certain number of days;".

AMENDMENT NO. 2

On page 1, in line 23, after "**(1)**" insert "**(I)**"; in the same line, strike "**EXCEPT AS PROVIDED IN PARAGRAPH (2)**" and substitute "**SUBJECT TO PARAGRAPH (2)**"; and in line 25, strike "**NOT**".

On page 2, in line 1, after "**A**" insert "**DETAILED**"; in line 3, strike "**(2)**" and substitute "**(II)**"; after line 5, insert:

"**(2) (I) THE DISTRICT COUNCIL SHALL DECIDE WHETHER TO REVIEW THE FINAL APPROVAL OR DISAPPROVAL OF A DETAILED SITE PLAN UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 30 DAYS FROM THE DATE THE FINAL APPROVAL OR DISAPPROVAL WAS ISSUED.**

(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IF THE DISTRICT COUNCIL DECIDES TO REVIEW AN APPROVAL OR A DISAPPROVAL UNDER THIS PARAGRAPH, THE DISTRICT COUNCIL SHALL HOLD A REVIEW HEARING WITHIN 70 DAYS FROM THE DATE THE DISTRICT COUNCIL ISSUES THE DECISION TO CONDUCT A REVIEW.

2. THE TIME FOR HOLDING A REVIEW HEARING UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY BE EXTENDED FOR UP TO 45 ADDITIONAL DAYS AT THE DECISION OF THE DISTRICT COUNCIL OR ON REQUEST OF THE APPLICANT.

(III) THE DISTRICT COUNCIL SHALL ISSUE A FINAL DECISION WITHIN 60 DAYS AFTER THE DATE OF THE REVIEW HEARING.";

and strike beginning with "**(1)**" in line 6 down through "**(2)**" 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.

Senate Bill 132 – Senators Pugh, Currie, Jones–Rodwell, Kelley, Madaleno, Manno, Montgomery, Peters, and Raskin

AN ACT concerning

Job Applicant Fairness Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENT (1) OFFERED FROM THE FLOOR BY SENATOR MUSE.

FLOOR AMENDMENT

SB0132/873025/1
BY: Senator Muse
(To be offered in the Finance Committee)

AMENDMENT TO SENATE BILL 132
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, and Muse".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #12

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

Senate Bill 342 – Senators Ramirez and Forehand

AN ACT concerning

Peace Orders – Extension of Duration

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 480 – Senators Forehand and Ramirez

AN ACT concerning

Courts – Peace Orders – Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 593 – Senators Raskin and Jacobs

AN ACT concerning

Crimes – Definition of Serious Physical Injury – Strangulation and Suffocation

SB0593/908574/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 593
(First Reading File Bill)

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

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 747 – Senator Stone

AN ACT concerning

Domestic Violence – Cruelty Toward a Pet or Service Animal

SB0747/678776/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 747
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Stone" and substitute "Senators Stone, Raskin, Brochin, Forehand, and Jacobs".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #12

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

Senate Bill 176 – The President (By Request – Administration) and Senators Garagiola, Klausmeier, Astle, King, Madaleno, and Rosapepe

AN ACT concerning

Maryland Electric Vehicle Infrastructure Council

SB0176/607378/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 176
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike "certain terms" and substitute "a certain term"; and in line 15, after "transportation" insert "that is not operated on rails".

AMENDMENT NO. 2

On page 2, in line 5, strike "Chairman" and substitute "Executive Director of the Technical Staff"; in line 6, strike "Chairman's" and substitute "Executive Director's"; in line 10, strike "Two representatives of institutions" and substitute "One representative of an institution"; in line 13, after "Counties" insert ", including:

1. A representative who resides in a rural region of the State; and

2. A representative who resides in an urban or suburban region of the State";

in line 14, after "League" insert ", including:

1. A representative who resides in a rural region of the State; and

2. A representative who resides in an urban or suburban region of the State";

in line 17, strike "Three" and substitute "Two"; in lines 18 and 19, strike "Two representatives of electric vehicle manufacturers or dealers" and substitute "One representative of an electric vehicle manufacturer"; strike beginning with "member" in line 20 down through "equipment" in line 21 and substitute "representative of a manufacturer of electric vehicle charging stations"; in line 27, strike "Any additional members appointed by the Governor" and substitute "One representative of the Maryland Automobile Dealers Association"; and in line 28, strike the semicolon and substitute a period.

AMENDMENT NO. 3

On page 3, in line 9, strike "rapid and seamless" and substitute "successful"; in line 14, after "a" insert "recommendation for a"; in the same line, strike "metering and"; strike beginning with "Investigate" in line 27 down through "and" in line 28 and substitute "Recommend policies that support"; after line 29, insert:

"(10) Recommend a method of displaying pricing information at public charging stations;";

and in lines 30 and 32, strike "(10)" and "(11)", respectively, and substitute "(11)" and "(12)", respectively.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 670 – Senator Rosapepe

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.

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

Senate Bill 746 – Senator Stone

AN ACT concerning

Economic Development – Task Force on Job Creation

SB0746/147775/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 746
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "that" in line 9 down through "retention" in line 10 and substitute "for a certain purpose".

AMENDMENT NO. 2

On page 2, in line 17, after "manufacturing" insert ", heavy industry, ship building and repair, and businesses that supply industry in the State"; and strike beginning with "whether" in line 19 down through "Maryland" in line 21 and substitute "the effectiveness of the agencies, laws, regulations, and policies".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 822 – Senator Middleton

AN ACT concerning

Maryland Communities for a Lifetime Act

SB0822/597273/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 822
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 4 down through "manner;" in line 14; in line 19, after "of" insert "certain provisions of"; strike beginning with the comma in line 20 down through "Aging" in line 23 and substitute "to collect and make available certain best practices; authorizing a county or municipal corporation"; in line 24, strike "consider" and substitute "recommend"; in the same line, strike "in its" and substitute "for the"; and strike beginning with "requiring" in line 27 down through "area;" in line 28.

On page 2, in line 2, strike "10–302, 10–306, 10–504, 10–514,"; in line 7, strike "10–301, 10–501, 10–502, and"; and strike in their entirety lines 16 through 20, inclusive.

AMENDMENT NO. 2

On pages 3 through 8, strike in their entirety the lines beginning with line 8 on page 3 through line 17 on page 8, inclusive.

On page 10, in line 20, strike "**DIRECT FINANCIAL AND REGULATORY INCENTIVES**" and substitute "**PROVIDE AVAILABLE RESOURCES**".

On page 11, strike beginning with the comma in line 2 down through "**PROGRAM**" in line 4 and substitute "**COLLECT AND MAKE AVAILABLE BEST PRACTICES ON POLICIES TO ENCOURAGE AGING–IN–PLACE**"; in line 6, strike "**THE DEPARTMENT SHALL**" and substitute "**A COUNTY OR MUNICIPAL CORPORATION MAY**"; in line 9, strike "**INCLUDE THE FOLLOWING**" and substitute "**RECOMMEND**"; strike beginning with "**IN**" in line 9 down through the first "**FOR**" in line 10 and substitute "**THAT LOCAL JURISDICTIONS MAY USE TO CERTIFY**"; and in line 10, after "**LIFETIME**" insert "**, INCLUDING**".

On pages 11 and 12, strike in their entirety the lines beginning with line 29 on page 11 through line 24 on page 12, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Joint Resolution 6 – Senator Middleton

A Senate Joint Resolution concerning

Safe Harbor Legislation and Regulations Needed to Form Accountable Care Organizations

SJ0006/367078/2

BY: Finance Committee

AMENDMENTS TO SENATE JOINT RESOLUTION 6
(First Reading File Joint Resolution)

AMENDMENT NO. 1

On page 1, in line 4, strike "the United State Congress and"; in line 5, after "Commission" insert ", the Department of Justice, and the Department of Health and Human Services"; in the same line, strike "pass legislation and"; in the same line, after "regulations" insert "to guide the development of accountable care organizations and"; in the same line, strike "establishing" and substitute "establish"; in line 6, strike "physicians" and substitute "health care providers"; strike beginning with "collaborate" in line 6 down through the first "and" in line 7; in line 7, after "form" insert "and deliver care through"; in the same line, after "organizations;" insert "requesting that the United States Congress to consider whether additional legislation, including antitrust safe harbor protections, is desirable for a certain purpose;"; after line 9, insert:

"WHEREAS, The federal Patient Protection and Affordable Care Act encourages physicians, hospitals, and other health care providers to form accountable care organizations that would jointly take responsibility for coordinating the cost and quality of care of patients, particularly patients who are Medicare beneficiaries; and";

in line 11, after "physicians" insert ", hospitals, and other health care providers"; in the same line, after "collaborate" insert "in forming accountable care organizations"; strike in their entirety lines 12 through 21, inclusive; and in line 24, after "physicians" insert "and other health care providers".

AMENDMENT NO. 2

On page 2, in line 1, after "Physicians" insert "and other health care providers are"; in line 3, strike "is" and substitute "and the Department of Justice are"; in the same line, after "considering" insert "new"; in line 4, strike "physicians" and substitute "health care providers"; in line 5, after "organizations;" insert "and

WHEREAS, The Department of Health and Human Services is developing guidance regarding the formation of accountable care organizations;";

in line 7, strike "the United States Congress and"; in line 8, strike "to pass legislation and" and substitute ", the Department of Justice, and the Department of Health and Human Services to act expeditiously to"; in the same line, after "will" insert "guide the development of accountable care organizations and"; in line 9, after "physicians" insert ", hospitals, and other health care providers"; strike beginning with "collaborate" in line 9 down through the first "and" in line 10; in line 10, after "form" insert "and deliver care through"; after line 11, insert:

"RESOLVED, That the General Assembly of Maryland requests the United States Congress to consider whether additional legislation, including antitrust safe harbor protections, is desirable to ensure that the potential value of health care delivery system reforms, including formation of accountable care organizations, can be fully realized; and be it further";

in line 17, after "Avenue" insert "NW"; and in the same line, after "20580;" insert "the Honorable Eric Holder, Attorney General of the United States, 950 Pennsylvania Avenue NW, Washington, D.C. 20530; the Honorable Kathleen Sebelius, Secretary of the Department of Health and Human Services, 200 Independence Avenue SW, Washington, D.C. 20201;".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 410)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #28
CONSENT CALENDAR #1

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 270	Sen. Edwards	Alcoholic Beverages – Allegany County Board of License Commissioners – Vacancies	EHE
SB 366	Sen. Edwards	Allegany Co – Alc Bevs – Eligibility for Class B–BT (Buffet Theater) License	EHE
SB 391	Sen. Shank	Washington County – Alcoholic Beverages – Wine Festival License	EHE
SB 466	Carroll Co. Senators	Carroll County – Winery Special Event Permits – Farmers' Markets	EHE
SB 467	Carroll Co. Senators	Carroll County – Alcoholic Beverages – Liquor Tasting	EHE
SB 541	Sen. Colburn	Dorchester County Liquor Act of 2011	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 1 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 411)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #29

Senate Bill 414 – Senator Frosh

AN ACT concerning

Natural Resources – Administrative Procedures – Electronic Citations, Inspections, and Hearings

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

Affirmative – 47 Negative – 0 (See Roll Call No. 412)

The Bill was then sent to the House of Delegates.

Senate Bill 635 – ~~Senator Frosh~~ Senators Frosh and Simonaire

AN ACT concerning

Natural Resources – Authorization to Catch Striped Bass and Crabs – Revocation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 414)

The Bill was then sent to the House of Delegates.

Senate Bill 655 – Senators Pinsky, Conway, Frosh, Manno, Montgomery, ~~and Young~~ Young, and Simonaire

AN ACT concerning

Natural Resources – Commercial Fishing Violations – Enhanced Penalties

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

Affirmative – 47 Negative – 0 (See Roll Call No. 415)

The Bill was then sent to the House of Delegates.

Senate Bill 720 – Senator Mathias

AN ACT concerning

Commercial Fishing Apprenticeship Permit – Eligibility

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

Affirmative – 47 Negative – 0 (See Roll Call No. 416)

The Bill was then sent to the House of Delegates.

Senate Bill 763 – Senator Kittleman

AN ACT concerning

Hunting Licenses – Exemption for Disabled Armed Forces Members

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

Affirmative – 46 Negative – 1 (See Roll Call No. 417)

The Bill was then sent to the House of Delegates.

Senate Bill 538 – Senators Colburn and Pipkin

AN ACT concerning

Natural Resources – Oyster Sanctuaries – Designation

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

Affirmative – 38 Negative – 9 (See Roll Call No. 418)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Klausmeier moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 988 – Senator Klausmeier

AN ACT concerning

Circuit Court – Civil Actions – Waiver of Discovery Deadlines – Informed Written Consent

FOR the purpose of requiring an attorney who is representing a client in a civil action in a circuit court to obtain informed written consent of a client to waive any discovery deadline set by the court; and generally relating to the waiver of discovery deadlines in civil actions in the circuit courts of the State.

BY adding to
Article – Courts and Judicial Proceedings
Section 6–411
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

Senator Klausmeier moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 989 – Senator Klausmeier

AN ACT concerning

Courts – Civil Matters and Jury Trials – Informed Written Consent

FOR the purpose of requiring an attorney representing a client in certain civil matters to demand a jury trial unless the attorney obtains the informed written consent from the client to waive the client's right to a jury trial; and generally relating to practice and procedure in civil matters.

BY adding to
Article – Courts and Judicial Proceedings
Section 6–411
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

Senator Klausmeier moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 990 – Senator Klausmeier

AN ACT concerning

Swimming Pools – Automated External Defibrillator Programs

FOR the purpose of requiring each county or municipality that owns or operates a swimming pool to develop and implement a certain automated external defibrillator program that meets certain requirements for certain swimming pools owned or operated by the county or municipality; requiring the owners and operators of certain swimming pools to develop and implement a certain automated external defibrillator program that meets certain requirements; requiring the Department of Health and Mental Hygiene and the Maryland Institute for Emergency Medical Services Systems jointly to adopt certain regulations; defining a term; and generally relating to requiring certain automated external defibrillator programs for certain swimming pools.

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 22–101 to be under the new title "Title 22. Automated External Defibrillator Programs"
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health – General
Section 13–2401 to be under the new subtitle "Subtitle 24. Automated External Defibrillator Programs"
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 419)

ADJOURNMENT

At 11:03 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 17, 2011.

Annapolis, Maryland
Thursday, March 17, 2011
10:00 A.M. Session

The Senate met at 10:08 A.M.

Prayer by Rabbi Doug Heifetz, Oseh Shalom Congregation, guest of Senator Rosapepe.

(See Exhibit A of Appendix III)

The Journal of March 16, 2011 was read and approved.

QUORUM CALL

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

(See Roll Call No. 422)

SAINT PATRICK'S DAY CELEBRATION

Maryland State Senate Musical Ensemble

Soloist

The Honorable Tim Ferguson

Bagpipes

Mr. Hal Cummings
Mr. Randy Welch

String Quartet

Mr. Nicholas Currie – First Violin
Mr. Robert Spates – Second Violin
Mr. Radhi Santos – Viola
Ms. Elizabeth Meszaros – Cello

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 358 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Elizabeth Meszaros
Cello
in recognition of
your St. Patrick's Day performance for
the Maryland State Senate.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 17th day of March 2011.

Senate Resolution No. 359 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Robert Spates
Second Violin
in recognition of
your St. Patrick's Day performance for
the Maryland State Senate.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 17th day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 423)

Senate Resolution No. 368 – Senator Catherine E. Pugh:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The Maryland Council of Deltas
in recognition of
your continued dedicated service to the community which enhances the lives of so many individuals.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 17th day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 424)

Senate Resolution No. 360 – Senator Ronald N. Young:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Andrew Biskupiak
in recognition of
winning the National High School Academic Bowl Championship. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 17th day of March 2011.

Senate Resolution No. 361 – Senator Ronald N. Young:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Todd Bonheyo
in recognition of
winning the National High School Academic Bowl Championship. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 17th day of March 2011.

Senate Resolution No. 362 – Senator Ronald N. Young:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Christy Hediger
in recognition of
winning the National High School Academic Bowl Championship. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 17th day of March 2011.

Senate Resolution No. 363 – Senator Ronald N. Young:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Ethan Sonnenstrahl
in recognition of
winning the National High School Academic Bowl Championship. Congratulations!

The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 17th day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 425)

THE COMMITTEE ON BUDGET AND TAXATION REPORT #7

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

Senate Bill 122 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Qualified Zone Academy Bond

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 199 – Senator Glassman

AN ACT concerning

State Retirement and Pension System – Direct Mailings by Retiree Organizations – Repeal of Sunset Provision

SB0199/569139/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 199
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "– Repeal of Sunset Provision"; in line 4, after the first "of" insert "requiring a retiree organization to submit certain information to the Board of Trustees of the State Retirement and Pension System; requiring the Board of

Trustees to review certain direct mailing materials before submitting retiree data to a mail processing center; altering the definition of "retiree organization" to expand the definition to include any organization in which State retirees participate and whose primary purpose is representing or providing services to those retirees; providing for the application of certain provisions of this Act;"; in line 6, after "System;" insert "providing for the effective date of certain provisions of this Act;"; in line 8, strike "without" and substitute "with"; in line 10, strike "and 21–504(c)"; and after line 12, insert:

"BY repealing and reenacting, with amendments,
Article – State Personnonnel and Pensions
Section 21–128
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)
(As enacted by Section 1 of this Act)".

AMENDMENT NO. 2

On page 2, after line 13, insert:

"**(4) (I) A RETIREE ORGANIZATION SHALL PROVIDE THE BOARD OF TRUSTEES WITH COPIES OF ALL MATERIALS THAT WILL BE INCLUDED IN THE DIRECT MAILING.**

(II) THE BOARD OF TRUSTEES SHALL REVIEW THE MATERIALS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BEFORE PROVIDING ANY RETIREE DATA TO A MAIL PROCESSING CENTER.".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 34 on page 2 through line 6 on page 3, inclusive.

AMENDMENT NO. 4

On page 3, after line 6, insert:

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

Article – State Personnel and Pensions

21–128.

(a) In this section, "retiree organization" means **[**the Maryland Retired School Personnel Association**]** **AN ORGANIZATION IN WHICH STATE RETIREES PARTICIPATE AND THAT HAS AS ONE OF ITS PRIMARY PURPOSES, REPRESENTING OR PROVIDING SERVICES TO STATE RETIREES**.

(B) THIS SECTION APPLIES TO ANY RETIREE ORGANIZATION THAT HAS THE LEGAL AUTHORITY TO PROVIDE SERVICES TO RETIREES OF THE SEVERAL SYSTEMS.

[(b)**] (C)** (1) A retiree organization may submit only one request in both April and October of each year to the Board of Trustees to assist the retiree organization in performing direct mailings to retirees of the several systems who are members of the retiree organization or eligible to become members of the retiree organization.

(2) The direct mailings may not be for the purpose of supporting or opposing any political party, ballot measure, or candidate in any election, including any State general or primary election or any election within the retiree organization.

(3) (i) The Board of Trustees shall provide the retiree data for addressing envelopes only to the mail processing center under a secure data share agreement with the mail processing center under which neither the retiree organization nor any other entity has direct access to any names or addresses.

(ii) If the Board of Trustees provides any retiree data to a mail processing center under subparagraph (i) of this paragraph, the Board of Trustees is not required to notify a retiree whose data is released of the provisions of § 21–504 of this title.

(4) (i) A retiree organization shall provide the Board of Trustees with copies of all materials that will be included in the direct mailing.

(ii) The Board of trustees shall review the materials provided under subparagraph (i) of this paragraph before providing any retiree data to a mail processing center.

[(c)**] (D)** The direct mailing shall provide retirees of the several systems who are members of the retiree organization or eligible to become members of the retiree organization with information that explains the services offered by the retiree organization.

[(d)**] (E)** (1) A retiree organization is solely responsible for the procurement of a mail processing center under this section.

(2) The retiree organization shall provide all printed materials to be mailed and envelopes to a mail processing center.

(3) The retiree organization is responsible for paying all costs for generating mailing labels, inserting materials into envelopes, sealing, labeling, and delivering materials to be mailed to a bulk mail center or post office.

(4) The retiree organization is responsible for all postage costs involved for the direct mailings.

[(e)**] (F)** The Board of Trustees is not liable for the content of any direct mailing sent under this section.

[(f)**] (G)** On or before December 31 of each year, the Board of Trustees shall submit a report in accordance with § 2–1246 of the State Government Article to the Joint Committee on Pensions that includes a summary of any complaints received by the State Retirement Agency regarding any mailing received by a retiree under this section.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

AMENDMENT NO. 5

On page 3, after line 11, insert "SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2012."; in line 12, strike "2." and substitute "5."; and in the same line, after "That" insert ", except as provided in Section 4 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.

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

Senate Bill 358 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

Audit Responsibilities – Local Education Agencies, Community Colleges, and Public Libraries – Employer Pension Contributions

SB0358/819832/1
BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 358
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Local" in line 2 down through "Contributions" in line 3 and substitute "State Department of Education, Maryland Higher Education Commission, and State Retirement Agency"; in line 4, after the first "of" insert "requiring the county boards of education to conduct certain audits under certain circumstances; requiring certain local school systems to reimburse the State for certain employer contributions for certain employees participating in the Teachers' Retirement System or the Teachers' Pension System; providing that the State Department of Education may authorize certain county boards of education and public libraries to conduct certain audits;"; strike beginning with "altering" in line 7 down through "contributions;" in line 9 and substitute "clarifying that certain audits conducted by certain groups may be conducted in a certain manner; requiring that reimbursements for certain audits be applied to the State Department of Education, certain county boards of education, the Maryland Higher Education Commission, certain public junior or community colleges, certain public libraries, and the General Fund in a certain manner; requiring certain county boards of education and public libraries to provide certain documentation to the State Department of Education under certain circumstances; providing that the Maryland Higher Education Commission may authorize certain public junior or community colleges to conduct certain audits;"; strike beginning with "requiring" in line 13 down through "Fund;" in line 15 and substitute "requiring certain public junior or community colleges to

provide certain documentation to the Maryland Higher Education Commission under certain circumstances; clarifying that the State Retirement Agency may perform certain audits of certain participating employers; requiring that if certain audits by the State Retirement Agency reveal certain information, certain actions shall be taken and certain payments shall be made to the State Retirement and Pension System;"; in line 17, after "employer" insert "and member"; in line 22, after "Section" insert "5–109,"; and after line 24, insert:

"BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–121
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2
On page 1, after line 27, insert:

"5–109.

(a) **(1)** Each county board shall provide for an annual audit of its financial transactions and accounts.

(2) AT THE REQUEST OF THE DEPARTMENT, A COUNTY BOARD SHALL CONDUCT AN AUDIT UNDER § 5–203 OF THIS TITLE.

(b) (1) The audit shall be made by a certified public accountant or a partnership of certified public accountants who are:

(i) Licensed by the State Board of Public Accountancy; and

(ii) Approved by the State Superintendent.

(2) The audit shall be made in accordance with the standards and regulations adopted by the State Board.

(c) (1) The results of the audit, including the letter of recommendation submitted by the auditor, are a matter of public record.

(2) The results shall be reported within 3 months after the close of the fiscal year for the county board on the form and in the manner required by the State Board to:

(i) The State Superintendent;

(ii) The county fiscal authority;

(iii) The Joint Audit Committee of the General Assembly;

(iv) The Senate Budget and Taxation Committee;

(v) The Senate Education, Health, and Environmental Affairs Committee;

(vi) The House Appropriations Committee; and

(vii) The House Committee on Ways and Means.

(d) In addition to the audit required by this section, the county commissioners or county council may conduct an audit using auditors employed by the county.".

On page 2, strike in its entirety line 2 and substitute:

"**(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LOCAL SCHOOL SYSTEM SHALL REIMBURSE THE STATE ANNUALLY FOR THE EMPLOYER CONTRIBUTIONS MADE BY THE STATE FOR AN EMPLOYEE WHO:**

(I) IS A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM OR THE TEACHERS' PENSION SYSTEM UNDER DIVISION II OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND

(II) IS RECEIVING A SALARY FUNDED BY A SOURCE OTHER THAN STATE OR LOCAL AID.

(2) TO THE EXTENT THAT AN EMPLOYEE'S SALARY IS FUNDED IN PART BY SOURCES OTHER THAN STATE OR LOCAL AID, THE LOCAL SCHOOL

SYSTEM SHALL REIMBURSE THE STATE A PRO RATA SHARE OF THE STATE'S PAYMENT BASED ON THE PERCENTAGE OF THE EMPLOYEE'S SALARY FUNDED BY A SOURCE OTHER THAN STATE OR LOCAL AID.";

in line 3, strike the first bracket; in the same line, strike beginning with "The" through "**DEPARTMENT**" and substitute "**TO ENSURE THAT EACH LOCAL SCHOOL SYSTEM IS PROPERLY REIMBURSING THE STATE AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT OR, AT THE DEPARTMENT'S REQUEST, A COUNTY BOARD**"; strike in their entirety lines 7 through 13, inclusive; after line 13, insert:

"**(2) AN AUDIT CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE:**

(I) INCLUDED WITH AN EXISTING ANNUAL FINANCIAL AUDIT AS A SUPPLEMENTAL PART AND TESTED INDEPENDENTLY;

(II) CONDUCTED IN CONJUNCTION WITH A SUPPLEMENTAL FEDERALLY MANDATED SINGLE AUDIT OF FEDERAL FINANCIAL ASSISTANCE PROGRAMS AND TESTED INDEPENDENTLY; OR

(III) CONDUCTED AS A SEPARATE INDEPENDENT AUDIT.";

in line 14, strike the brackets; in the same line, strike "**(B)**"; and in line 26, strike "of Education".

AMENDMENT NO. 3

On page 3, in line 10, in each instance, strike the bracket; in the same line, strike "**(C)**" and substitute "**(1)**"; in the same line, strike "which result from audits under this section" and substitute "**UNDER SUBSECTION (A) OF THIS SECTION**"; in line 11, strike "(1)" and substitute "**(I)**"; in the same line, strike "reimburse the Agency" and substitute "**THE COST OF ANY AUDIT OR PORTION OF ANY AUDIT RELATING TO SUBSECTION (A) OF THIS SECTION TO REIMBURSE EITHER THE DEPARTMENT OR THE COUNTY BOARD**"; in line 13, strike "(2)" and substitute "**(II)**"; strike beginning with "Agency" in line 13 down through the bracket in line 14 and substitute "**DEPARTMENT OR COUNTY BOARD UNDER ITEM (I) OF THIS PARAGRAPH,**"; and after line 14, insert:

"**(2) IF AN AUDIT UNDER THIS SECTION IS PERFORMED BY A COUNTY BOARD, BEFORE THE COUNTY BOARD IS REIMBURSED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE COUNTY BOARD SHALL PROVIDE DOCUMENTATION TO THE DEPARTMENT THAT THE INCREMENTAL COSTS OF THE AUDIT INCURRED BY THE COUNTY BOARD ARE REASONABLE.**".

AMENDMENT NO. 4

On page 3, in line 16, after "(a)" insert "**(1)**"; strike beginning with "In" in line 16 down through "**COMMISSION**." in line 17 and substitute "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PUBLIC JUNIOR OR COMMUNITY COLLEGE SHALL REIMBURSE THE STATE ANNUALLY FOR THE EMPLOYER CONTRIBUTIONS MADE BY THE STATE FOR AN EMPLOYEE WHO:**

(I) IS A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM OR THE TEACHERS' PENSION SYSTEM UNDER DIVISION II OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND

(II) IS RECEIVING A SALARY FUNDED BY A SOURCE OTHER THAN STATE OR LOCAL AID.

(2) TO THE EXTENT THAT AN EMPLOYEE'S SALARY IS FUNDED IN PART BY SOURCES OTHER THAN STATE OR LOCAL AID, THE PUBLIC JUNIOR OR COMMUNITY COLLEGE SHALL REIMBURSE THE STATE A PRO RATA SHARE OF THE STATE'S PAYMENT BASED ON THE PERCENTAGE OF THE EMPLOYEE'S SALARY FUNDED BY A SOURCE OTHER THAN STATE OR LOCAL AID.";

in line 18, after "(b)" insert "**(1)**"; in the same line, strike beginning with "The" through "**COMMISSION**" and substitute "**TO ENSURE THAT THE PUBLIC JUNIOR OR COMMUNITY COLLEGE IS PROPERLY REIMBURSING THE STATE AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSION OR, AT THE COMMISSION'S REQUEST, A PUBLIC JUNIOR OR COMMUNITY COLLEGE**"; and after line 22, insert:

"**(2) AN AUDIT CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE:**

(I) INCLUDED WITH AN EXISTING ANNUAL FINANCIAL AUDIT AS A SUPPLEMENTAL PART AND TESTED INDEPENDENTLY;

(II) CONDUCTED IN CONJUNCTION WITH A SUPPLEMENTAL FEDERALLY MANDATED SINGLE AUDIT OF FEDERAL FINANCIAL ASSISTANCE PROGRAMS AND TESTED INDEPENDENTLY; OR

(III) CONDUCTED AS A SEPARATE INDEPENDENT AUDIT.".

AMENDMENT NO. 5

On page 4, in line 5, after "(d)" insert "**(1)**"; in the same line, strike "which result from audits under this section **[**"and substitute "**UNDER SUBSECTION (A) OF THIS SECTION**"; in line 6, strike "(1)" and substitute "**(I)**"; in the same line, strike "reimburse the Agency" and substitute "**THE COST OF ANY AUDIT OR PORTION OF ANY AUDIT RELATING TO SUBSECTION (A) OF THIS SECTION TO REIMBURSE EITHER THE COMMISSION OR THE PUBLIC JUNIOR OR COMMUNITY COLLEGE**"; in line 8, strike "(2)" and substitute "**(II)**"; strike beginning with "Agency" in line 8 down through the bracket in line 9 and substitute "**COMMISSION OR THE PUBLIC JUNIOR OR COMMUNITY COLLEGE UNDER ITEM (I) OF THIS PARAGRAPH,**"; and after line 9, insert:

"**(2) IF AN AUDIT UNDER THIS SECTION IS PERFORMED BY A PUBLIC JUNIOR OR COMMUNITY COLLEGE, BEFORE THE PUBLIC JUNIOR OR COMMUNITY COLLEGE IS REIMBURSED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE PUBLIC JUNIOR OR COMMUNITY COLLEGE SHALL PROVIDE DOCUMENTATION TO THE COMMISSION THAT THE INCREMENTAL COSTS OF THE AUDIT INCURRED BY THE PUBLIC JUNIOR OR COMMUNITY COLLEGE ARE REASONABLE.**".

AMENDMENT NO. 6

On page 4, strike in its entirety line 11 and substitute:

"**(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PUBLIC LIBRARY SHALL REIMBURSE THE STATE ANNUALLY FOR THE EMPLOYER CONTRIBUTIONS MADE BY THE STATE FOR AN EMPLOYEE WHO:**

(I) IS A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM OR THE TEACHERS' PENSION SYSTEM UNDER DIVISION II OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND

(II) IS RECEIVING A SALARY FUNDED BY A SOURCE OTHER THAN STATE OR LOCAL AID.

(2) TO THE EXTENT THAT AN EMPLOYEE'S SALARY IS FUNDED IN PART BY SOURCES OTHER THAN STATE OR LOCAL AID, THE PUBLIC LIBRARY SHALL REIMBURSE THE STATE A PRO RATA SHARE OF THE STATE'S PAYMENT BASED ON THE PERCENTAGE OF THE EMPLOYEE'S SALARY FUNDED BY A SOURCE OTHER THAN STATE OR LOCAL AID.";

in line 12, strike the first bracket and substitute "**(1)**"; in the same line, strike beginning with "The" through "**DEPARTMENT**" and substitute "**TO ENSURE THAT EACH PUBLIC LIBRARY IS PROPERLY REIMBURSING THE STATE AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT OR, AT THE DEPARTMENT'S REQUEST, A PUBLIC LIBRARY**"; after line 15, insert:

"**(2) AN AUDIT CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE:**

(I) INCLUDED WITH AN EXISTING ANNUAL FINANCIAL AUDIT AS A SUPPLEMENTAL PART AND TESTED INDEPENDENTLY;

(II) CONDUCTED IN CONJUNCTION WITH A SUPPLEMENTAL FEDERALLY MANDATED SINGLE AUDIT OF FEDERAL FINANCIAL ASSISTANCE PROGRAMS AND TESTED INDEPENDENTLY; OR

(III) CONDUCTED AS A SEPARATE INDEPENDENT AUDIT.";

in line 16, strike the brackets; in the same line, strike "**(B)**"; and in line 28, strike "of Education".

AMENDMENT NO. 7

On page 4, in line 33, in each instance, strike the bracket; in the same line, strike "**(C)**" and substitute "**(1)**"; and in the same line, strike "which result from audits under this section" and substitute "**UNDER SUBSECTION (A) OF THIS SECTION**".

On page 5, in line 1, strike "(1)" and substitute "**(I)**"; in the same line, strike "reimburse the Agency" and substitute "**THE COST OF ANY AUDIT OR PORTION OF ANY AUDIT RELATING TO SUBSECTION (A) OF THIS SECTION TO REIMBURSE EITHER THE DEPARTMENT OR THE PUBLIC LIBRARY**"; in line 3, strike "(2)" and substitute "**(II)**"; strike beginning with "Agency" in line 3 down through the bracket in line 4 and substitute "**DEPARTMENT OR PUBLIC LIBRARY UNDER ITEM (I) OF THIS PARAGRAPH,**"; and after line 4, insert:

"**(2) IF AN AUDIT UNDER THIS SECTION IS PERFORMED BY A PUBLIC LIBRARY, BEFORE THE PUBLIC LIBRARY IS REIMBURSED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE PUBLIC LIBRARY SHALL PROVIDE DOCUMENTATION TO THE DEPARTMENT THAT THE INCREMENTAL COSTS OF THE AUDIT INCURRED BY THE PUBLIC LIBRARY ARE REASONABLE.**".

AMENDMENT NO. 8

On page 5, before line 5, insert:

"Article – State Personnel and Pensions

21–121.

(A) **[**Whenever an audit of the records of an educational institution, public library, or school system reveals that the institution, library, or school system owes money to the accumulation fund of the Teachers' Retirement System or the Teachers' Pension System, the State Retirement Agency may collect the delinquent payment as provided under §§ 5–203, 16–306, and 23–504 of the Education Article.**] THE STATE RETIREMENT AGENCY MAY AT ANY TIME EXAMINE THE RECORDS OF A PARTICIPATING EMPLOYER TO DETERMINE WHETHER THE PAYMENT OF BENEFITS TO A PARTICIPANT AND THE PAYMENT OF CONTRIBUTIONS BY A PARTICIPATING EMPLOYER OR PARTICIPANT ARE AND WILL BE IN ACCORDANCE WITH THE PROVISIONS OF DIVISION II OF THIS ARTICLE.**

(B) WHENEVER AN AUDIT REVEALS THAT THE PAYMENT OF BENEFITS TO A PARTICIPANT OR THE PAYMENT OF CONTRIBUTIONS BY A PARTICIPATING EMPLOYER OR PARTICIPANT IS NOT IN ACCORDANCE WITH THE PROVISIONS OF DIVISION II OF THIS ARTICLE:

(1) THE STATE RETIREMENT AGENCY AND PARTICIPATING EMPLOYER SHALL CORRECT THEIR RECORDS; AND

(2) (I) THE PARTICIPATING EMPLOYER SHALL PAY ANY AMOUNTS OWED TO THE ACCUMULATION FUND OF THE APPROPRIATE STATE SYSTEM; AND

(II) THE MEMBER CONTRIBUTIONS OWED BY THE PARTICIPANT SHALL BE MADE BY THE PARTICIPANT IN ACCORDANCE WITH § 21–312(E) OF THIS TITLE.".

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 398 – Senators King, Garagiola, Manno, Montgomery, Peters, Ramirez, and Robey

AN ACT concerning

Sales and Use Tax – Sale of Electricity Generated by Solar Energy Equipment – Exemption

SB0398/349835/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 398
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Energy" insert "and Residential Wind Energy"; and in line 5, after "equipment" insert "or certain residential wind energy equipment".

AMENDMENT NO. 2

On page 2, in line 13, after "**EQUIPMENT**" insert "**OR RESIDENTIAL WIND ENERGY EQUIPMENT**"; and in line 14, strike "**OR FOR SUPPLY TO THE ELECTRIC GRID**" and substitute "**OWNED BY AN ELIGIBLE CUSTOMER–GENERATOR UNDER § 7–306 OF THE PUBLIC UTILITIES ARTICLE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 431 – Senator Klausmeier (By Request – Baltimore County Administration)

AN ACT concerning

Baltimore County – Tax Sales – Notification

SB0431/169731/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 431
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "County;" insert "increasing a certain fee related to tax sales in Baltimore County;".

AMENDMENT NO. 2

On page 3, in line 9, after "City" insert "**AND BALTIMORE COUNTY**"; in line 11, after "finance" insert "**OR THE DIRECTOR OF BUDGET AND FINANCE, AS APPLICABLE**"; and in line 12, after "City" insert "**OR BALTIMORE COUNTY, AS APPLICABLE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 436 – Senator Rosapepe

AN ACT concerning

Prince George's County – Municipal Corporations – Tax Credit for Revitalization Districts

PG 415–11

SB0436/379933/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 436
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "defining" in line 12 down through "term;" in line 13.

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with "**IN**" in line 24 on page 1 down through "**(2)**" in line 4 on page 2.

AMENDMENT NO. 3

On page 2, in lines 7 and 16, strike "**(3)**" and "**(4)**", respectively, and substitute "**(2)**" and "**(3)**", respectively; and in line 10, after "**DISTRICT**" insert "**ESTABLISHED UNDER THIS SUBSECTION**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 470 – Carroll County Senators

AN ACT concerning

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

SB0470/609830/1
BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 470
(First Reading File Bill)

On page 1, in line 23, after "**(1)**" insert "**(I)**".

On page 2, in lines 1, 3, and 5, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**1.**", "**2.**", and "**3.**", respectively; in line 4, after "**ARTICLE;**" insert "**AND**"; strike beginning with the semicolon in line 5 down through "**CODE**" in line 9; and after line 9, insert:

"**(II) "INDEPENDENT LIVING RETIREMENT COMMUNITY" INCLUDES ANY COMMUNITY OR FACILITY THAT OFFERS A LIFE OCCUPANCY AGREEMENT.**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 485 – Senators King, DeGrange, Madaleno, Manno, and Young

AN ACT concerning

Biotechnology Investment Tax Credit – Application and Approval Procedures

SB0485/729437/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 485

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Application and Approval Procedures" and substitute "Qualified Maryland Biotechnology Company"; strike beginning with "requiring" in line 4 down through "credit;" in line 10 and substitute "altering the definition of qualified Maryland biotechnology company for purposes of the biotechnology investment tax credit for certain fiscal years to allow investments in certain companies that have been in active business for up to a certain number of years to qualify for the credit; defining a certain term;"; in line 15, after "10–725" insert "(a)(7)"; and after line 17, insert:

"BY adding to

Article – Tax – General

Section 10–725(a)(8)

Annotated Code of Maryland

(2010 Replacement Volume)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 26 on page 2, inclusive, and substitute:

"(a)".

On page 3, in line 7, strike the first comma and substitute "**AND**"; and in the same line, strike "**, AND 2014**".

On pages 3 through 9, strike in their entirety the lines beginning with line 11 on page 3 through line 34 on page 9, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #30
CONSENT CALENDAR #2

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 9 (Emergency Bill)	Sen. Glassman	Harford Co – Alc Bevs – Special Class C–3 Misc Org or Club License	EHE
SB 102	Sen. Pipkin	Caroline County – Alcoholic Beverages Act of 2011	EHE
SB 296	Sen. Shank	Washington County – Alcoholic Beverages – Micro–Breweries	EHE
SB 297	Sen. Shank	Washington County – Alcoholic Beverages – Criminal History Records	EHE
SB 367	Anne Arundel Co. Sens	Alcoholic Beverages – Anne Arundel County – Entertainment Facility	EHE
SB 580 (Emergency Bill)	Sen. Edwards	Allegany County – Alcoholic Beverages – 1–Day Special License	EHE
SB 736	Cecil Co. Senators	Cecil County – Alcoholic Beverages – Licensed Establishments – Sunday Sales Hours	EHE
SB 932 (Emergency Bill)	Sen. Miller	Calvert County – Alcoholic Beverages – Special Event License	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 2 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 426)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #31

Senate Bill 217 – Senator Kelley

AN ACT concerning

Life Insurance and Annuities – Retained Asset Accounts – Beneficiaries' Bill of Rights

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

Affirmative – 47 Negative – 0 (See Roll Call No. 427)

The Bill was then sent to the House of Delegates.

Senate Bill 234 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

State Real Estate Commission – Sunset Extension and Program Evaluation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 428)

The Bill was then sent to the House of Delegates.

Senate Bill 468 – Carroll County Senators

AN ACT concerning

Carroll County – Deer Hunting on Private Property – Sundays

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

Affirmative – 46 Negative – 1 (See Roll Call No. 429)

The Bill was then sent to the House of Delegates.

Senate Bill 496 – Senator Brinkley

AN ACT concerning

Alcoholic Beverages – Brewery License – Samples and Sales

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

Affirmative – 47 Negative – 0 (See Roll Call No. 430)

The Bill was then sent to the House of Delegates.

Senate Bill 534 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Board of Elections – Membership and Compensation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 431)

The Bill was then sent to the House of Delegates.

Senate Bill 542 – Senator Colburn

AN ACT concerning

Housing Authorities – Consolidation or Merger – Talbot County and St. Michaels

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

Affirmative – 47 Negative – 0 (See Roll Call No. 432)

The Bill was then sent to the House of Delegates.

Senate Bill 578 – Senators Muse, Benson, Colburn, Currie, Edwards, Forehand, Montgomery, Pugh, Raskin, Rosapepe, ~~and Young~~ Young, Dyson, Klausmeier, and Pinsky

AN ACT concerning

~~Health Occupations – Temporary Volunteer Dentist's License, Temporary Volunteer Dental Hygienist's License, and Temporary Dental Clinic Permit~~ State Board of Dental Examiners – Dentists and Dental Hygienists – Licenses, Temporary Volunteer Licenses, and Temporary Dental Clinic Permits

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

Affirmative – 47 Negative – 0 (See Roll Call No. 433)

The Bill was then sent to the House of Delegates.

Senate Bill 691 – Senator Middleton

EMERGENCY BILL

AN ACT concerning

Public Service Commission – Certificate of Public Convenience and Necessity – Renewable Source Generator Lead Line

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

Affirmative – 47 Negative – 0 (See Roll Call No. 434)

The Bill was then sent to the House of Delegates.

Senate Bill 728 – Senator Simonaire

AN ACT concerning

State Board for Professional Engineers – Increase in Membership and Practice Specialties

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

Affirmative – 46 Negative – 0 (See Roll Call No. 435)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #32

Senate Bill 12 – Senator Stone

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety ~~Task Force – Reconstitution~~ Advisory Committee

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

Affirmative – 47 Negative – 0 (See Roll Call No. 436)

The Bill was then sent to the House of Delegates.

Senate Bill 78 – Senator Simonaire

AN ACT concerning

Anne Arundel County Board of Education – Member Reappointment and Terms

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

Affirmative – 47 Negative – 0 (See Roll Call No. 437)

The Bill was then sent to the House of Delegates.

Senate Bill 334 – Senators Kelley and Frosh

AN ACT concerning

Real Property – Deposits on New Homes – Escrow Accounts

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

Affirmative – 47 Negative – 0 (See Roll Call No. 438)

The Bill was then sent to the House of Delegates.

Senate Bill 397 – Senator Klausmeier

AN ACT concerning

Task Force on the ~~Method of Selecting~~ Membership and Operation of the Baltimore County Board of Education

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

Affirmative – 46 Negative – 1 (See Roll Call No. 439)

The Bill was then sent to the House of Delegates.

Senate Bill 673 – Senator Frosh

AN ACT concerning

Estates and Trusts – Payment of Attorney's Fees – Contingency Fee

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

Affirmative – 47 Negative – 0 (See Roll Call No. 440)

The Bill was then sent to the House of Delegates.

Senate Bill 682 – Senators Peters ~~and Montgomery~~, Montgomery, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, Muse, and Pugh

AN ACT concerning

Behavioral Health – Veterans – Coordination and Provision of Services

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

Affirmative – 47 Negative – 0 (See Roll Call No. 441)

The Bill was then sent to the House of Delegates.

Senate Bill 717 – Senator Garagiola and the President (By Request – Administration) and Senators DeGrange, Klausmeier, Manno, Mathias, Middleton, Muse, Pinsky, Pugh, Raskin, Rosapepe, ~~and Young~~ Young, and Kelley

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 442)

The Bill was then sent to the House of Delegates.

Senate Bill 754 – Senators King, Benson, Forehand, Kelley, Madaleno, Montgomery, and Raskin

AN ACT concerning

State Department of Education – Permanent Hearing Aid Loan Bank Program – Establishment and Operation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 443)

The Bill was then sent to the House of Delegates.

Senate Bill 772 – Senator Conway

AN ACT concerning

Task Force to Study the Creation of a Maryland Center for School Safety

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

Affirmative – 47 Negative – 0 (See Roll Call No. 444)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 445)

ADJOURNMENT

At 10:54 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 18, 2011, in memory of Dr. Joel A. Karrington.

Annapolis, Maryland
Friday, March 18, 2011
11:00 A.M. Session

The Senate met at 11:09 A.M.

Prayer by Bishop Larry Lee Thomas, Sr., Empowering Believers Church, guest of Senator DeGrange.

(See Exhibit A of Appendix III)

The Journal of March 17, 2011 was read and approved.

QUORUM CALL

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

(See Roll Call No. 447)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 837 – Delegates Smigiel, Cane, Carter, Cluster, Dumais, George, Haddaway–Riccio, Hough, K. Kelly, McConkey, McDermott, W. Miller, and Parrott

AN ACT concerning

Courts – Exemption from Execution – Exception for Child Support Arrearage

FOR the purpose of creating a certain exception to an exemption from execution on a judgment by establishing that a certain percentage of money payable in the event of sickness, accident, injury, or death of a person is subject to garnishment for payment of a child support arrearage; and generally relating to an exception to an exemption from execution for a child support arrearage.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 11–504(b)(2)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 11–504(i)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 849 – Chair, Environmental Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Public Safety – Smoke Detectors and Smoke Alarms

FOR the purpose of clarifying that a person may sell or install smoke detectors, smoke alarms, and specialized smoke alarms for the deaf and hard of hearing only in accordance with the State Fire Prevention Code; repealing a requirement that each manufacturer that commercially sells or offers for sale a smoke detection system obtain approval of each model of smoke detector from the State Fire Marshal; repealing a certain application fee; and generally relating to smoke detectors, smoke alarms, and smoke detection systems.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 9–105
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 864 – Delegates Sophocleus, Barkley, and Kipke

AN ACT concerning

Criminal Law – Felony Child Abuse in the First Degree

FOR the purpose of expanding the felony of child abuse ~~of a minor~~ in the first degree to apply it to a family member ~~of a minor and a household member who lives with a minor if the family member or household member is convicted of causing~~ or household member who causes abuse to the minor that results in the death of the minor or ~~causing~~ causes severe physical injury to the minor; and generally relating to felony child abuse in the first degree.

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 3–601
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

House Bill 877 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development) (By Request – Departmental – Planning)

AN ACT concerning

Sustainable Communities, Designated Neighborhoods, and Priority Funding Areas – Miscellaneous Corrections

FOR the purpose of replacing certain obsolete references to "designated neighborhoods" with references to "sustainable communities"; ~~altering a certain definition of "State priority funding area" to exclude certain areas;~~ excluding certain areas from consideration as priority funding areas under certain provisions of law; providing that certain areas that were designated as priority funding areas on or before a certain date shall retain that designation; altering certain definitions; clarifying language; and generally relating to sustainable communities, designated neighborhoods, and priority funding areas.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 6–301(a)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 6–301(e) and (f)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–217(d), 4–1501(e), 4–1503, and 6–405(d)
Annotated Code of Maryland
(2006 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 4–1501(a)
Annotated Code of Maryland

(2006 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5–7B–02
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–228(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–630(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 913 – Delegates Zucker, Hixson, Arora, Clagett, Dumais, Kaiser, Luedtke, A. Miller, Mitchell, S. Robinson, Rosenberg, Ross, and Summers

AN ACT concerning

Homestead Property Tax Credit – Eligibility – Child Support Payments

FOR the purpose of authorizing the Child Support Enforcement Administration to send a certain certification to the State Department of Assessments and Taxation concerning certain child support obligors; requiring the Administration to send a certain notice to certain obligors; providing for the right of an obligor to challenge the Administration's certification by requesting an investigation within a certain time frame; requiring the Administration to conduct a certain investigation and notify the obligor of the outcome; requiring the Administration to correct a certain amount under certain circumstances; authorizing the Administration and obligor to negotiate a payment plan; prohibiting the Administration from notifying the Department under certain circumstances; requiring the Department to revoke the homestead property tax credit of certain homeowners under certain circumstances; authorizing the Administration and the Department to adopt certain regulations; providing for the application of this Act; providing for a delayed effective date; and generally relating to eligibility of certain child support obligors for the homestead property tax credit.

BY adding to
Article – Family Law
Section 10–113.3
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9–105(a)(1), (5), and (7) through (9)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–105(b)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Tax – Property
Section 9–105(i–1)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

House Bill 972 – **Delegates Stein, Carr, Gilchrist, Glenn, Healey, Holmes, and Lafferty**

AN ACT concerning

Building Codes – International Green Construction Code

FOR the purpose of authorizing the Department of Housing and Community Development to adopt by regulation the International Green Construction Code; authorizing local jurisdictions to adopt and make local amendments to the International Green Construction Code ~~as an alternative to the Maryland Building Performance Standards~~ under certain circumstances; defining a certain term; ~~altering a certain definition;~~ and generally relating to the International Green Construction Code.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–501, 12–503, and 12–504
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – State Finance and Procurement~~
~~Section 3–602.1(a)(2)~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 994 – Delegates Glass, Afzali, and McComas

AN ACT concerning

Harford County – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in Harford County to hunt deer on certain Sundays on private property using certain hunting equipment during certain months; and generally relating to hunting on private property on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1017 – Delegates O'Donnell, Afzali, Alston, Anderson, Arora, Aumann, Barkley, Barnes, Barve, Bates, Beidle, Beitzel, Bobo, Bohanan, Boteler, Branch, Braveboy, Bromwell, Burns, Busch, Cane, Cardin, Carr, Carter, Clagett, Clippinger, Cluster, Conaway, Conway, Costa, Cullison, Davis, DeBoy, Donoghue, Dumais, Dwyer, Eckardt, Elliott, Feldman, Fisher, Frank, Frick, Frush, Gaines, George, Gilchrist, Glass, Glenn, Griffith, Gutierrez, Guzzone, Haddaway–Riccio, Hammen, Harrison, Haynes, Healey, Hershey, Hixson, Hogan, Holmes, Hough, Howard, Hubbard, Hucker, Impallaria, Ivey, Jacobs, James, Jameson, Jones, Kach, Kaiser, A. Kelly, K. Kelly, Kipke, Kramer, Krebs, Lafferty, Lee, Love, Luedtke, Malone, McComas, McConkey, McDermott, McDonough, McHale, McIntosh, McMillan, A. Miller, W. Miller, Minnick, Mitchell, Mizeur, Morhaim, Murphy, Myers, Nathan–Pulliam, Niemann, Norman, Oaks, Olszewski, Otto, Parrott, Pena–Melnyk, Pendergrass, Proctor, Ready, Reznik, B. Robinson, S. Robinson, Rosenberg, Ross, Rudolph, Schuh, Schulz, Serafini, Simmons, Smigiel, Sophocleus, Stein, Stifler, Stocksdale, Stukes, Summers, Szeliga, Tarrant, F. Turner,

V. Turner, Valderrama, Valentino–Smith, Vallario, Vaughn, Vitale, Waldstreicher, Walker, Washington, Weir, Wilson, Wood, and Zucker

AN ACT concerning

Vehicle Laws – Registration and Driver's License Renewal Fees – No Charge for Recipients of Medal of Honor

FOR the purpose of prohibiting the Motor Vehicle Administration from charging a recipient of the Medal of Honor a fee for the renewal of the registration of a vehicle owned by the Medal of Honor recipient or for the renewal of the Medal of Honor recipient's noncommercial driver's license; and generally relating to vehicle registration and driver's license renewal fees.

BY adding to
Article – Transportation
Section 13–416
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–111.2(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1018 – Delegates Glass, Afzali, Barve, Boteler, Haynes, Hixson, Howard, Kaiser, Krebs, Luedtke, McComas, Parrott, Rosenberg, Ross, Stukes, F. Turner, Valderrama, Waldstreicher, and Walker

AN ACT concerning

Family Law – Protective Orders – Additional Relief

FOR the purpose of authorizing a judge, in a final protective order, to order the respondent to remain a specified distance away from a person eligible for relief~~, prohibit the respondent from being on a public or private road or parking lot adjacent to the residence of a person eligible for relief, and provide any other relief the judge determines is appropriate under the circumstances to protect a person eligible for relief~~; and generally relating to protective orders.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–506(d)
Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

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

House Bill 1025 – The Speaker (By Request – Administration)

AN ACT concerning

~~Natural Resources~~ State Government – Land Acquisitions and Transfers of Property

FOR the purpose of requiring the Department of Natural Resources to negotiate land acquisitions under certain circumstances; requiring the Department to obtain a certain number of independent appraisals of a property before certain acquisitions; requiring certain land acquisition contracts to be approved and executed by the Board of Public Works; requiring the Department to give written notice of potential land acquisitions to certain governmental bodies under certain circumstances; authorizing certain governmental bodies to submit written comments to the Department in a certain timeframe; requiring the Board of Public Works to supervise certain expenditures for certain land acquisitions; authorizing the Department to dispose of certain land under certain circumstances; authorizing the Board of Public Works to exempt certain projects from certain requirements; requiring the Department to adopt certain regulations, including regulations developed in consultation with the Department of General Services; making technical corrections; requiring the Department of Natural Resources to prepare and revise a certain plan in consultation with the Department of Planning; exempting certain land acquisitions by the Department from certain land acquisition requirements; altering a certain definition to ~~include~~ exclude certain land acquisitions by the Department; exempting certain property transfers from certain appraisal requirements; authorizing the Department to submit certain property appraisals to the Board of Public Works; and generally relating to land ~~acquisition and planning functions performed~~ acquisitions by the Department of Natural Resources and transfers of property among certain units of State government.

BY adding to
Article – Natural Resources
Section 1–109
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–903(e), 5–904(d), 5–906(b), and 5–1222
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5–906(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 4–412, ~~5–7B–01(e)(1)~~ 5–7B–01(c), 10–304, and 10–305(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 10–305(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1088 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

Audit Responsibilities – State Department of Education, Maryland Higher Education Commission, and State Retirement Agency

FOR the purpose of requiring the county boards of education to conduct certain audits under certain circumstances; requiring certain local school systems to reimburse the State for certain employer contributions for certain employees participating in the Teachers' Retirement System or the Teachers' Pension System; providing that the State Department of Education may authorize certain county boards of education and public libraries to conduct certain audits; authorizing the State Department of Education, rather than the State Retirement Agency, to conduct certain audits of local school systems and public libraries to determine if certain employer contributions have been paid appropriately to the State Retirement and Pension System; clarifying that certain audits conducted by certain groups may be conducted in a certain manner; requiring that reimbursements for certain audits be applied to the State Department of Education, certain county boards of education, the Maryland Higher Education Commission, certain public junior or community colleges, certain public libraries, and the General Fund in a certain manner; requiring certain county boards of education and public libraries to provide certain documentation to the State Department of Education under certain circumstances; providing that the Maryland Higher Education Commission may

authorize certain public junior or community colleges to conduct certain audits; authorizing the Maryland Higher Education Commission, rather than the State Retirement Agency, to conduct certain audits of public junior or community colleges to determine if certain employer contributions have been paid appropriately to the State Retirement and Pension System; requiring certain public junior or community colleges to provide certain documentation to the Maryland Higher Education Commission under certain circumstances; clarifying that the State Retirement Agency may perform certain audits of certain participating employers; requiring that if certain audits by the State Retirement Agency reveal certain information, certain actions shall be taken and certain payments shall be made to the State Retirement and Pension System; and generally relating to performing audits of local school systems, public junior or community colleges, and public libraries for purposes of determining if employer and member contributions have been paid appropriately to the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – Education
Section 5–109, 5–203, 16–306, and 23–504
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–121
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 86 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Qualified Zone Academy Bond

FOR the purpose of authorizing the creation of a State Debt in the amount of $15,902,000, the proceeds to be used as grants to the Interagency Committee on School Construction and the Maryland State Department of Education for certain development or improvement purposes; providing for disbursement of the loan proceeds and the further grant of funds to eligible school systems for certain purposes, subject to a requirement that the grantees document the provision of a required federal matching fund; providing that, after a certain date, any bonds authorized under this Act shall be cancelled and be of no further effect; providing that the proceeds of the loan under this Act shall be expended not later than a certain number of years after the issuance of the bonds authorized under this Act; authorizing the Board of Public Works to sell

certain bonds at certain sales in proportion to the documented matching fund; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 110 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Weight and Axle Load Limits

FOR the purpose of repealing a certain requirement relating to the measurement of the distance between coupled axles for purposes of applying certain weight limitations; repealing certain weight limitations on coupled axles; altering the determination of a certain limitation on the gross weight imposed on the ground surface by the wheels on the front axle of a vehicle combination; repealing a certain exception related to the determination of rated load capacities of tires for purposes of a certain gross weight limitation; altering certain weight limits for over–the–road buses and certain vehicles used for a certain purpose; providing certain weight limit tolerances for vehicles that use certain technologies under certain circumstances; and generally relating to ~~weight limits for motor vehicles~~ vehicle weight and load limits of axles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–108
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 24–109(g)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 263 – Frederick County Delegation

AN ACT concerning

Frederick County – Roadside Solicitation of Money or Donations – Permit Program

FOR the purpose of authorizing Frederick County or a municipal corporation in Frederick County under certain conditions to enact a permit program allowing a

person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle; requiring a permit application to include certain information; requiring the county or municipal corporation to approve or deny an application within a certain period; authorizing the county or municipal corporation to impose conditions on the solicitation; and generally relating to a permit program for roadside solicitation of money and donations in Frederick County.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–507(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 21–507(k)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 435 – Delegate Bohanan

AN ACT concerning

Optional Retirement Program – Supplemental Retirement Plans – Employee Contributions

FOR the purpose of altering the methods available to certain members of the Optional Retirement Program for making employee contributions to certain supplemental retirement accounts; and generally relating to methods for making employee contributions to supplemental retirement accounts available to members of the Optional Retirement Program.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 30–401(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 463 – Delegates Elliott, Ross, Afzali, Arora, Aumann, Barve, Bates, Beidle, Beitzel, Boteler, Branch, Bromwell, Burns, Cardin, Cluster, Conaway, DeBoy, Donoghue, Eckardt, Fisher, Frank, Frick, Frush, George, Gilchrist, Glass, Glenn, Haddaway–Riccio, Haynes, Healey,

Hogan, Holmes, Hough, Hubbard, Impallaria, Ivey, Jacobs, James, Jameson, Kach, Kaiser, K. Kelly, Kipke, Krebs, Love, McComas, McConkey, McDermott, McDonough, McMillan, A. Miller, W. Miller, Minnick, Mitchell, Morhaim, Murphy, Myers, O'Donnell, Olszewski, Parrott, Pena–Melnyk, Ready, B. Robinson, Schuh, Schulz, Serafini, Smigiel, Sophocleus, Stocksdale, Stukes, Szeliga, F. Turner, Valentino–Smith, Waldstreicher, Walker, and Wood

AN ACT concerning

Property Tax – Semiannual Payment Schedule – Business Property

FOR the purpose of repealing a requirement that a small business may not have property taxes for the taxable year in excess of a certain amount to be eligible for a semiannual payment schedule for State, county, municipal corporation, and special taxing district property taxes; providing for the application of this Act; and generally relating to a semiannual property tax payment schedule for business property.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 10–204.3
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 481 – Delegates Olszewski, Arora, Barnes, Bates, Bromwell, Elliott, Frick, Healey, Kach, Kaiser, Kipke, Reznik, Sophocleus, and Wood

AN ACT concerning

Campaign Finance – Contributions – Disclosure

FOR the purpose of requiring a campaign finance entity to report certain information on its campaign finance reports for each contribution the entity receives; authorizing a campaign finance entity to report a maximum of a certain amount of contributions in an election cycle on its campaign finance reports without providing certain information about each contribution; requiring that contributions reported on or after a certain date shall be considered in making a certain determination under this Act; providing that certain reporting requirements under this Act apply only to campaign finance reports filed on or after a certain date; providing for a delayed effective date; and generally relating to the disclosure of information concerning contributions in campaign finance reports.

BY repealing and reenacting, with amendments,

Article – Election Law
Section 13–240 and 13–304
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 486 – Delegates Conway, Cane, and McDermott

AN ACT concerning

Education – School Buses – Inspections and Length of Operation

FOR the purpose of authorizing certain school bus inspections to be valid in certain counties under certain circumstances; repealing the termination date for a provision of law that alters the length of time a school bus may be operated in Somerset County, Wicomico County, and Worcester County; and generally relating to school bus inspections and the length of operation of school buses in certain counties.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–804
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Chapter 420 of the Acts of the General Assembly of 2003, as amended by Chapter 576 of the Acts of the General Assembly of 2006
Section 2

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 507 – Delegates Branch, Anderson, Arora, Barnes, Dumais, Gilchrist, Gutierrez, Hubbard, A. Kelly, Kipke, Love, Nathan–Pulliam, Pena–Melnyk, and Simmons

AN ACT concerning

Public Safety – Use of Electronic Control Devices – Reports

FOR the purpose of requiring a law enforcement agency that issues electronic control devices to its law enforcement officers to report certain information relating to the use of electronic control devices annually on or before a certain date to the Governor's Office of Crime Control and Prevention using a certain format;

requiring the Police Training Commission, in consultation with the Governor's Office of Crime Control and Prevention, the Maryland Chiefs of Police Association, and the Maryland Sheriffs' Association, to develop a standardized format that certain law enforcement agencies shall use in reporting certain data to the Governor's Office of Crime Control and Prevention; requiring a law enforcement agency to compile certain information as a report in a certain format and to submit the report to the Governor's Office of Crime Control and Prevention on or before a certain date; requiring the Governor's Office of Crime Control and Prevention to analyze and summarize certain reports of law enforcement agencies and to submit a report of the analyses and summaries to the Governor, the General Assembly, and each law enforcement agency on or before a certain date each year; providing that, if a law enforcement agency fails to comply with the reporting requirements of this Act, the Governor's Office of Crime Control and Prevention shall report the noncompliance to the Police Training Commission; providing that the Commission shall contact a certain law enforcement agency and request that the agency comply with this Act under certain circumstances; providing that, if a certain law enforcement agency fails to comply with certain reporting provisions within a certain period after being contacted by the Police Training Commission, the Governor's Office of Crime Control and Prevention and the Commission jointly shall make a certain report to the Governor and the Legislative Policy Committee of the General Assembly; defining certain terms; providing for the termination of this Act; and generally relating to the use of electronic control devices by law enforcement officers.

BY adding to
Article – Public Safety
Section 3–508
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 522 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Correctional Officers' Bill of Rights

FOR the purpose of adding St. Mary's County to certain provisions of law relating to the Cecil County Correctional Officers' Bill of Rights; altering the definition of "correctional officer" to exclude a correctional officer who is in probationary status on the officer's initial entry into the correctional agency, subject to a certain exception; and generally relating to the Correctional Officers' Bill of Rights.

BY repealing and reenacting, with amendments,
Article – Correctional Services

Section 11–1001(b) and 11–1002
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 581 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Displaced Homemakers Program – Evaluation and Report

FOR the purpose of making it discretionary, rather than mandatory, for the Secretary of Human Resources to evaluate periodically the programs of a certain multipurpose service center for displaced homemakers and to report annually to the General Assembly on the center and its programs.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–612
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 621 – Delegates Haynes, Anderson, Branch, Carter, Clippinger, Conaway, Glenn, Gutierrez, Mitchell, Oaks, B. Robinson, Stukes, Tarrant, and Washington

AN ACT concerning

Fire Safety – High–Rise Buildings – Mobility Impaired Individuals

FOR the purpose of requiring the owner of a residential high–rise building with rental units to provide a certain notice to individuals who are mobility impaired of the right to request certain rental units when certain units in the building become available; defining certain terms; and generally relating to fire safety in high–rise buildings.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 9–401
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY adding to

Article – Public Safety
Section 9–405
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 630 – Delegates Beidle and Vitale

AN ACT concerning

Building Standards – High–Performance Homes

FOR the purpose of ~~providing that~~ requiring the Department of Housing and Community Development~~, through certain measures, shall~~ to encourage the construction of new residential structures that are high–performance homes; defining a certain term; and generally relating to green building standards for homes.

BY adding to
Article – Public Safety
Section ~~12–502(d)~~ 12–509
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 634 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Reemployment Earnings Offset – Retiree Health Care Premiums

FOR the purpose of limiting a certain reemployment earnings offset for certain reemployed retirees of the State Retirement and Pension System to a certain amount under certain circumstances; requiring the Board of Trustees of the State Retirement and Pension System to recover a certain portion of certain retirement income from certain retirees of the State Retirement and Pension System under certain circumstances; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to the reemployment earnings offset for reemployed retirees of the State Retirement and Pension System.

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions
Section 22–406(c)(1), 23–407(c)(1), 24–405(a), and 25–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 22–406(c)(2), 23–407(c)(2), 24–405(b), and 25–403(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 24–405(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)
(As enacted by Chapter 644 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 24–405(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)
(As enacted by Chapter 644 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 27–406(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)
(As enacted by Chapter 688 of the Acts of the General Assembly of 2010)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 667 – Delegates Lee, Barkley, Cane, Conway, Cullison, Dumais, Frick, Frush, Gutierrez, Healey, Hucker, A. Kelly, A. Miller, B. Robinson, and Wilson

AN ACT concerning

Peace Orders – Extension of Duration

FOR the purpose of ~~extending the maximum duration of a final peace order~~ authorizing a judge to extend the term of a final peace order under certain circumstances after certain notice and a hearing; and generally relating to peace orders.

BY repealing and reenacting, ~~with~~ without amendments,
Article – Courts and Judicial Proceedings
Section 3–1505(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – Family Law~~
~~Section 4–506(j)(1)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2010 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–1506(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 674 – Delegates Cullison, Luedtke, Anderson, Arora, Aumann, Barkley, Barnes, Barve, Beidle, Bobo, Braveboy, Bromwell, Carr, Carter, Clippinger, Dumais, Feldman, Frick, Frush, Gilchrist, Gutierrez, Haddaway–Riccio, Hough, Hucker, Ivey, Kaiser, A. Kelly, Kipke, Kramer, Lee, McComas, McDermott, McDonough, McHale, A. Miller, W. Miller, Mitchell, O'Donnell, Pena–Melnyk, Ready, Reznik, S. Robinson, Simmons, Smigiel, Summers, Tarrant, F. Turner, Waldstreicher, Washington, ~~and Zucker~~ Zucker, Cardin, Glass, Hixson, Howard, Myers, Rosenberg, Ross, Stukes, and Walker

AN ACT concerning

Education – Human Trafficking – Awareness, Training, and Distribution of Materials

FOR the purpose of requiring the State Department of Education, in collaboration with the Department of Health and Mental Hygiene, to provide awareness and training for certain individuals on human trafficking; requiring the Department of Health and Mental Hygiene, in consultation with certain experts, to provide to the State Department of Education certain information and materials on human trafficking; and generally relating to awareness, training, and distribution of materials on human trafficking.

BY adding to
Article – Education
Section 7–432
Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 679 – Delegate Stein

AN ACT concerning

Real Property – Condominiums – Amendment to Bylaws to Require Unit Insurance Coverage

FOR the purpose of authorizing the council of unit owners of a condominium to amend the bylaws of the condominium, by a certain majority, to require all unit owners to maintain condominium unit owner insurance policies on their units; authorizing the bylaws of a condominium to require each unit owner to maintain a condominium unit owner insurance policy on the unit; requiring certain bylaws to require each unit owner to provide evidence of certain insurance coverage to the council of unit owners annually; and generally relating to condominiums and insurance coverage.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 11–104(a) and (c)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–104(e)(2)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Real Property
Section 11–114.2
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 727 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Retirees and Beneficiaries of Retirees – Annual Retirement Allowance Adjustments

FOR the purpose of providing that certain annual retirement allowance adjustments shall be a certain amount under certain circumstances; requiring that certain annual retirement allowances be reduced by a certain amount under certain circumstances; defining certain terms; repealing certain termination provisions; requiring the State Retirement Agency to review certain provisions of the State Personnel and Pensions Article for a certain purpose and make certain recommendations to the Joint Committee on Pensions on or before a certain date; and generally relating to annual retirement allowance adjustments for retirees of the several systems of the State Retirement and Pension System.

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 2010 Supplement)

BY repealing
Chapter 56 of the Acts of the General Assembly of 2010
Section 4

BY repealing
Chapter 57 of the Acts of the General Assembly of 2010
Section 4

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 729 – Delegate Simmons

AN ACT concerning

Civil Actions – Class Action Waiver in a Written Agreement – Unenforceability

FOR the purpose of providing that a written agreement made ~~between two parties~~ before a dispute arises between the parties to the agreement may not waive or have the practical effect of waiving the rights of ~~one~~ a party to the agreement to resolve the dispute by obtaining relief as a representative of or as a member of a class of similarly situated persons; establishing that such a waiver in a written agreement is not enforceable; providing for the application of this Act; and generally relating to a class action waiver in a written agreement.

BY adding to
Article – Courts and Judicial Proceedings
Section 6–411
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 749 – Delegates Waldstreicher, Anderson, Dumais, Rosenberg, and Valderrama

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

FOR the purpose of requiring the Department of Public Safety and Correctional Services and the appropriate local detention center, on the release of an individual supervised by the Division of Parole and Probation, to provide the individual with an oral and a written notice relating to the application for an exemption from a certain monthly supervision fee; and generally relating to providing information on exemption from fees paid by individuals supervised by the Division of Parole and Probation.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 7–702
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 833 – Delegate Norman

AN ACT concerning

Harford County – Archery Hunting – Safety Zone

FOR the purpose of establishing for archery hunters in Harford County a safety zone of a certain size ~~within which archery hunting may not take place except~~ under certain circumstances; and generally relating to archery hunting in Harford County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(g)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #19

CONSENT CALENDAR #53

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

BILL NO.	REPORT	SPONSOR	CONTENT
SB 253	FAV	Sen Edwards	Garrett County – Vacancy in Office of County Commissioner – Appointment Process
SB 462	FAV	Cecil County Senators	Cecil County – Park Land Regulations
SB 535	FAV	Carroll County Senators	Carroll County – Abatement of Nuisances
SB 569 (Emergency Bill)	FAV	Sen Mathias	Somerset County – Smith Island Solid Waste District – Remove Limitation on Fee
SB 767	FAV	Sen Mathias	Somerset County – Private Sale of County Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #20

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 695 – Senators Pinsky, Conway, and Dyson

AN ACT concerning

Higher Education – Regulation of Public, Private Nonprofit, and For–Profit Institutions of Higher Education

SB0695/254139/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 695

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Dyson" and substitute "Dyson, and Ferguson"; in line 5, strike "prohibiting" and substitute "clarifying that"; in the same line, after "person" insert "is prohibited"; in line 8, strike "a certain guaranty fund" and substitute "certain guaranty funds"; in line 9, after "purposes;" insert "providing that certain guaranty funds are continuing, nonlapsing funds not subject to certain provisions of law; prohibiting unspent portions of the funds from being transferred or reverted to the General Fund; prohibiting certain State money from being used to support the funds;"; in line 10, strike the first "the" and substitute "a certain"; strike beginning with "authorizing" in line 11 down through "circumstances" in line 13 and substitute "requiring certain institutions of higher education to notify certain students that certain programs have not been recommended for implementation by the Commission under certain circumstances"; in line 16, after "activity;" insert "authorizing the Commission to require certain reports and data from certain institutions of higher education; prohibiting the Commission from requiring reports on certain matters that concern certain information, data, or documents; authorizing the board of trustees of a community college to submit a request for proposals for the offering of a certain degree program to certain institutions of higher education under certain circumstances; requiring a certain institution of higher education to seek the approval of the Commission before offering a certain degree program; specifying the institutions of higher education at which certain students may use certain financial assistance; requiring certain institutions of higher education to transfer certain information to the Maryland Longitudinal Data System in accordance with certain plans; altering the membership of the Governor's P–20 Leadership Council of Maryland; requiring the Commission to consider incorporating certain institutions of higher education into a certain goal;"; in line 17, after "changes;" insert "providing for the effective date of this Act; providing for the termination of certain provisions of this Act;"; in line 26, strike "11–203(d)" and substitute "11–203(b) and (d)"; in line 27, strike "11–205,"; in line 28, strike "11–402,"; and in the same line, strike "16–108(a)" and substitute "16–108(a) and (c)".

On page 2, in line 2, strike "and"; in the same line, after "24–707(b)" insert ", and 24–801(c)(11)"; in line 7, after "11–402.1" insert ", 11–407, and 24–707(c)"; and after line 9, insert:

"BY repealing and reenacting, with amendments,

Article – Education

Section 11–203(d)(3)(ii) and 18–103

Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)
(As enacted by Section 1 of this Act)".

AMENDMENT NO. 2

On page 6, after line 18, insert:

"(b) **[**Any**]** **SUBJECT TO SUBSECTION (D)(3)(II)2 OF THIS SECTION, ANY** bond or guarantee required under this section shall be in the form and amount the Secretary requires.";

in line 20, after "of" insert "**TWO SEPARATE**"; in line 24, after "The" insert "**PRIVATE CAREER SCHOOL**"; in the same line, strike the brackets; in the same line, strike "**FUNDS**"; strike beginning with "**FOR**" in line 25 down through "**OR**" in line 26; and after line 31, insert:

"**(II) THE FOR–PROFIT INSTITUTION OF HIGHER EDUCATION FUND SHALL BE USED TO REIMBURSE ANY STUDENT AT A FOR–PROFIT INSTITUTION OF HIGHER EDUCATION WHO IS ENTITLED TO A REFUND OF TUITION AND FEES BECAUSE THE INSTITUTION HAS FAILED TO PERFORM FAITHFULLY ANY AGREEMENT OR CONTRACT WITH THE STUDENT OR FAILED TO COMPLY WITH ANY PROVISION OF THIS ARTICLE.**

(III) 1. THE FUNDS SHALL BE CONTINUING, NONLAPSING FUNDS, NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

2. ANY UNSPENT PORTIONS OF THE FUNDS MAY NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUNDS TO BE USED FOR THE PURPOSES SPECIFIED IN THIS SUBSECTION.

3. NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE FUNDS.".

On page 7, in line 1, strike "(ii)" and substitute "**(IV)**"; in line 6, after "the" insert "**APPROPRIATE**"; in line 15, after "the" insert "**APPROPRIATE**"; in the same

line, strike the brackets; in the same line, strike "**FUNDS**"; and in line 17, after "school" insert "**, RESPECTIVELY,**".

AMENDMENT NO. 3

On pages 8 and 9, strike in their entirety the lines beginning with line 7 on page 8 through line 9 on page 9, inclusive.

AMENDMENT NO. 4

On page 9, in line 26, strike "With" and substitute "**EXCEPT AS PROVIDED IN § 16–108(C) OF THIS ARTICLE, WITH**"; in the same line, after "**NONPROFIT**" insert "**OR FOR–PROFIT**"; and strike beginning with "**FOR**" in line 29 down through "**OR**" in line 30.

On page 10, strike beginning with the comma in line 2 down through the comma in line 3; strike in their entirety lines 5 through 8, inclusive; after line 8, insert:

"**(5) (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PROGRAM THAT HAS NOT RECEIVED A POSITIVE RECOMMENDATION BY THE COMMISSION MAY BE IMPLEMENTED BY:**

1. SUBJECT TO THE PROVISIONS OF § 17–105 OF THIS ARTICLE, A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION; OR

2. A FOR–PROFIT INSTITUTION OF HIGHER EDUCATION.

(II) IF A PRIVATE NONPROFIT OR FOR–PROFIT INSTITUTION OF HIGHER EDUCATION IMPLEMENTS A PROPOSAL DESPITE THE RECOMMENDATION FROM THE COMMISSION THAT A PROGRAM NOT BE IMPLEMENTED, THE INSTITUTION SHALL NOTIFY BOTH PROSPECTIVE STUDENTS OF THE PROGRAM AND ENROLLED STUDENTS IN THE PROGRAM THAT THE PROGRAM HAS NOT BEEN RECOMMENDED FOR IMPLEMENTATION BY THE COMMISSION.";

in line 16, after "**NONPROFIT**" insert "**AND FOR–PROFIT**"; strike beginning with "that" in line 16 down through "funds" in line 17; and strike beginning with "means" in

line 24 down through "article" in line 25 and substitute "**HAS THE MEANING STATED IN § 10–101(K) OF THIS ARTICLE**".

AMENDMENT NO. 5

On page 12, strike in their entirety lines 1 through 32, inclusive.

AMENDMENT NO. 6

On page 13, after line 5, insert:

"**11–407.**

(A) THE COMMISSION MAY REQUIRE REASONABLE ANNUAL REPORTS AND DATA FROM A FOR–PROFIT INSTITUTION OF HIGHER EDUCATION AS THE COMMISSION GENERALLY REQUIRES OF OTHER INSTITUTIONS OF HIGHER EDUCATION.

(B) THE COMMISSION MAY NOT REQUIRE A FOR–PROFIT INSTITUTION OF HIGHER EDUCATION TO REPORT TO THE COMMISSION ON MATTERS THAT CONCERN INFORMATION, DATA, OR DOCUMENTS, HOWEVER STYLED, THAT ARE PROPRIETARY TO THE INSTITUTION OR THAT CONSTITUTE A TRADE SECRET.";

in line 8, strike "Council of Maryland's K–16 Partnership" and substitute "**GOVERNOR'S P–20 LEADERSHIP COUNCIL OF MARYLAND**"; and after line 25, insert:

"(c) (1) The board of trustees may submit the request for proposals to out–of–state senior higher education institutions **AND FOR–PROFIT INSTITUTIONS OF HIGHER EDUCATION** if none of the senior higher education institutions in the State submit an acceptable response to the request for proposals submitted under subsection (a) of this section.

(2) **[**Before**]** **NOTWITHSTANDING § 11–206(B)(2)(II) OF THIS ARTICLE, BEFORE** offering a degree program that is the subject of the request for proposals, an out–of–state senior higher education institution **OR FOR–PROFIT INSTITUTION OF HIGHER EDUCATION** shall seek the approval of the Commission under Title 11, Subtitle 2 of this article.".

AMENDMENT NO. 7

On page 14, in line 15, strike "A" and substitute "**EXCEPT AS OTHERWISE PROVIDED IN SUBTITLES 4, 5, AND 12 OF THIS TITLE, A**"; in line 16, after "used" insert "**ONLY**"; and in the same line, strike "any" and substitute "**A**".

AMENDMENT NO. 8

On page 16, strike beginning with the bracket in line 10 down through "private" in line 11, and substitute "**PRIVATE**"; after line 13, insert:

"**(C) FOR–PROFIT AND PRIVATE NONPROFIT INSTITUTIONS OF HIGHER EDUCATION SHALL TRANSFER STUDENT–LEVEL ENROLLMENT DATA, DEGREE DATA, AND FINANCIAL AID DATA FOR ALL MARYLAND RESIDENTS TO THE MARYLAND LONGITUDINAL DATA SYSTEM IN ACCORDANCE WITH THE DATA SECURITY AND SAFEGUARDING PLAN DEVELOPED UNDER § 24–704(G)(6) OF THIS SUBTITLE.**

24–801.

(c) The Council shall consist of the following members:

(11) The following members appointed by the Governor:

(i) A member of the State Board of Education;

(ii) A representative of local superintendents of education;

(iii) A representative of local boards of education;

(iv) Two members of employee organizations that represent elementary and secondary school personnel in the State;

(v) A representative of elementary and secondary school principals;

(vi) Two representatives of nonpublic elementary and secondary schools;

(vii) An expert in early childhood education;

(viii) An expert in career and technology education;

(ix) Two representatives of community colleges;

(x) Two representatives of independent colleges or universities;

(xi) A representative of public institutions of higher education outside the University System of Maryland;

(xii) A representative of college or university deans who has responsibility for a science, technology, engineering, and math (STEM) discipline;

(xiii) Four representatives of the University System of Maryland;

(XIV) A REPRESENTATIVE OF A FOR–PROFIT INSTITUTION OF HIGHER EDUCATION;

[(xiv)**] (XV)** Three representatives of the business community; and

[(xv)**] (XVI)** Six additional members with experience and knowledge that will benefit the work of the Council.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

11–203.

(d) (3) (ii) **1. [**The**] SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE** Commission shall determine the amount of the fee based on the probable amount of money needed for the funds for each fiscal year. If the moneys in the guaranty funds are insufficient to satisfy duly authorized claims, the participating institutions may be reassessed and shall pay the additional amounts required.

2. THE AMOUNT OF THE ANNUAL FEE CHARGED TO A FOR–PROFIT INSTITUTION OF HIGHER EDUCATION MAY NOT EXCEED 0.0025 OF ALL GROSS TUITION, OR $30,000, WHICHEVER IS LESS.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

18–103.

(A) IN THIS TITLE, "IN–STATE INSTITUTION OF HIGHER EDUCATION" MEANS A DEGREE–GRANTING INSTITUTION WHOSE PRIMARY CAMPUS IS LOCATED IN MARYLAND AND WHOSE AUTHORITY TO GRANT DEGREES IS CONFERRED BY MARYLAND.

(B) [Except as otherwise provided in Subtitles 4, 5, and 12 of this title, a**] A** scholarship, grant, loan, or other student financial assistance awarded by the Office may be used only at **[**a public or private nonprofit**] AN IN–STATE** institution of higher education **[**in this State**]** that possesses a certificate of approval from the Commission.

SECTION 4. AND BE IT FURTHER ENACTED, That, in order to assist the State in reaching the goal that 55% of adults in Maryland will have an associate's or bachelor's degree by 2025, the Maryland Higher Education Commission should consider incorporating for–profit and out–of–state institutions awarding degrees in Maryland into the goal.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on July 1, 2011. It shall remain effective for a period of 2 years and, at the end of June 30, 2013, 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 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect on July 1, 2011. It shall remain effective for a period of 5 years and, at the end of June 30, 2016, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.";

in line 14, after "That" insert ", except as provided in Sections 5 and 6 of this Act,"; and in line 15, strike "October" and substitute "June".

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0695/493828/1
BY: Senator Pinsky

AMENDMENT TO SENATE BILL 695
(First Reading File Bill)

On page 16, in line 14, strike "2." and substitute "7.".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 821 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Winery Special Event Permits – Farmers' Markets

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 905 – Senator Mathias

AN ACT concerning

Worcester County – Berlin – Alcoholic Beverages – Micro–Brewery License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 926 – Senators Glassman, Jacobs, and Jennings

AN ACT concerning

Harford County – Alcoholic Beverages – Continuing Care Facility for Aged – Beer, Wine and Liquor License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #8

CONSENT CALENDAR #52

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

BILL NO.	REPORT	SPONSOR	CONTENT
SB 392	FAV	Sen Shank, et al	Washington County – Water and Sewer Debt Reduction Fund – Repeal
SB 493	FAV	Sen Peters	Prince George's County Public Schools – Funding Accountability and Transparency Act
SB 518	FAV	Sen Mathias	Somerset County – Property Tax Credit for Assessment Increases – Extension
SB 760	FAV	Sen Brinkley	Frederick County – Property Tax Setoff

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #13

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 504 – Senator Rosapepe

AN ACT concerning

Public Utility Companies – University of Maryland, College Park Bus Service – Motor Carrier Permit Exemption – Service Expansion and Removal of Sunset

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 699 – Senator Klausmeier

AN ACT concerning

State Law Enforcement Officers – Collective Bargaining – Certain Police Employees

SB0699/877872/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 699
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "time;" insert "authorizing a certain party under certain circumstances to request a hearing before the State Labor Relations Board; requiring a certain party under certain circumstances to provide written notice that an impasse has been reached; requiring each party to provide a certain final proposal to the State Board and the other party; requiring the State Board to conduct a hearing within a certain period of time and to issue a decision on or before a certain date; establishing certain powers and duties of the State Board; authorizing the State Board to receive and consider certain evidence; requiring the written decision of the State Board to be delivered to certain parties; requiring a party that rejects the decision of the State Board to submit a certain written notice to certain parties;".

AMENDMENT NO. 2

On page 2, in line 23, strike "**(G)**" and substitute "**(H)**"; after line 25, insert:

"**(4) "STATE BOARD" MEANS THE STATE LABOR RELATIONS BOARD.**";

in line 27, strike "**, NONCOMMISSIONED**"; and in the same line, after "**EMPLOYEES**" insert "**HOLDING A NONCOMMISSIONED RANK**".

AMENDMENT NO. 3

On page 3, in line 11, strike "**SEPTEMBER**" and substitute "**AUGUST**"; and after line 18, insert:

"**(G) (1) (I) IF THE PARTIES HAVE NOT YET REACHED AN AGREEMENT BY SEPTEMBER 1, EITHER PARTY MAY DECLARE THAT AN IMPASSE HAS BEEN REACHED AND REQUEST A HEARING BEFORE THE STATE BOARD.**

(II) THE PARTY DECLARING THE IMPASSE SHALL PROVIDE WRITTEN NOTICE THAT AN IMPASSE HAS BEEN REACHED TO:

1. THE OTHER PARTY; AND

2. THE STATE BOARD.

(2) EACH PARTY SHALL PROVIDE TO EACH MEMBER OF THE STATE BOARD AND TO THE OTHER PARTY A DETAILED ITEMIZATION OF THE PARTY'S FINAL PROPOSAL MADE PRIOR TO THE DECLARATION OF IMPASSE.

(3) THE STATE BOARD SHALL CONDUCT A HEARING WITHIN 10 DAYS AFTER RECEIVING A REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(4) THE STATE BOARD:

(I) MAY CONSIDER ONLY ITEMS THAT WERE THE SUBJECT OF THE MOST RECENT COLLECTIVE BARGAINING NEGOTIATIONS AND ARE PRESENTED TO THE STATE BOARD BY EITHER PARTY AS DISPUTED ITEMS;

(II) MAY GIVE NOTICE AND HOLD HEARINGS IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT;

(III) SHALL SELECT THE LAST BEST OFFER OF EITHER PARTY IN ITS ENTIRETY; AND

(IV) BEFORE OCTOBER 1, SHALL ISSUE A WRITTEN DECISION EXPLAINING THE BASIS OF ITS DECISION REGARDING WAGES, HOURS, WORKING CONDITIONS, AND ANY OTHER TERMS OR CONDITIONS OF EMPLOYMENT THAT MAY BE IN DISPUTE.

(5) THE STATE BOARD MAY RECEIVE AND CONSIDER EVIDENCE REGARDING:

(I) THE HISTORY OF CURRENT AND PRIOR NEGOTIATIONS BETWEEN THE PARTIES;

(II) THE WAGES, HOURS, WORKING CONDITIONS, AND ANY OTHER TERMS OR CONDITIONS OF EMPLOYMENT OF OTHER LAW ENFORCEMENT OFFICERS IN THE STATE;

(III) THE WAGES, HOURS, WORKING CONDITIONS, AND ANY OTHER TERMS OR CONDITIONS OF EMPLOYMENT OF SIMILAR LAW ENFORCEMENT OFFICERS IN DELAWARE, NEW JERSEY, NEW YORK, PENNSYLVANIA, VIRGINIA, AND WEST VIRGINIA;

(IV) RECRUITMENT AND RETENTION DATA;

(V) THE FINANCIAL CONDITION AND FISCAL CONSTRAINTS OF THE STATE;

(VI) THE COSTS OF THE PROPOSALS OF EACH OF THE PARTIES;

(VII) LIMITATIONS PLACED ON THE EMPLOYER'S USE OF SPECIAL FUNDS BY FEDERAL OR STATE LAW;

(VIII) THE COST OF LIVING IN THE STATE, INCLUDING ANY RECENT CHANGES TO THE COST OF LIVING;

(IX) THE MEDIAN HOUSEHOLD INCOME AND AVERAGE PER CAPITA INCOME IN THE STATE, INCLUDING ANY RECENT CHANGES TO THESE STATISTICS;

(X) THE UNIQUE CHARACTERISTICS OF THE JOB, INCLUDING THE HAZARDS OF EMPLOYMENT, TRAINING REQUIREMENTS, AND SHIFT SCHEDULES OF EMPLOYEES;

(XI) THE INTERESTS AND WELFARE OF THE RESIDENTS OF THE STATE;

(XII) THE INTERESTS AND WELFARE OF THE POLICE EMPLOYEES;

(XIII) ANY STIPULATIONS OF THE PARTIES; AND

(XIV) ANY OTHER INFORMATION THAT THE STATE BOARD CONSIDERS NECESSARY TO WEIGH FULLY THE FINAL PROPOSED OFFERS OF EACH PARTY.

(6) ON OR BEFORE OCTOBER 1, THE WRITTEN DECISION OF THE STATE BOARD RECOMMENDING THE IMPLEMENTATION, IN ITS ENTIRETY, OF THE LAST BEST OFFER OF ONE OF THE PARTIES SHALL BE DELIVERED TO:

(I) THE GOVERNOR;

(II) THE EXCLUSIVE REPRESENTATIVE;

(III) THE PRESIDENT OF THE SENATE; AND

(IV) THE SPEAKER OF THE HOUSE OF DELEGATES.

(7) (I) AFTER RECEIVING THE DECISION OF THE STATE BOARD, THE PARTIES MAY CONTINUE TO NEGOTIATE ANY DISPUTED ISSUES.

(II) WITHIN 14 DAYS AFTER THE STATE BOARD ISSUES ITS DECISION, EACH PARTY SHALL NOTIFY THE OTHER PARTY AS TO WHETHER IT ACCEPTS OR REJECTS THE DECISION OF THE STATE BOARD.

(III) IF EITHER PARTY REJECTS THE DECISION OF THE STATE BOARD AND DECLINES TO ENTER INTO A MEMORANDUM OF UNDERSTANDING, THE PARTY SHALL SUBMIT A WRITTEN NOTICE OF REJECTION TO THE OTHER PARTY WHICH SHALL INCLUDE THE REASONS FOR THE REJECTION.

(IV) A PARTY REJECTING THE DECISION OF THE STATE BOARD SHALL PROVIDE A COPY OF THE NOTICE REQUIRED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH TO:

1. THE GOVERNOR;

2. THE PRESIDENT OF THE SENATE; AND

3. THE SPEAKER OF THE HOUSE OF DELEGATES.".

AMENDMENT NO. 4

On page 4, in line 22, strike "**AND**"; in line 25, strike the period and substitute "**; AND**

(3) A MEMORANDUM OF UNDERSTANDING THAT INCORPORATES ALL MATTERS OF AGREEMENT REACHED BY THE PARTIES SHALL BE EXECUTED BY THE EXCLUSIVE REPRESENTATIVE AND THE GOVERNOR OR THE GOVERNOR'S DESIGNEE.".

AMENDMENT NO. 5

On page 3, in line 19, strike "**(G)**" and substitute "**(H)**".

On page 4, in lines 19 and 26, strike "**(H)**" and "**(I)**", respectively, and substitute "**(I)**" and "**(J)**", respectively.

On page 5, in lines 1, 4, 8, 10, and 23, strike "**(J)**", "**(K)**", "**(L)**", "**(M)**", and "**(N)**", respectively, and substitute "**(K)**", "**(L)**", "**(M)**", "**(N)**", and "**(O)**", respectively; and in line 6, strike "**(I)**" and substitute "**(J)**".

On page 6, in line 23, strike "**(O)**" and substitute "**(P)**".

On page 7, in lines 2, 17, 27, and 30, strike "**(P)**", "**(Q)**", "**(R)**", and "**(S)**", respectively, and substitute "**(Q)**", "**(R)**", "**(S)**", and "**(T)**", respectively; in line 18, strike "**(L)**" and substitute "**(M)**"; and in line 31, strike "**(I)**" and substitute "**(J)**".

On page 8, in lines 3, 15, and 27, strike "**(T)**", "**(U)**", and "**(V)**", respectively, and substitute "**(U)**", "**(V)**", and "**(W)**", respectively; and in line 24, strike "**RECOMMENDED**" and substitute "**RECOMMEND**".

On page 9, in lines 10 and 15, strike "**(U)**" and "**(W)**", respectively, and substitute "**(V)**" and "**(X)**", respectively.

The preceding 5 amendments were read only.

Senator Getty moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 705 – Senators Klausmeier, Astle, and Pipkin

AN ACT concerning

Health Insurance – Dental Provider Contracts – Prohibited Provision

SB0705/207176/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 705
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Pipkin" and substitute "Pipkin, Garagiola, Kittleman, Mathias, and Pugh"; in line 4, after "services" insert "at a fee set by the carrier"; and in line 6, after "contracts" insert "and health insurance carriers".

AMENDMENT NO. 2

On page 2, in line 28, strike "**SERVICE**" and substitute "**SERVICES**"; strike beginning with "**A**" in line 28 down through "**IS**" in line 29 and substitute "**HEALTH CARE SERVICES THAT ARE**".

On page 3, in line 4, after "**PROVIDE**" insert "**HEALTH CARE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 731 – Senators Astle, Colburn, DeGrange, Dyson, Edwards, Getty, Glassman, Jacobs, King, Montgomery, Peters, Reilly, Rosapepe, and Stone

AN ACT concerning

Maryland Stem Cell Research Fund – Annual Report and Symposium

SB0731/137677/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 731
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Mathias, Middleton, and Muse"; in line 2, strike "Symposium" and substitute "Related Events"; in line 8, strike "prohibiting" and substitute "requiring"; strike beginning with "from" in line 8 down through "admission" in line 9 and substitute "to hold a certain related event if the Corporation and Commission charge a certain"; in line 9, after "symposium;" insert "prohibiting the Corporation and Commission from charging

more than a minimal fee for State residents to attend a certain related event; authorizing the Corporation and Commission to adjust for inflation the amount of a certain fee that determines whether a certain public event must be held;".

AMENDMENT NO. 2

On page 2, in line 13, strike "**THE**" and substitute "**SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IF THE**"; strike beginning with "**MAY**" in line 13 down through "**ATTENDING**" in line 14 and substitute "**CHARGE AN ADMISSION FEE OF MORE THAN $75 TO RESIDENTS OF THE STATE TO ATTEND**"; in line 14, after "**SYMPOSIUM**" insert "**, THE CORPORATION AND COMMISSION SHALL HOLD A RELATED PUBLIC EVENT THAT REVIEWS THE RESULTS REQUIRED TO BE PRESENTED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

(4) THE CORPORATION AND COMMISSION MAY NOT CHARGE MORE THAN A MINIMAL ADMISSION FEE TO RESIDENTS OF THE STATE ATTENDING A RELATED PUBLIC EVENT UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(5) ON OR AFTER JULY 1, 2012, THE CORPORATION AND COMMISSION MAY ADJUST THE PUBLIC SYMPOSIUM ADMISSION FEE THAT IS REFERENCED UNDER PARAGRAPH (3) OF THIS SUBSECTION ANNUALLY FOR INFLATION IN ACCORDANCE WITH THE CONSUMER PRICE INDEX".

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 EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #21

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 227 – Senators Dyson and Middleton

AN ACT concerning

Charlotte Hall Veterans Home – Gifts and Grants – Authority to Accept and Spend

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 291 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

State Government – Maryland Veterans Commission – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 302 – Senator Jones–Rodwell (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Zoning Requirements – Administrative Adjustments

SB0302/674630/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 302

(First Reading File Bill)

On page 1, in line 3, strike "clarifying" and substitute "expanding".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 854 – Senator Ferguson

AN ACT concerning

Baltimore City – Board of Liquor License Commissioners – Issuance of Licenses

SB0854/244937/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 854
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "eliminating" in line 4 down through "eliminating" in line 6 and substitute "altering"; and in line 9, after "City" insert "by authorizing the Board to allow the transfer of a certain license into a certain development in a certain location".

AMENDMENT NO. 2

On page 2, in line 14, strike "**AND**"; in line 15, in each instance, strike the bracket; in line 24, strike "The" and substitute "**(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**"; in line 25, in each instance, strike the bracket; and after line 25, insert:

"**(II) THE BOARD MAY ALLOW THE TRANSFER OF ONE CLASS D LICENSE INTO THE RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO POINT LOCATED IN WARD 24, PRECINCT 5.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 875 – Senator Klausmeier (By Request – Baltimore County Administration)

AN ACT concerning

Alcoholic Beverages – Baltimore County Executive and County Council of Baltimore County – License Fees

SB0875/534037/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 875
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Executive" in line 2 down through "County" in line 3; strike beginning with "repealing" in line 4 down through "regulating" in line 8 and substitute "altering"; in line 9, after "County" insert "; and generally relating to alcoholic beverages license fees in Baltimore County"; in line 13, strike "6–702(b),"; in lines 14 and 15, strike "8–404.1(a), (b), and (c)"; in line 21, strike "6–702(g),"; in line 22, strike "8–404.1(d), 8–601,"; and in line 27, strike "and 18–105".

AMENDMENT NO. 2

On page 2, strike beginning with "**SHALL**" in line 8 down through "**ARTICLE**" in line 9 and substitute "**IS $100**"; strike beginning with "**SHALL**" in line 17 down through "**ARTICLE**" in line 18 and substitute "**IS $250**"; and strike beginning with "**SHALL**" in line 24 down through "**ARTICLE**" in line 25 and substitute "**IS $300**".

AMENDMENT NO. 3

On page 3, strike beginning with "**SHALL**" in line 1 down through "**ARTICLE**" in line 2 and substitute "**IS $150**"; strike beginning with "**SHALL**" in line 9 down through "**ARTICLE**" in line 10 and substitute "**IS $250**"; strike beginning with "**SHALL**" in line 18 down through "**ARTICLE**" in line 19 and substitute "**IS $900**"; strike beginning with "**SHALL**" in line 26 down through "**ARTICLE**" in line 27 and substitute "**IS $1,500**"; and strike beginning with "**SHALL**" in line 34 down through "**ARTICLE**" in line 35 and substitute "**IS $1,000**".

AMENDMENT NO. 4

On page 4, strike beginning with "**SHALL**" in line 7 down through "**ARTICLE**" in line 8 and substitute "**IS $1,500**"; strike in their entirety lines 9 through 16, inclusive; in line 24, strike the bracket; in the same line, strike "$10" and substitute "**$30**"; strike beginning with the bracket in line 26 down through "**ARTICLE**" in line 27 and substitute "**$20**"; in line 34, strike the bracket; and in the same line, strike "$25" and substitute "**$50**".

AMENDMENT NO. 5

On page 5, strike beginning with "$15" in line 1 down through "**ARTICLE**" in line 2 and substitute "**$35**"; strike beginning with "**SHALL**" in line 17 down through "**ARTICLE**" in line 18 and substitute "**$2,000**"; and strike beginning with "**SHALL**" in line 26 down through "**ARTICLE**" in line 27 and substitute "**IS $2,000**".

AMENDMENT NO. 6

On page 6, strike beginning with "**SHALL**" in line 1 down through "**ARTICLE**" in line 2 and substitute "**IS $60**"; in line 6, strike the brackets; in the same line, strike "$15" and substitute "**$30**"; and strike beginning with "**SHALL**" in line 6 down through "**ARTICLE**" in line 7.

AMENDMENT NO. 7

On pages 6 and 7, strike in their entirety the lines beginning with line 8 on page 6 through line 12 on page 7, inclusive.

On page 7, in line 16, strike the brackets; in the same line, strike "$15" and substitute "**$50**"; and strike beginning with "**SHALL**" in line 16 down through "**COUNTY**" in line 21.

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 902 – Senator Miller

AN ACT concerning

Prince George's County – Public Ethics Requirements – Limitations on Contributions to Slates Containing the County Executive or a Member of the County Council and on Participation of County Council Members in Land Use Applications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 906 – Senator Mathias

AN ACT concerning

Worcester County – Department of Liquor Control – Wine and Liquor Purchasing Option

SB0906/154537/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 906
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "beverages;" insert "repealing the minimum price for certain merchandise that the Department must charge to licensees;".

AMENDMENT NO. 2

On page 2, in line 27, after "charged" insert "**NOT MORE THAN**"; and strike beginning with "However," in line 29 down through "wholesalers." in line 31.

On page 3, in line 6, after "receive" insert "**AT LEAST**"; strike beginning with "However," in line 7 down through the first "wholesalers." in line 10; in line 19, after "charged" insert "**NOT MORE THAN**"; and strike beginning with "However," in line 21 down through the first "wholesalers." in line 24.

On page 4, in line 17, after "receive" insert "**AT LEAST**"; and strike beginning with "However," in line 18 down through "wholesalers." in line 21.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 917 – Senator Colburn

AN ACT concerning

Wicomico County – Alcoholic Beverages Licenses – Pub–Breweries and Micro–Breweries

SB0917/464037/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 917
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "(2)" insert "and (b)(1)"; and in line 20, strike "(b)(1) and".

AMENDMENT NO. 2

On page 2, strike beginning with "**(I)**" in line 6 down through "**(II)**" in line 8; and in line 19, strike "**A**" and substitute "**NOTWITHSTANDING SUBSECTION (B)(1) OF THIS SECTION, A**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 448)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #33

Senate Bill 132 – Senators Pugh, Currie, Jones–Rodwell, Kelley, Madaleno, Manno, Montgomery, Peters, ~~and Raskin~~ Raskin, and Muse

AN ACT concerning

Job Applicant Fairness Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 32 Negative – 14 (See Roll Call No. 449)

The Bill was then sent to the House of Delegates.

Senate Bill 176 – The President (By Request – Administration) and Senators Garagiola, Klausmeier, Astle, King, Madaleno, and Rosapepe

AN ACT concerning

Maryland Electric Vehicle Infrastructure Council

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 1 (See Roll Call No. 450)

The Bill was then sent to the House of Delegates.

Senate Bill 670 – Senator Rosapepe

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 – 46 Negative – 0 (See Roll Call No. 451)

The Bill was then sent to the House of Delegates.

Senate Bill 746 – Senator Stone

AN ACT concerning

Economic Development – Task Force on Job Creation

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 452)

The Bill was then sent to the House of Delegates.

Senate Bill 822 – Senator Middleton

AN ACT concerning

Maryland Communities for a Lifetime Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 453)

The Bill was then sent to the House of Delegates.

Senate Bill 901 – Senator Miller

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Prince George's County – Site Plan Approval Authority

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 454)

The Bill was then sent to the House of Delegates.

Senate Joint Resolution 6 – Senator Middleton

A Senate Joint Resolution concerning

Safe Harbor Legislation and Regulations Needed to Form Accountable Care Organizations

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 455)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #34

Senate Bill 342 – Senators Ramirez and Forehand

AN ACT concerning

Peace Orders – Extension of Duration

Read the third time and passed by yeas and nays as follows:

Affirmative – 32 Negative – 14 (See Roll Call No. 456)

The Bill was then sent to the House of Delegates.

Senate Bill 480 – Senators Forehand and Ramirez

AN ACT concerning

Courts – Peace Orders – Penalties

Read the third time and passed by yeas and nays as follows:

Affirmative – 32 Negative – 14 (See Roll Call No. 457)

The Bill was then sent to the House of Delegates.

Senate Bill 593 – Senators Raskin ~~and Jacobs~~, Jacobs, and Forehand

AN ACT concerning

Crimes – Definition of Serious Physical Injury – Strangulation and Suffocation

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 458)

The Bill was then sent to the House of Delegates.

Senate Bill 747 – ~~Senator Stone~~ Senators Stone, Raskin, Brochin, Forehand, and Jacobs

AN ACT concerning

Domestic Violence – Cruelty Toward a Pet or Service Animal

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 459)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Stone moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 991 – Senator Stone

AN ACT concerning

Homeowner's Insurance – Coverage for Other Structures

FOR the purpose of prohibiting an insurer that issues a policy of homeowner's insurance from requiring the policy to include coverage for certain structures under certain circumstances; providing for the application of this Act; and generally relating to coverage under policies of homeowner's insurance.

BY adding to
Article – Insurance
Section 19–214
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Rules.

Senator Dyson moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 992 – Senator Dyson

AN ACT concerning

Vehicle Laws – Window Tinting – Certification by Inspection Stations

FOR the purpose of requiring that a certain repair order certification for a violation of certain provisions relating to window tinting on a motor vehicle may be issued

only by a registered individual at an inspection station in certain circumstances; and generally relating to inspection of window tinting on motor vehicles.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 23–101(f) and (h)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 23–105(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Rules.

Senator Middleton moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 993 – Senator Middleton

AN ACT concerning

Maryland Automobile Insurance Fund – Employee Compensation

FOR the purpose of providing that employees of the Maryland Automobile Insurance Fund are not subject to certain laws, regulations, or executive orders governing State employee compensation; repealing a requirement for the Executive Director of the Fund to determine the compensation of certain personnel of the Fund in accordance with the State pay plan; repealing a requirement for the Executive Director to submit certain changes to the Fund's salary plan to the Secretary of Budget and Management in a certain manner; repealing a requirement for the Secretary to take certain actions relating to proposed changes to the Fund's salary plan; and generally relating to the compensation of employees of the Maryland Automobile Insurance Fund.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 20–204
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 460)

ADJOURNMENT

At 12:20 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 21, 2011.

Annapolis, Maryland
Monday, March 21, 2011
8:00 P.M. Session

The Senate met at 8:10 P.M.

Prayer by Reverend Paul Drost, Grace Assembly of God, guest of Senator Jacobs.

(See Exhibit A of Appendix III)

The Journal of March 18, 2011 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 462)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 365 – Senator Thomas M. Middleton:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
North Point High School Basketball Team
in recognition of
your winning the Maryland 4A Championship and Southern Maryland Athletic Conference's first title in 39 years.
We applaud your outstanding season and wish
you many more. Congratulations!

The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 21st day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 463)

Senate Resolution No. 405 – The President and Senator Roy P. Dyson:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Calvert High School Girls Basketball Team
in recognition of
your winning the Class 2A State Championship and the first State basketball title for Calvert County. We applaud your outstanding season and wish you many more.
Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 21st day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 464)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 38 – Delegates Waldstreicher, Branch, Cardin, Dumais, Feldman, Frick, Hixson, Howard, Kaiser, Kipke, Luedtke, A. Miller, Myers, Rosenberg, Ross, Stein, Summers, Tarrant, V. Turner, and Walker

AN ACT concerning

Nonpublic Schools ~~Accepting State Funds~~ Participating in State–Funded Education Programs – Bullying, Harassment, and Intimidation – Policies

FOR the purpose of requiring nonpublic schools that ~~accept State funds~~ participate in State–funded education programs 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~~ participate in State–funded education programs.

BY adding to
Article – Education

Section 7–424.3
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 124 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

Maryland Insurance Administration – Program Evaluation

FOR the purpose of requiring that an evaluation under the Maryland Program Evaluation Act of the Maryland Insurance Administration and the statutes and regulations that relate to the Administration be performed on or before a certain date; and generally relating to the Maryland Insurance Administration.

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(32)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 128 – Delegates Jameson, Anderson, Arora, Bobo, Bohanan, Braveboy, Cardin, Carr, Eckardt, Frush, Gaines, Gutierrez, Howard, James, Kach, Kaiser, K. Kelly, Krebs, Luedtke, McConkey, Minnick, Murphy, Pena–Melnyk, B. Robinson, Sophocleus, Valderrama, Vaughn, Waldstreicher, Washington, Wilson, and Wood

AN ACT concerning

Commercial Law – Maryland Consumer Protection Act – Scope

FOR the purpose of expanding the scope of the Maryland Consumer Protection Act by altering the definition of "consumer" to include an individual who sells or offers for sale to a merchant certain consumer goods~~, consumer services,~~ or consumer realty and the definition of "merchant" to include a person who directly or

indirectly purchases or offers to purchase any consumer goods or consumer realty and whose business includes paying off consumer debt in connection with the purchase of consumer goods or consumer realty; prohibiting a person from engaging in a certain unfair or deceptive trade practice in the purchase or offer for purchase by a certain merchant of consumer goods~~, consumer services,~~ or consumer realty; and generally relating to the Maryland Consumer Protection Act.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 13–101(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–101(c) and (g) and 13–303
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 188 – Delegate Donoghue

AN ACT concerning

State Board of Physical Therapy Examiners – Licensure and Regulation

FOR the purpose of authorizing the State Board of Physical Therapy Examiners to send license renewal notices by electronic means; altering the maximum amount of a certain fine; altering certain definitions; and generally relating to the licensure and regulation of physical therapists and physical therapist assistants.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 13–101, 13–311, and 13–407
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 195 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – License Application and Renewal Fees

FOR the purpose of increasing a certain application fee and a certain renewal fee for a secondhand precious metal object dealer license.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–202(a) and 12–207(c)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 203 – Chair, Economic Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Junk Dealers and Scrap Metal Processors – State Licensing Laws – Applicability and Exemptions

FOR the purpose of repealing a provision exempting certain counties from certain State licensing laws on junk dealers and scrap metal processors; exempting certain licensed secondhand precious metal object dealers and pawnbrokers from the scope of certain State licensing laws on junk dealers and scrap metal processors; clarifying certain prohibited acts relating to junk dealers and scrap metal processors; repealing certain licensing provisions for Calvert County junk dealers and scrap metal processors; altering a certain definition; making clarifying and stylistic changes; and generally relating to the applicability of and exemptions from State licensing laws on junk dealers and scrap metal processors.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 17–1001(a) and 17–1012(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 17–1001(f), 17–1002, 17–1011(a) and (d), and 17–1012(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing
Article – Business Regulation
Section 17–1015 through 17–1024
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 245 – Howard County Delegation

AN ACT concerning

Howard County – Alcoholic Beverages – Beer, Wine and Liquor Tasting License
Ho. Co. 5–11

FOR the purpose of creating in Howard County a beer, wine and liquor tasting (BWLT) license; specifying to whom the license may be issued; setting maximum limits on the amounts of alcoholic beverages that may be served under a BWLT license; setting the annual license fee; authorizing the Howard County Board of License Commissioners to adopt rules or regulations to implement this Act; increasing the maximum alcohol content of wine that may be served under a beer and wine tasting license to conform with a certain definition of light wine; making stylistic changes; and generally relating to alcoholic beverages licenses in Howard County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–408.1
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 268 – Delegates Branch, Anderson, Carter, Conaway, Glenn, Haynes, Mitchell, Oaks, B. Robinson, Stukes, Tarrant, ~~and Washington~~ Washington, Clippinger, Hammen, McHale, McIntosh, and Rosenberg

AN ACT concerning

Board of Liquor License Commissioners for Baltimore City – Ethics, Open Meetings, and Performance Audit

FOR the purpose of prohibiting a commissioner of the Board of Liquor License Commissioners for Baltimore City or an employee of the Board from having certain interests in businesses or premises relating to the distribution of alcoholic beverages; specifying that an action of a commissioner or employee of

the Board is subject to State requirements for open or public meetings; requiring the Office of Legislative Audits to conduct, during a certain period of time, performance audits of the Board to evaluate the management practices of the Board; requiring the audit to focus on certain operations of the Board; requiring the audits to occur at a certain frequency; authorizing the Office of Legislative Audits to have access to and inspect the records of the Board; requiring audit reports of the Board to be distributed to certain persons; defining a certain term; making certain stylistic and conforming changes; requiring the Office of Legislative Audits to initiate its first audit of the Board on or before a certain date; and generally relating to the Board of Liquor License Commissioners for Baltimore City and audits conducted by the Office of Legislative Audits.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–112(d)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–112(d)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 15–112(d)(15)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Government
Section 2–1220(f)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–1223(a)(3) and 2–1224
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 2–1223(b)
Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 279 – Carroll County Delegation

AN ACT concerning

Carroll County – Alcoholic Beverages – Liquor Tasting

FOR the purpose of creating a liquor tasting license in Carroll County; authorizing the Board of License Commissioners for Carroll County to issue the liquor tasting license only to holders of a certain alcoholic beverages license; specifying that the liquor tasting license authorizes consumption of certain liquor for tasting or sampling purposes only; requiring that the liquor be provided to consumers at no charge; specifying certain limitations on the quantity of liquor that may be consumed; providing an annual fee; specifying the term of a liquor tasting license; authorizing the Board to adopt regulations; defining a certain term; and generally relating to alcoholic beverages in Carroll County.

BY adding to
Article 2B – Alcoholic Beverages
Section 8–9A–01 to be under the new subtitle "Subtitle 9A. Liquor Tasting Licenses"
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 286 – Delegates Morhaim and Kipke

AN ACT concerning

Hospitals and Freestanding Ambulatory Care Facilities – ~~Pracitioner~~ Practitioner Performance Evaluation

FOR the purpose of requiring hospitals and freestanding ambulatory care facilities, as a condition of licensure, to establish a certain practitioner performance evaluation process ~~and~~; requiring hospitals to analyze the results of the process; requiring the practitioner performance evaluation process to include a certain review of care; requiring hospitals and freestanding ambulatory care facilities to take into account the results of the practitioner performance evaluation process for a member of the medical staff in a certain reappointment process; establishing a certain fine for certain noncompliance; ~~establishing requirements for practitioner performance evaluation procedures in freestanding ambulatory~~

~~care facilities;~~ making certain stylistic changes; and generally relating to practitioner performance evaluation in hospitals and freestanding ambulatory care facilities.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–319(a) and 19–3B–02(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–319(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)
(As enacted by Chapters 90 and 91 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–3B–03(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health – General
Section 19–319(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 376 – Allegany County Delegation

AN ACT concerning

Allegany County – Alcoholic Beverages – Eligibility for Class B–BT (Buffet Theater) License

FOR the purpose of altering in Allegany County the types of entertainment that an establishment may provide to its customers to be eligible for a Class B–BT (Buffet Theater) beer, light wine and liquor license to include live acoustic–style music and feature films; and generally relating to eligibility for a Class B–BT (Buffet Theater) beer, light wine and liquor license in Allegany County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(b)(3)

Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 413 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages – Wine Festival License

FOR the purpose of establishing a special wine festival (WF) license in Washington County; requiring that an applicant for a special WF license must be a holder of a certain other license; specifying that a holder of a special WF license may display and sell wine in a certain manner; requiring the Washington County Board of License Commissioners to assure that the primary focus of the Festival is the promotion of Maryland wine; requiring a holder of a special WF license to display and sell certain wine; providing for a license fee; providing that this Act does not prohibit the holder of a special WF license from holding another alcoholic beverages license; authorizing the Board to choose certain weekends for festivals; requiring the Board to choose certain locations for the festivals; requiring the Board to adopt certain regulations; defining certain terms; and generally relating to wine in Washington County.

BY renumbering
Article 2B – Alcoholic Beverages
Section 8–313.1
to be Section 8–313.2
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–313.1
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 417 – Delegates Jameson, Beitzel, Clagett, Davis, K. Kelly, and Love

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

FOR the purpose of providing that certain death benefit provisions of the workers' compensation law apply only to certain covered employees of a municipal corporation or a county and their dependents; altering the authority of the Workers' Compensation Commission to make certain determinations of dependency; altering a provision of law that specifies that certain surviving spouses and individuals are not entitled to certain death benefits; altering the provisions relating to the calculation of death benefits for certain individuals who are wholly or partly dependent; requiring an employer or its insurer to pay certain death benefits to certain dependents for a certain period of time; specifying the calculation of certain death benefits; specifying the minimum amount of certain death benefits; specifying the minimum amount of time for the payment of certain death benefits; providing for an exception to the time limitation for certain dependents who are incapable of self–support under certain circumstances; providing for the termination of certain death benefits under certain circumstances; providing for an exception to the termination of certain death benefits for certain children under certain circumstances; providing for the amount of death benefits to certain dependents who are neither a dependent spouse nor a dependent child; providing for an annual adjustment in a certain manner of a certain death benefit; specifying that the Commission has continuing jurisdiction under certain circumstances; authorizing a municipal corporation or county to make a certain election; increasing the amount of certain funeral expenses that the employer or its insurer is required to pay; providing for the application of this Act; making stylistic changes; and generally relating to workers' compensation death benefits for dependents of covered employees.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–678
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–679~~, 9–680, 9–681, 9–683,~~ through 9–683 and 9–689
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

~~BY repealing~~
~~Article – Labor and Employment~~
~~Section 9–682~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

BY adding to
Article – Labor and Employment

Section ~~9–682~~ 9–683.1, 9–683.2, 9–683.3, 9–683.4, 9–683.5, and 9–683.6
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 453 – Delegates Jameson and Minnick

AN ACT concerning

Workers' Compensation – Jurisdiction Pending Appeal – Proposed Settlement

FOR the purpose of expanding the circumstances under which the Workers' Compensation Commission retains jurisdiction pending an appeal of a Commission order to include a request for approval of a proposed settlement of all or part of a claim; and generally relating to the jurisdiction of the Commission pending an appeal of a workers' compensation order.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–742
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 466 – Delegates Tarrant and Kipke

AN ACT concerning

Procurement – Service Contracts for Janitorial Services

FOR the purpose of requiring the Board of Public Works, in consultation with the Department of General Services, to adopt regulations to require that a bidder or offeror responding to a solicitation for a service contract for janitorial services delineate its costs by certain categories; providing for a certain exception; and generally relating to service contracts for janitorial services.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–101(t)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement

Section 13–218.1
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 13–401
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 596 – Delegate Davis

AN ACT concerning

Electric Companies and Gas Companies – Customer Account Information

FOR the purpose of requiring an electric company, a gas company, or an electric and gas company, on a certain request by a certain competitive supplier of electricity or gas, to provide certain information related to certain customer accounts to the supplier, subject to certain restrictions; requiring the distribution utility to provide the information in a certain form and to update it periodically; prohibiting a distribution utility from providing certain information without the prior authorization of a certain customer; providing the method by which a distribution utility must obtain the customer's authorization, including requiring certain notice to be provided containing certain information; requiring the notice to be provided to certain customers at certain times; establishing when a customer is deemed to have given certain authorization; authorizing a customer to withdraw authorization in a certain manner; requiring a distribution utility to ensure that certain information is not shared under certain circumstances; requiring a distribution utility to notify a certain competitive supplier that a certain customer has withdrawn certain authorization; requiring a competitive supplier to redact certain information from its records under certain circumstances and refrain from contacting a certain customer in a certain manner under certain circumstances; requiring the Public Service Commission to allow a distribution utility to recover certain costs directly from a competitive supplier; providing that a competitive supplier may use certain information only for a certain purpose; prohibiting a competitive supplier from selling or providing certain information to any other person, with a certain exception; authorizing a competitive supplier to provide certain information to an authorized agent for a certain purpose; providing that the authorized agent is subject to the same restrictions on the use, sale, or provision of the information as the competitive supplier; requiring a certain competitive supplier to include certain information in certain marketing materials sent to certain customers; providing for the application of this Act to

certain gas suppliers under certain provisions of law; providing that this Act does not apply to an electric cooperative or a gas cooperative; defining certain terms; and generally relating to electricity, gas supply, and customer account information.

BY adding to
Article – Public Utilities
Section 7–510.1 and 7–604(c)
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Finance.

House Bill 597 – Delegate Davis

AN ACT concerning

Public Service Commission – Customer Education on Customer Choice

FOR the purpose of requiring the Public Service Commission to educate consumers about customer choice in accordance with a certain provision of law; requiring the Commission to host a certain section on its Web site related to customer choice; requiring the Web site to comply with certain standards and to include certain information; requiring the Commission to maintain a certain secure portal on its Web site to receive certain information from certain electricity suppliers; requiring certain electricity suppliers to submit certain information to the Commission through the secure portal at certain intervals; requiring the Commission to work with certain media outlets to develop and air certain public service announcements related to customer choice; requiring the Commission to recover certain costs in accordance with a certain provision of law; requiring the Commission to submit a certain report to the General Assembly each year by a certain date; requiring the Commission to convene a certain workgroup for a certain purpose; providing for the membership and duties of the workgroup; requiring the workgroup to report to the Commission and certain committees by a certain date; requiring the Commission to ~~implement~~ take action on certain recommendations ~~by a certain date~~; and generally relating to customer choice.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–504 and 7–505(a)(1)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Public Utilities
Section 7–510.1
Annotated Code of Maryland

(2010 Replacement Volume)

Read the first time and referred to the Committee on Finance.

House Bill 600 – Delegates Hammen, Hubbard, Bromwell, Clippinger, Costa, Donoghue, Elliott, Kach, Kipke, McDonough, McHale, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, and V. Turner

AN ACT concerning

Health Care Providers – Investigations – Information Sharing Among State Agencies

FOR the purpose of adding to the list of entities to which the Health Services Cost Review Commission may disclose certain physician information; altering the list of entities that may be medical review committees charged by law to evaluate certain matters relating to health care providers; requiring the Board of Physicians to disclose information contained in a record to the Secretary of Health and Mental Hygiene and certain agencies for a certain purpose; requiring the Board, the Secretary, and the Commission to jointly adopt regulations for the transfer of certain information in a record; providing that certain provisions of this Act may not be construed to alter the authority of the Secretary under certain provisions of law; making a certain technical change; and generally relating to sharing information among State agencies for purposes of investigating health care providers, health care quality, and utilization of health care.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–218
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–401 and 14–411(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 14–411(a), (b), and (c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 752 – Delegates Barkley, Anderson, Arora, Barnes, Clagett, Clippinger, Cluster, DeBoy, Dumais, Dwyer, Gilchrist, Glass, K. Kelly, Lee, McComas, McDermott, Mitchell, Parrott, Simmons, Smigiel, Valderrama, Vallario, and Waldstreicher

AN ACT concerning

Maryland Correctional Enterprises – Prohibiting Access to Personal Information

FOR the purpose of prohibiting certain programs developed for Maryland Correctional Enterprises from allowing inmates to have access to certain personal information; defining certain terms; and generally relating to Maryland Correctional Enterprises and inmate access to personal information.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–511
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 793 – Delegates Valentino–Smith, Boteler, DeBoy, Howard, McComas, Minnick, Mitchell, B. Robinson, Stein, F. Turner, V. Turner, Vallario, ~~and Wilson~~ Wilson, Hammen, Pendergrass, Bromwell, Cullison, Donoghue, Elliott, Frank, Hubbard, Kach, A. Kelly, Kipke, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Ready, Reznik, and Tarrant

AN ACT concerning

Behavioral Health – Veterans – Coordination and Provision of Services

FOR the purpose of reenacting certain provisions of law that were abrogated as of a certain date to provide for the continuance of the coordination of certain behavioral health services for certain veterans; requiring the Department of Health and Mental Hygiene, in collaboration with the United States Department of Veterans Affairs, the Maryland Department of Veterans Affairs, the Maryland National Guard, and the Maryland Defense Force, to provide behavioral health services coordination for certain veterans, subject to certain limitations; requiring the Department of Health and Mental Hygiene, subject to certain limitations, to coordinate, provide, and fund certain behavioral health services for certain veterans under certain circumstances; requiring the Department of Health and Mental Hygiene to seek certain reimbursement for certain services; requiring the Department of Health and Mental Hygiene to

separately account for certain funds; defining certain terms; and generally relating to the coordination and provision of behavioral health services for veterans.

BY adding to
Article – Health – General
Section 13–2701 and 13–2702 to be under the new subtitle "Subtitle 27. Behavioral Health Services for Maryland Veterans"
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 888 – Delegates Kach, Bromwell, Cullison, Elliott, A. Kelly, Kipke, A. Miller, Olszewski, S. Robinson, ~~and Stocksdale~~ Stocksdale, Donoghue, Frank, Hammen, Hubbard, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Ready, Reznik, Tarrant, and V. Turner

AN ACT concerning

Health Insurance – Prescription Eye Drops – Refills

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for a refill of prescription eye drops under certain circumstances; making the provisions of this Act applicable to health maintenance organizations; providing for the application of this Act; and generally relating to health insurance coverage of prescription eye drops.

BY adding to
Article – Health – General
Section 19–706(kkkk)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Insurance
Section 15–845
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 456 – Delegates Morhaim, Busch, Branch, Hammen, Barve, McIntosh, Barkley, Barnes, Beidle, Bobo, Bohanan, Boteler, Burns, Cane, Cardin, Carr, Carter, Clagett, Conaway, Cullison, Davis,

Feldman, Glenn, Griffith, Gutierrez, Guzzone, Haynes, Hixson, Holmes, Howard, Hubbard, Ivey, Jones, Kaiser, A. Kelly, Lee, Love, Luedtke, A. Miller, Mitchell, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Sophocleus, Stein, Stukes, Summers, Tarrant, F. Turner, V. Turner, Valderrama, Valentino–Smith, Vaughn, Walker, ~~and Washington~~ Washington, Pendergrass, and Donoghue

AN ACT concerning

Procurement – Minority Business Participation

FOR the purpose of repealing the requirement that certain procurement procedures try to achieve the result that a certain percentage of a unit's total dollar value of procurement contracts be made to certified minority business enterprises; clarifying that it is a goal that a certain percentage of a unit's total dollar value of procurement contracts be made to certified minority business enterprises; requiring the Governor's Office of Minority Affairs, in consultation with the State Department of Transportation and the Office of the Attorney General, to establish certain guidelines for units to follow while determining whether to set certain subgoals for certain minority groups; requiring units to implement a program that enables the unit to evaluate each contract to determine the appropriate minority business enterprise participation goals for the contract based on certain factors; requiring certain units to make certain determinations on whether certain contractors have demonstrated taking certain steps to achieve certain goals, including complying with certain requirements; requiring certain waivers to be granted if certain contractors demonstrate certain good–faith efforts; prohibiting certain units from requiring certain contractors to renegotiate certain subcontracts under certain circumstances; authorizing certain units to waive certain requirements under certain circumstances; requiring certain units to issue and forward to the Office of Minority Affairs certain written waiver determinations; requiring certain units to submit certain annual reports to the Board of Public Works and the Governor's Office of Minority Affairs; requiring the Board of Public Works to adopt certain regulations; continuing until a certain date the provisions of the State Procurement Law relating to procurement from minority businesses; ~~requiring a certain study and a final report on the study by a certain date;~~ declaring the intent of the General Assembly; making the provisions of this Act severable; and generally relating to minority business participation in State procurement.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–302, 14–303, and 14–309
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Chapter 116 of the Acts of the General Assembly of 1995, as amended by Chapters 495 and 496 of the Acts of the General Assembly of 2000, Chapter 339 of the Acts of the General Assembly of 2001, and Chapter 359 of the Acts of the General Assembly of 2006~~
~~Section 2~~

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 468 – Delegate Kach

AN ACT concerning

Health Insurance – Dental Provider Contracts – Prohibited Provision

FOR the purpose of prohibiting certain health insurance carriers from including in a dental provider contract a provision that requires a dental provider to provide certain services at a fee set by the carrier; defining a certain term; providing for the application of this Act; and generally relating to dental provider contracts and health insurance carriers.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–112.2(a)(1), (3), (4), (9), and (10)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY adding to
Article – Insurance
Section 15–112.2(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 476 – Carroll County Delegation

AN ACT concerning

Carroll County – Winery Special Event Permits – Farmers' Markets

FOR the purpose of authorizing the issuance of a certain number of additional winery special event permits to certain wineries for use in certain farmers' markets in Carroll County; prohibiting a holder of a permit from selling wine by the glass; requiring that a certain individual who is certified by an alcohol awareness program be present during the hours when wine may be sold; and generally relating to farmers' markets in Carroll County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–101(u)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 2–101(u)(9)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 479 – Frederick County Delegation

AN ACT concerning

Frederick County – Winery Special Event Permits – Farmers' Markets

FOR the purpose of authorizing the issuance of a certain number of additional winery special event permits to certain wineries for use in certain farmers' markets in Frederick County; prohibiting a holder of a permit from selling wine by the glass; requiring that a certain individual who is certified by an alcohol awareness program be present during the hours when wine may be sold; and generally relating to farmers' markets in Frederick County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–101(u)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 2–101(u)(9)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 482 – Delegates Frick and Hucker

AN ACT concerning

Consumer Protection – Information on Payment Device Receipts – Limitations

FOR the purpose of altering the number of digits of a payment device number that may be printed on certain receipts by a person that accepts a payment device number for the transaction of business; prohibiting a person that accepts a payment device number for the transaction of business from printing more than a certain number of digits of a payment device number or the expiration date of a payment device on a receipt that is provided to the holder of the payment device at the point of sale or transaction or retained by the person; establishing a certain penalty; altering a certain definition; making certain stylistic and clarifying changes; providing for a delayed effective date; and generally relating to information printed on payment device receipts.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 14–1318
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 506 – Anne Arundel County Delegation

AN ACT concerning

Alcoholic Beverages – Anne Arundel County – Entertainment Facility

FOR the purpose of authorizing the Board of License Commissioners of Anne Arundel County to issue a certain entertainment facility license to certain persons for certain purposes; providing for the scope of the entertainment facility license; authorizing the Board to issue a certain entertainment concessionaire license to certain persons for certain purposes; providing for the scope of the entertainment concessionaire license; providing that beer, wine, and liquor sold under an entertainment facility license or an entertainment concessionaire license may be taken into and consumed anywhere in the entertainment facility; specifying that the licenses authorize the playing of music and dancing; providing that certain provisions relating to a special Sunday license do not apply to an entertainment facility license or an entertainment concessionaire license; providing for the annual fees and payment date for the licenses; providing for the application to certain persons of certain penalties and sanctions for violations occurring on certain premises; defining certain terms; and generally relating to alcoholic beverages and entertainment facilities in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages
Section 8–202(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–202(k)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–102(h)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 535 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Town of Kensington – Off–Sale Beer and Light Wine Licenses
MC 9–11

FOR the purpose of authorizing the Montgomery County Board of License Commissioners to issue a certain number of Class A (off–sale) beer and light wine licenses in a certain area in the town of Kensington; specifying the hours and days of sale; prohibiting a license holder from engaging in certain activities; providing for an annual license fee; and generally relating to the sale of alcoholic beverages in the town of Kensington.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–216(a)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 542 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Beer and Wine Sampling or Tasting License
MC 3–11

FOR the purpose of expanding the list of alcoholic beverages licenses that the Montgomery County Board of License Commissioners may issue in the City of Takoma Park to include a beer and wine sampling or tasting (BWST) license; authorizing the Board to issue a BWST license to certain persons; authorizing certain holders of a BWST license to hold only wine tastings or samplings; specifying the annual license fee; specifying certain conditions for the use of a BWST license; specifying certain maximum quantities of alcoholic beverages that may be consumed under certain conditions; specifying certain requirements for applying for and issuing a BWST license; authorizing an applicant for a BWST license to request a hearing before the Board under certain circumstances; defining a certain term; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–216(d)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–408.2
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 543 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Special Culinary School License
MC 14–11

FOR the purpose of establishing in Montgomery County a special culinary school license; authorizing the Board of License Commissioners, by unanimous vote, to issue the license for use on the premises of certain culinary educational institutions; setting a certain annual fee; authorizing a license holder to allow the consumption of certain alcoholic beverages by certain individuals in connection with certain courses; specifying that an individual may consume alcoholic beverages under the license only on the licensed premises; specifying

the hours during which the license holder may conduct certain activities under the license; requiring that a license holder provide food during the hours alcoholic beverages are served; prohibiting a license holder from holding any other alcoholic beverages license; authorizing the Board of License Commissioners to issue up to a certain number of licenses to a single culinary school; providing that certain restrictions on the sale of alcoholic beverages in the vicinity of certain schools, places of worship, or youth centers do not apply to a special culinary school license; defining a certain term; and generally relating to a special culinary school license in Montgomery County.

BY adding to
Article 2B – Alcoholic Beverages
Section 8–216.3 and 9–102(q)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–102(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–216(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 545 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcohol Sales – Burtonsville ~~Towne~~ Town Square and Hillandale Shopping Center
MC 2–11

FOR the purpose of authorizing the Montgomery County Board of License Commissioners by unanimous vote to approve applications for alcoholic beverages licenses for restaurant establishments located in certain shopping centers in Montgomery County under certain circumstances; specifying that the license authorizes the license holder to keep for sale and sell alcoholic beverages for consumption on the premises only; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–216
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 590 – Delegate Davis

EMERGENCY BILL

AN ACT concerning

Public Service Commission – Certificate of Public Convenience and Necessity – Renewable Source Generator Lead Line

FOR the purpose of requiring a person to obtain a certificate of public convenience and necessity prior to beginning construction in the State of a qualified generator lead line; prohibiting a person from applying for a certificate of public convenience and necessity for the construction of a qualified generator lead line under certain circumstances; requiring the Public Service Commission to provide an opportunity for public comment and hold a certain public hearing on a certain application; requiring the Commission to take a final action on a certain application only under certain circumstances; defining a certain term; making this Act an emergency measure; and generally relating to a certificate of public convenience and necessity for a renewable source generator lead line.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–207(a), (b), (d), and (e)
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Finance.

House Bill 637 – Delegate Feldman

AN ACT concerning

Limited Liability Company Act

FOR the purpose of establishing the policy of certain provisions of law relating to limited liability companies; providing that a certain provision of law that may be changed by the terms of an operating agreement may also be changed by the terms of the articles of organization of a limited liability company; providing

that a certain certificate representing the interest of a member of a limited liability company may ~~only~~ be issued in bearer form only under certain circumstances; authorizing an operating agreement to require that an amendment to the agreement be approved by a certain person or on satisfaction of certain conditions; authorizing an operating agreement to establish the rights of certain persons; providing that, if an operating agreement provides the manner in which the agreement may be amended, then the agreement may be amended only in that manner; providing that a certain approval or condition for amending an operating agreement may be waived in certain circumstances; establishing that an amendment to an operating agreement is not required to be in writing, with certain exceptions; clarifying that an operating agreement is not unenforceable on the ground that there is only one party to the agreement; establishing that a limited liability company is not required to execute its operating agreement and is bound by the operating agreement regardless of whether the company has executed the agreement; establishing that each member and assignee of a member is bound by the operating agreement of a limited liability company regardless of whether the member or assignee executed the operating agreement; authorizing an operating agreement to provide that an action that otherwise requires unanimous consent may be taken without the consent of a member or members of the limited liability company; providing that an operating agreement may require the consent of certain persons who are not members of the limited liability company to take an action requiring unanimous consent of the members; authorizing an operating agreement to expand, restrict, or eliminate certain duties; providing that, unless otherwise provided in an operating agreement, certain persons are not liable for breach of fiduciary duty for good faith reliance on the operating agreement; authorizing an operating agreement to provide for the limitation or elimination of certain liabilities; providing that a person may become a member of a limited liability company in accordance with a provision of law that authorizes the personal representative, successor, or assignee of the last remaining member to admit the person as a member of the limited liability company; clarifying that the admission of an assignee as a member of a limited liability company is governed by certain provisions of law relating to assignments; providing that the admission of a certain personal representative or successor is governed by a certain provision of law; providing that, unless otherwise provided in the operating agreement, an assignment of the interest of a person in a limited liability company entitles the assignee only to the assignor's share of profits, losses, and distributions; providing that, unless otherwise provided in the operating agreement, a member of a limited liability company ceases to be a member on assignment of all of the member's interest; providing that, unless otherwise provided in the operating agreement, a certain encumbrance in or against the interest of a member of a limited liability company does not cause the member to cease being a member or to have the power to exercise certain rights; altering the circumstances under which an assignee may become a member of a limited liability company; authorizing a certain creditor of a certain debtor holding an interest in a limited liability company to apply to a court for a certain order; authorizing a court to take

certain actions on the application of a certain creditor in certain circumstances; authorizing, before a certain foreclosure, a certain interest to be redeemed with certain property; providing that this Act does not deprive a debtor of a certain right; providing that this Act provides the exclusive remedy by which a certain person may attach the interest or otherwise affect the rights of a member of a limited liability company; altering the circumstances under which a limited liability company may not be dissolved or required to wind up its affairs after the occurrence of certain conditions; making certain technical, stylistic, and clarifying changes; defining certain terms; and generally relating to limited liability companies.

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 4A–101(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 4A–101(g), 4A–402, 4A–404, 4A–601, 4A–603, 4A–604, and 4A–902
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Corporations and Associations
Section 4A–102, 4A–402.1, and 4A–607
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing
Article – Corporations and Associations
Section 4A–607
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 643 – Delegate Carr

AN ACT concerning

Procurement – State Buildings – Energy Efficient Outdoor Lighting Fixtures

FOR the purpose of prohibiting the use of State funds to install or replace a permanent outdoor luminaire for lighting on the grounds of any State building unless the luminaire meets certain requirements; providing certain exceptions to the requirements of this Act; authorizing the Board of Public Works or the

Board's designee to waive the requirements of this Act under certain circumstances; requiring the Board to establish the requirements for a certain waiver request; requiring the Board or the Board's designee to consider certain factors when considering a waiver request; defining certain terms; and generally relating to the use of energy efficient outdoor lighting fixtures on State buildings.

BY adding to
Article – State Finance and Procurement
Section 14–411
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 940 – Delegates Hucker, Barkley, Barve, Feldman, Frick, Frush, Gilchrist, Impallaria, Jameson, Kach, A. Kelly, K. Kelly, McComas, A. Miller, Olszewski, Reznik, S. Robinson, and Waldstreicher

AN ACT concerning

Counties – Kennel Licenses – Requirements for Breeders

FOR the purpose of requiring a certain person to obtain a kennel license under certain circumstances; requiring each county to collect and maintain certain information for each kennel license issued; requiring each county to report certain information to the Department of Labor, Licensing, and Regulation on or before a certain date each year; authorizing a county to establish additional kennel license fees to cover certain costs; providing for the construction of this Act; and generally relating to kennel license requirements.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 11–501(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 11–501(a–1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 944 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Mortgage Lenders and Mortgage Loan Originators

FOR the purpose of requiring a person who is exempt from certain mortgage lender licensing requirements and who employs a licensed mortgage loan originator to register with the Nationwide Mortgage Licensing System and Registry; repealing certain obsolete provisions of law relating to mortgage lender licensing requirements for certain sole proprietors; requiring an applicant for a mortgage lender license and a licensed mortgage lender to provide fingerprints for submission to certain governmental agencies or entities for certain criminal history background checks; altering the circumstances under which a mortgage lender license applicant or licensee may be required to provide certain information to the Nationwide Mortgage Licensing System and Registry; authorizing the Commissioner of Financial Regulation to request from certain agencies certain records, information, and receipts relating to criminal history records or background checks of mortgage lender and mortgage loan originator license applicants and licensees; requiring certain mortgage lender license applicants and licensees to pay certain processing or other fees related to a criminal history records check or criminal history background check; altering the circumstances under which a mortgage loan originator license must remain in nonactive status; authorizing a mortgage loan originator license to be issued to an individual who is not employed by a licensed mortgage lender or a person exempt from licensing as a mortgage lender under certain circumstances; authorizing a mortgage loan originator license to be issued to an individual who is employed by a person exempt from licensing as a mortgage lender under certain circumstances; altering the circumstances under which a mortgage loan originator license may be issued to an individual who is employed by a mortgage lender; repealing a certain obsolete provision of law exempting a mortgage lender licensee from a requirement to maintain an office in the State; repealing certain provisions of law relating to interim mortgage loan originator licenses and provisional approval of an application for a mortgage loan originator license; defining a certain term; making certain stylistic and conforming changes; and generally relating to the regulation of mortgage lenders and mortgage loan originators.

BY adding to
Article – Financial Institutions
Section 11–505(g) and 11–603(d)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY repealing

Article – Financial Institutions
Section 11–506(c), 11–603(e), and 11–605.1
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section ~~11–506(d)~~ 11–506(b) and (d), 11–506.1, 11–603(c) and (d), 11–604, and 11–607
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 953 – Allegany County Delegation

EMERGENCY BILL

AN ACT concerning

Allegany County – Alcoholic Beverages – 1–Day Special License

FOR the purpose of authorizing the Allegany County Board of License Commissioners to grant a certain 1–day special license for use at an entertainment event; limiting the duration of a certain license; authorizing the Allegany County Board of County Commissioners to determine the amount of a certain fee based on a certain recommendation; requiring license holders to exercise the privileges of the license on county–owned property; requiring the Board of County Commissioners to distribute a certain amount of a certain license fee to the Board of License Commissioners and donate the balance of a certain license fee to a certain nonprofit charitable organization; requiring license holders, with the approval of the Board of County Commissioners, to designate the recipient of a certain donation; requiring that application for a certain license be made not less than a certain number of days before a certain date; making this Act an emergency measure; and generally relating to the establishment of a 1–day special license in Allegany County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 7–101(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 7–101(h)
Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 973 – Delegates Eckardt, Cane, and Haddaway–Riccio

AN ACT concerning

Dorchester County Liquor Act of 2011

FOR the purpose of repealing a certain obsolete residency requirement for voters supporting an application for an alcoholic beverages license in Dorchester County; specifying that a certain prohibition against alcoholic beverages sales at a bar or counter on Sunday does not apply in the county; repealing certain obsolete language concerning Sunday sales; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 10–103(b)(18)(i) and (iv), 10–104(a), and 11–403(a)(1) and (b)(1) and (2)(xi)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing
Article 2B – Alcoholic Beverages
Section 10–104(k)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 11–403(a)(11)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–403(b)(2)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 996 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Alcoholic Beverages – Beer Festival License

FOR the purpose of authorizing the Alcoholic Beverage Board of St. Mary's County to issue a special beer festival (BF) license; establishing certain requirements for license applicants and for holders of special beer festival licenses; establishing a certain fee; specifying that a licensee is not prohibited from holding a certain other license; requiring the Alcoholic Beverage Board to approve the time and location of a beer festival subject to certain limitations and to ensure a certain primary focus for a beer festival; requiring the Alcoholic Beverage Board to adopt certain regulations; and generally relating to beer festivals in St. Mary's County.

BY adding to
Article 2B – Alcoholic Beverages
Section 8–806
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1028 – Delegate Hixson

AN ACT concerning

Financial Institutions – Automated Teller Machines – Video Cameras

FOR the purpose of requiring each operator of a certain automated teller machine to install and maintain a video camera that views and records certain activity of a user of the automated teller machine; requiring the operator to preserve the recordings made by the video camera for at least a certain number of days; providing that a video camera need not record banking transactions made at an automated teller machine; providing that an operator of a certain automated teller machine is not in violation of certain provisions of this Act under certain circumstances; providing that certain provisions of this Act do not apply to certain automated teller machines under certain circumstances; providing that this Act applies only to automated teller machines first installed on or after a certain date; and generally relating to automated teller machines.

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 1–401(a) and (j)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY adding to
Article – Financial Institutions
Section 1–402.1
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 1093 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Bladensburg – Alcoholic Beverages – Development District Licenses
PG 312–11

FOR the purpose of authorizing the Board of License Commissioners for Prince George's County to issue a certain number of Class B–DD licenses in the zoned development district of the City of Bladensburg; authorizing a person to obtain one other Class B license anywhere in Prince George's County for each Class B–DD license the person is issued under certain circumstances; providing that a Class B license issued under this Act for a restaurant located anywhere in Prince George's County shall remain in effect under certain circumstances, subject to certain exceptions; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(15)(vii) and 9–217(f)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 1095 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Development District Licenses
PG 302–11

FOR the purpose of increasing the number of Class B–DD (Development District) licenses that the Board of License Commissioners may issue for restaurants in a certain area of Prince George's County; authorizing a person to obtain one other Class B license anywhere in Prince George's County for each Class B–DD

license the person is issued under certain circumstances; providing that a Class B license issued under this Act for a restaurant located anywhere in Prince George's County shall remain in effect under certain circumstances, subject to certain exceptions; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(15)(vi) and (vii) and 9–217(f)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1119 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Entertainment Permit
PG 311–11

FOR the purpose of specifying that certain alcoholic beverages license holders in Prince George's County need not obtain an entertainment permit under certain circumstances; requiring a holder of an entertainment permit to meet all requirements under county law; clarifying that a certain prohibition is in effect when the privileges authorized by the entertainment permit are being exercised; making a certain stylistic change; and generally relating to the issuance of entertainment permits in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(1)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(19)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 699 – Senator Klausmeier

AN ACT concerning

State Law Enforcement Officers – Collective Bargaining – Certain Police Employees

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

SB0699/877872/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 699
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "time;" insert "authorizing a certain party under certain circumstances to request a hearing before the State Labor Relations Board; requiring a certain party under certain circumstances to provide written notice that an impasse has been reached; requiring each party to provide a certain final proposal to the State Board and the other party; requiring the State Board to conduct a hearing within a certain period of time and to issue a decision on or before a certain date; establishing certain powers and duties of the State Board; authorizing the State Board to receive and consider certain evidence; requiring the written decision of the State Board to be delivered to certain parties; requiring a party that rejects the decision of the State Board to submit a certain written notice to certain parties;".

AMENDMENT NO. 2

On page 2, in line 23, strike "**(G)**" and substitute "**(H)**"; after line 25, insert:

"**(4) "STATE BOARD" MEANS THE STATE LABOR RELATIONS BOARD.**";

in line 27, strike "**, NONCOMMISSIONED**"; and in the same line, after "**EMPLOYEES**" insert "**HOLDING A NONCOMMISSIONED RANK**".

AMENDMENT NO. 3

On page 3, in line 11, strike "**SEPTEMBER**" and substitute "**AUGUST**"; and after line 18, insert:

"**(G) (1) (I) IF THE PARTIES HAVE NOT YET REACHED AN AGREEMENT BY SEPTEMBER 1, EITHER PARTY MAY DECLARE THAT AN IMPASSE HAS BEEN REACHED AND REQUEST A HEARING BEFORE THE STATE BOARD.**

(II) THE PARTY DECLARING THE IMPASSE SHALL PROVIDE WRITTEN NOTICE THAT AN IMPASSE HAS BEEN REACHED TO:

1. THE OTHER PARTY; AND

2. THE STATE BOARD.

(2) EACH PARTY SHALL PROVIDE TO EACH MEMBER OF THE STATE BOARD AND TO THE OTHER PARTY A DETAILED ITEMIZATION OF THE PARTY'S FINAL PROPOSAL MADE PRIOR TO THE DECLARATION OF IMPASSE.

(3) THE STATE BOARD SHALL CONDUCT A HEARING WITHIN 10 DAYS AFTER RECEIVING A REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(4) THE STATE BOARD:

(I) MAY CONSIDER ONLY ITEMS THAT WERE THE SUBJECT OF THE MOST RECENT COLLECTIVE BARGAINING NEGOTIATIONS AND ARE PRESENTED TO THE STATE BOARD BY EITHER PARTY AS DISPUTED ITEMS;

(II) MAY GIVE NOTICE AND HOLD HEARINGS IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT;

(III) SHALL SELECT THE LAST BEST OFFER OF EITHER PARTY IN ITS ENTIRETY; AND

(IV) BEFORE OCTOBER 1, SHALL ISSUE A WRITTEN DECISION EXPLAINING THE BASIS OF ITS DECISION REGARDING WAGES, HOURS, WORKING CONDITIONS, AND ANY OTHER TERMS OR CONDITIONS OF EMPLOYMENT THAT MAY BE IN DISPUTE.

(5) THE STATE BOARD MAY RECEIVE AND CONSIDER EVIDENCE REGARDING:

(I) THE HISTORY OF CURRENT AND PRIOR NEGOTIATIONS BETWEEN THE PARTIES;

(II) THE WAGES, HOURS, WORKING CONDITIONS, AND ANY OTHER TERMS OR CONDITIONS OF EMPLOYMENT OF OTHER LAW ENFORCEMENT OFFICERS IN THE STATE;

(III) THE WAGES, HOURS, WORKING CONDITIONS, AND ANY OTHER TERMS OR CONDITIONS OF EMPLOYMENT OF SIMILAR LAW ENFORCEMENT OFFICERS IN DELAWARE, NEW JERSEY, NEW YORK, PENNSYLVANIA, VIRGINIA, AND WEST VIRGINIA;

(IV) RECRUITMENT AND RETENTION DATA;

(V) THE FINANCIAL CONDITION AND FISCAL CONSTRAINTS OF THE STATE;

(VI) THE COSTS OF THE PROPOSALS OF EACH OF THE PARTIES;

(VII) LIMITATIONS PLACED ON THE EMPLOYER'S USE OF SPECIAL FUNDS BY FEDERAL OR STATE LAW;

(VIII) THE COST OF LIVING IN THE STATE, INCLUDING ANY RECENT CHANGES TO THE COST OF LIVING;

(IX) THE MEDIAN HOUSEHOLD INCOME AND AVERAGE PER CAPITA INCOME IN THE STATE, INCLUDING ANY RECENT CHANGES TO THESE STATISTICS;

(X) THE UNIQUE CHARACTERISTICS OF THE JOB, INCLUDING THE HAZARDS OF EMPLOYMENT, TRAINING REQUIREMENTS, AND SHIFT SCHEDULES OF EMPLOYEES;

(XI) THE INTERESTS AND WELFARE OF THE RESIDENTS OF THE STATE;

(XII) THE INTERESTS AND WELFARE OF THE POLICE EMPLOYEES;

(XIII) ANY STIPULATIONS OF THE PARTIES; AND

(XIV) ANY OTHER INFORMATION THAT THE STATE BOARD CONSIDERS NECESSARY TO WEIGH FULLY THE FINAL PROPOSED OFFERS OF EACH PARTY.

(6) ON OR BEFORE OCTOBER 1, THE WRITTEN DECISION OF THE STATE BOARD RECOMMENDING THE IMPLEMENTATION, IN ITS ENTIRETY, OF THE LAST BEST OFFER OF ONE OF THE PARTIES SHALL BE DELIVERED TO:

(I) THE GOVERNOR;

(II) THE EXCLUSIVE REPRESENTATIVE;

(III) THE PRESIDENT OF THE SENATE; AND

(IV) THE SPEAKER OF THE HOUSE OF DELEGATES.

(7) (I) AFTER RECEIVING THE DECISION OF THE STATE BOARD, THE PARTIES MAY CONTINUE TO NEGOTIATE ANY DISPUTED ISSUES.

(II) WITHIN 14 DAYS AFTER THE STATE BOARD ISSUES ITS DECISION, EACH PARTY SHALL NOTIFY THE OTHER PARTY AS TO WHETHER IT ACCEPTS OR REJECTS THE DECISION OF THE STATE BOARD.

(III) IF EITHER PARTY REJECTS THE DECISION OF THE STATE BOARD AND DECLINES TO ENTER INTO A MEMORANDUM OF UNDERSTANDING, THE PARTY SHALL SUBMIT A WRITTEN NOTICE OF REJECTION TO THE OTHER PARTY WHICH SHALL INCLUDE THE REASONS FOR THE REJECTION.

(IV) A PARTY REJECTING THE DECISION OF THE STATE BOARD SHALL PROVIDE A COPY OF THE NOTICE REQUIRED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH TO:

1. THE GOVERNOR;

2. THE PRESIDENT OF THE SENATE; AND

3. THE SPEAKER OF THE HOUSE OF DELEGATES.".

AMENDMENT NO. 4

On page 4, in line 22, strike "**AND**"; in line 25, strike the period and substitute "**; AND**

(3) A MEMORANDUM OF UNDERSTANDING THAT INCORPORATES ALL MATTERS OF AGREEMENT REACHED BY THE PARTIES SHALL BE EXECUTED BY THE EXCLUSIVE REPRESENTATIVE AND THE GOVERNOR OR THE GOVERNOR'S DESIGNEE.".

AMENDMENT NO. 5

On page 3, in line 19, strike "**(G)**" and substitute "**(H)**".

On page 4, in lines 19 and 26, strike "**(H)**" and "**(I)**", respectively, and substitute "**(I)**" and "**(J)**", respectively.

On page 5, in lines 1, 4, 8, 10, and 23, strike "**(J)**", "**(K)**", "**(L)**", "**(M)**", and "**(N)**", respectively, and substitute "**(K)**", "**(L)**", "**(M)**", "**(N)**", and "**(O)**", respectively; and in line 6, strike "**(I)**" and substitute "**(J)**".

On page 6, in line 23, strike "**(O)**" and substitute "**(P)**".

On page 7, in lines 2, 17, 27, and 30, strike "**(P)**", "**(Q)**", "**(R)**", and "**(S)**", respectively, and substitute "**(Q)**", "**(R)**", "**(S)**", and "**(T)**", respectively; in line 18, strike "**(L)**" and substitute "**(M)**"; and in line 31, strike "**(I)**" and substitute "**(J)**".

On page 8, in lines 3, 15, and 27, strike "**(T)**", "**(U)**", and "**(V)**", respectively, and substitute "**(U)**", "**(V)**", and "**(W)**", respectively; and in line 24, strike "**RECOMMENDED**" and substitute "**RECOMMEND**".

On page 9, in lines 10 and 15, strike "**(U)**" and "**(W)**", respectively, and substitute "**(V)**" and "**(X)**", respectively.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0699/937571/1
BY: Finance Committee

AMENDMENT TO SENATE BILL 699
(First Reading File Bill)

On page 8, in line 8, strike "**(H)**" and substitute "**(I)**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #14

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 154 – Senators Colburn and Glassman

AN ACT concerning

Health Insurance – Ambulance Service Providers – Assignment of Benefits

SB0154/397275/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 154
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Glassman" and substitute ", Glassman, Edwards, Astle, Garagiola, Kelley, Kittleman, Klausmeier, Middleton, and Pugh"; and in line 12, after "circumstances;" insert "requiring a health maintenance organization to reimburse certain ambulance service providers in accordance with certain provisions of law; prohibiting a certain allowed amount for a health care service provided by a certain ambulance service provider from being less than a certain amount; requiring the Maryland Insurance Commissioner to adopt regulations to implement this Act;".

AMENDMENT NO. 2

On page 2, after line 27, insert:

"**(6) "NONPREFERRED PROVIDER" HAS THE MEANING STATED IN § 14–201 OF THIS ARTICLE.**

(7) "PREFERRED PROVIDER" HAS THE MEANING STATED IN § 14–201 OF THIS ARTICLE.

(8) "PREFERRED PROVIDER INSURANCE POLICY" HAS THE MEANING STATED IN § 14–201 OF THIS ARTICLE.".

AMENDMENT NO. 3

On page 4, after line 2, insert:

"**(D) (1) A HEALTH MAINTENANCE ORGANIZATION SHALL REIMBURSE AN AMBULANCE SERVICE PROVIDER THAT RECEIVES DIRECT REIMBURSEMENT**

UNDER SUBSECTION (B) OF THIS SECTION AND IS NOT UNDER WRITTEN CONTRACT WITH THE HEALTH MAINTENANCE ORGANIZATION IN ACCORDANCE WITH § 19–710.1 OF THE HEALTH – GENERAL ARTICLE.

(2) AN INSURER'S OR NONPROFIT HEALTH SERVICE PLAN'S ALLOWED AMOUNT FOR A HEALTH CARE SERVICE COVERED UNDER A PREFERRED PROVIDER INSURANCE POLICY AND PROVIDED BY AN AMBULANCE SERVICE PROVIDER THAT IS A NONPREFERRED PROVIDER MAY NOT BE LESS THAN THE ALLOWED AMOUNT PAID TO AN AMBULANCE SERVICE PROVIDER WHO IS A PREFERRED PROVIDER FOR THE SAME HEALTH CARE SERVICE IN THE SAME GEOGRAPHIC REGION.

(E) THE COMMISSIONER SHALL ADOPT REGULATIONS TO IMPLEMENT 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.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 380 – Senator Pinsky and the President (By Request – Administration) and Senators Benson, Ferguson, Frosh, Garagiola, Madaleno, Manno, Montgomery, Ramirez, Raskin, and Rosapepe

AN ACT concerning

Electricity – Net Energy Metering

SB0380/967278/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 380
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Glassman, Kittleman, Klausmeier, Mathias, Middleton, and Muse"; in line 5, strike "a negative kilowatt–hour reading" and substitute "net excess generation"; in the same line, after "until" insert "a certain consumption eliminates the net excess generation or"; in line 10, after "year;" insert "providing that a certain eligible customer–generator may choose to be paid for the dollar value of certain net excess generation on a monthly basis under certain circumstances;"; in line 14, after "formula;" insert "altering the date by which the Commission is required to report each year on the status of the net metering program;"; and in the same line, after "definition;" insert "defining a certain term;".

AMENDMENT NO. 2

On page 2, after line 30, insert:

"**(7) "NET EXCESS GENERATION" MEANS THE AMOUNT OF THE ELECTRICITY GENERATED BY AN ELIGIBLE CUSTOMER–GENERATOR THAT IS IN EXCESS OF THE ELECTRICITY CONSUMED BY THE ELIGIBLE CUSTOMER–GENERATOR AND THAT RESULTS IN A NEGATIVE KILOWATT–HOUR READING AT THE END OF THE ELIGIBLE CUSTOMER–GENERATOR'S BILLING CYCLE.**".

On page 3, in line 33, after "**PERIOD**" insert "**:**

1.";

in line 34, strike "**1 CALENDAR YEAR**" and substitute "**12 MONTHS; AND**

2. THAT ENDS WITH THE BILLING CYCLE THAT IS COMPLETE IMMEDIATELY PRIOR TO THE END OF APRIL OF EACH YEAR";

and in line 36, strike "**A NEGATIVE KILOWATT–HOUR READING**" and substitute "**NET EXCESS GENERATION**".

On page 4, in lines 2 and 3, strike "**NEGATIVE KILOWATT–HOUR READING**" and substitute "**NET EXCESS GENERATION**"; in line 6, strike "**1–YEAR**"; in the same line, strike "**(1)**" and substitute "**(I)**"; in line 8, after "(iii)" insert "**1.**"; in line 11, strike "**THE SUM OF**"; in lines 12 and 13, strike "**ENERGY CHARGE AND THE DISTRIBUTION CHARGE PORTION OF THE RETAIL**" and substitute "**GENERATION**

OR COMMODITY PORTION OF THE"; in line 14, after "**CHARGED**" insert "**BY THE ELECTRIC COMPANY**"; in the same line, strike "**CALENDAR YEAR**" and substitute "**PREVIOUS 12–MONTH PERIOD ENDING WITH THE BILLING CYCLE THAT IS COMPLETE IMMEDIATELY PRIOR TO THE END OF APRIL**"; after line 15, insert:

"**2. FOR CUSTOMERS SERVED BY AN ELECTRICITY SUPPLIER, THE DOLLAR VALUE OF THE NET EXCESS GENERATION SHALL BE EQUAL TO THE GENERATION OR COMMODITY RATE THAT THE CUSTOMER WOULD HAVE BEEN CHARGED BY THE ELECTRICITY SUPPLIER MULTIPLIED BY THE NUMBER OF KILOWATT–HOURS OF NET EXCESS GENERATION.**";

in line 23, strike "**JANUARY 15**" and substitute "**30 DAYS AFTER THE BILLING CYCLE THAT IS COMPLETE IMMEDIATELY PRIOR TO THE END OF APRIL**"; in line 26, strike "**CALENDAR YEAR**" and substitute "**12–MONTH PERIOD ENDING WITH THE BILLING CYCLE THAT IS COMPLETE IMMEDIATELY PRIOR TO THE END OF APRIL**"; and after line 31, insert:

"**(7) (I) NOTWITHSTANDING PARAGRAPHS (5) AND (6) OF THIS SUBSECTION, AN ELIGIBLE CUSTOMER–GENERATOR SERVED BY AN ELECTRIC COOPERATIVE THAT SERVES A POPULATION OF LESS THAN 250,000 IN ITS DISTRIBUTION TERRITORY MAY CHOOSE TO BE PAID FOR THE DOLLAR VALUE OF NET EXCESS GENERATION REMAINING AT THE END OF EACH MONTH INSTEAD OF AT THE END OF THE ACCRUAL PERIOD SPECIFIED UNDER PARAGRAPH (5)(I) OF THIS SUBSECTION.**

(II) IF AN ELIGIBLE–CUSTOMER GENERATOR CHOOSES TO BE PAID FOR THE DOLLAR VALUE OF NET EXCESS GENERATION REMAINING AT THE END OF EACH MONTH:

1. THE CUSTOMER–GENERATOR MAY ACCRUE NET EXCESS GENERATION ON A MONTHLY BASIS;

2. THE DOLLAR VALUE OF THE NET EXCESS GENERATION SHALL BE EQUAL TO THE GENERATION OR COMMODITY PORTION OF THE RATE THAT THE ELIGIBLE CUSTOMER–GENERATOR WOULD HAVE BEEN CHARGED BY THE ELECTRIC COMPANY FOR THE PREVIOUS MONTH; AND

3. ON OR BEFORE 30 DAYS AFTER THE END OF EACH MONTH, THE ELECTRIC COOPERATIVE SHALL PAY THE ELIGIBLE CUSTOMER–GENERATOR FOR THE DOLLAR VALUE OF NET EXCESS GENERATION REMAINING AT THE END OF THE PREVIOUS MONTH.".

On page 5, in line 26, after "customer–generator" insert "**OR THE ELIGIBLE CUSTOMER–GENERATOR'S ASSIGNEE**"; and in line 29, strike "February" and substitute "**SEPTEMBER**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 400 – Senators King, Ferguson, Forehand, Montgomery, Peters, Pugh, Ramirez, Raskin, and Robey

AN ACT concerning

Department of Health and Mental Hygiene – Certificates of Foreign Birth – IH–3 Visa

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 458 – Senator Pipkin

AN ACT concerning

Maryland Department of Transportation – Enhanced Inspection of Bridges – Adoption of Regulations

SB0458/777072/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 458
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Pipkin" and substitute "Senators Pipkin, Astle, Garagiola, Glassman, Kittleman, Klausmeier, Mathias, Middleton, Muse, and Pugh"; in line 2, after "Transportation" insert "and Maryland Transportation Authority"; in line 4, after "Transportation" insert ", in consultation with the Maryland Transportation Authority,"; and in line 6, after "practices;" insert "authorizing the Maryland Department of Transportation and the Maryland Transportation Authority to supplement or revise certain policies or practices for a certain purpose;".

AMENDMENT NO. 2

On page 1, in line 11, strike "December 31, 2011" and substitute "July 1, 2012"; in line 12, after "Transportation" insert ", in consultation with the Maryland Transportation Authority,"; in line 21, strike "provide incentives and encouragement to" and substitute "encourage"; and after line 23, insert:

"(3) The Maryland Department of Transportation and the Maryland Transportation Authority, in order to enhance safety, may supplement or revise any policies or practices adopted under the regulations required under this section.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 557 – Senators Pugh, Garagiola, Montgomery, Rosapepe, and Stone

AN ACT concerning

Commission on Maryland Cybersecurity Innovation and Excellence

SB0557/357574/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 557
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, and Muse"; and in line 3, strike the comma.

On page 2, in line 27, strike "**AND**"; and in line 29, after "**STATE**" insert "**;**

4. ONE REPRESENTATIVE OF A CRIME VICTIMS ORGANIZATION;

5. THREE REPRESENTATIVES FROM INDUSTRIES THAT MAY BE SUSCEPTIBLE TO ATTACKS ON CYBER SECURITY; AND

6. ONE REPRESENTATIVE OF AN ORGANIZATION THAT HAS EXPERTISE IN ELECTRONIC HEALTH CARE RECORDS".

On page 3, strike beginning with "**DEPARTMENT**" in line 17 down through "**JOINTLY**" in line 18 and substitute "**UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE**".

On page 4, in line 18, after "**RESPONSE**" insert "**TO**"; and in the same line, strike "**TO**" and substitute "**FROM**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 722 – Senator Rosapepe

AN ACT concerning

Electronic Health Records – Incentives for Health Care Providers – Regulations

SB0722/317873/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 722
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Rosapepe" and substitute "Senators Rosapepe, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Middleton, and Pugh"; strike beginning with "exempting" in line 4 down through "payment" in line 13 and substitute "requiring certain incentives for the adoption and use of electronic health records to be paid in cash, unless a certain payor and health care provider agree on an incentive of equivalent value; prohibiting certain regulations from requiring a group model health maintenance organization from providing a certain incentive to a certain health care provider; requiring the Maryland Health Care Commission to conduct a certain study and report on its findings to certain committees of the General Assembly on or before a certain date"; in line 16, after "19–142(a)," insert "(b),"; and in line 21, strike "19–142(b) and".

AMENDMENT NO. 2

On page 2, strike beginning with the comma in line 7 down through "**TITLE**" in line 9.

On page 4, in line 31, strike "and".

On page 5, in line 8, after "assigned" insert "**; AND**

(VI) SHALL BE PAID IN CASH, UNLESS THE STATE–REGULATED PAYOR AND THE HEALTH CARE PROVIDER AGREE ON AN INCENTIVE OF EQUIVALENT VALUE";

in line 9, in each instance, strike the bracket; in the same line, strike "**SHALL:**"; in line 10, strike "**(I)**"; and strike beginning with the semicolon in line 12 down through "**PAYMENT**" in line 18.

AMENDMENT NO. 3

On page 5, after line 22, insert:

"**(5) REGULATIONS ADOPTED UNDER THIS SUBSECTION MAY NOT REQUIRE A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION, AS DEFINED IN § 19–713.6 OF THIS TITLE, TO PROVIDE AN INCENTIVE TO A HEALTH CARE PROVIDER WHO IS EMPLOYED BY THE MULTISPECIALTY GROUP OF PHYSICIANS UNDER CONTRACT WITH THE GROUP MODEL HEALTH MAINTENANCE ORGANIZATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Health Care Commission, in consultation with the Department of Health and Mental Hygiene, payors, and health care providers, shall study whether the scope of health care providers that may receive incentives for the adoption and use of electronic health records from State–regulated payors should be expanded beyond primary care providers.

(b) On or before January 1, 2013, the Maryland Health Care Commission shall report on its findings under subsection (a) of this section to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article.";

and in line 23, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 465)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #35

Senate Bill 122 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Qualified Zone Academy Bond

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 2 (See Roll Call No. 466)

The Bill was then sent to the House of Delegates.

Senate Bill 199 – Senator Glassman

AN ACT concerning

State Retirement and Pension System – Direct Mailings by Retiree Organizations ~~– Repeal of Sunset Provision~~

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 467)

The Bill was then sent to the House of Delegates.

Senate Bill 358 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

Audit Responsibilities – ~~Local Education Agencies, Community Colleges, and Public Libraries – Employer Pension Contributions~~ State Department of Education, Maryland Higher Education Commission, and State Retirement Agency

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 468)

The Bill was then sent to the House of Delegates.

Senate Bill 398 – Senators King, Garagiola, Manno, Montgomery, Peters, Ramirez, and Robey

AN ACT concerning

Sales and Use Tax – Sale of Electricity Generated by Solar Energy and Residential Wind Energy Equipment – Exemption

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 469)

The Bill was then sent to the House of Delegates.

Senate Bill 431 – Senator Klausmeier (By Request – Baltimore County Administration)

AN ACT concerning

Baltimore County – Tax Sales – Notification

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 470)

The Bill was then sent to the House of Delegates.

Senate Bill 436 – Senator Rosapepe

AN ACT concerning

Prince George's County – Municipal Corporations – Tax Credit for Revitalization Districts
PG 415–11

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 471)

The Bill was then sent to the House of Delegates.

Senate Bill 470 – Carroll County Senators

AN ACT concerning

Carroll County – Property Tax Credit for Housing Units at Independent Living Retirement Communities

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 472)

The Bill was then sent to the House of Delegates.

Senate Bill 485 – Senators King, DeGrange, Madaleno, Manno, and Young

AN ACT concerning

Biotechnology Investment Tax Credit – ~~Application and Approval Procedures~~ Qualified Maryland Biotechnology Company

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 473)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #36

Senate Bill 902 – Senator Miller

AN ACT concerning

Prince George's County – Public Ethics Requirements – Limitations on Contributions to Slates Containing the County Executive or a Member of the County Council and on Participation of County Council Members in Land Use Applications

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 474)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Jones–Rodwell moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senator Jones–Rodwell moved to suspend the rules to allow **Senate Bill 994** to be referred immediately.

The motion was adopted.

Senate Bill 994 – **Senators Jones–Rodwell and Madaleno**

AN ACT concerning

Sales and Use Tax – Alcoholic Beverages

FOR the purpose of altering the rate of the sales and use tax imposed on the sale of an alcoholic beverage; requiring the Comptroller to distribute certain revenue from the sales and use tax on the sale of an alcoholic beverage to the General Fund of the State; and generally relating to the sales and use tax imposed on the sale of an alcoholic beverage.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1302.2
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Tax – General
Section 11–104(g)
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Budget and Taxation.

Senator Kelley moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 995 – **Senator Kelley**

AN ACT concerning

Real Property – Condominiums and Homeowners Associations – Governing Bodies

FOR the purpose of requiring the governing body of a condominium to convene at least a certain number of meetings each year; requiring the developer of a condominium to appoint a certain person to the governing body within a certain period of time from the date a certain number of units are conveyed under

certain circumstances; requiring a developer to deliver certain notices regarding a certain bond to certain individuals within a certain period of time; requiring a council of unit owners to keep books, records, and accounts, beginning on the date the council is established; requiring a council of unit owners to maintain certain books, records, and accounts in a certain manner; making certain provisions of law applicable to the accounts of a condominium; requiring a declarant to appoint a certain person to the governing body of a homeowners association within a certain period of time from the date a certain number of lots are sold under certain circumstances; requiring a declarant to deliver certain notices regarding a certain bond to certain individuals within a certain period of time; requiring the governing body of a homeowners association to convene at least a certain number of meetings each year; requiring a homeowners association to maintain books, records, and accounts, beginning on the date the homeowners association is established; requiring a homeowners association to maintain certain books, records, and accounts in a certain manner; making certain provisions of law applicable to the accounts of a homeowners association; and generally relating to the governing bodies of condominium councils of unit owners and homeowners associations.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 11–109(a) and (b)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–109(c), 11–114.1(d), 11–116, 11–132, 11B–106.1, 11B–111, 11B–111.6(d), and 11B–112(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 475)

ADJOURNMENT

At 8:53 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 22, 2011.

Annapolis, Maryland
Tuesday, March 22, 2011
10:00 A.M. Session

The Senate met at 10:16 A.M.

Prayer by Senator Muse.

The Journal of March 21, 2011 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 477)

THE COMMITTEE ON RULES REPORT #9

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 982 – Senator Simonaire

AN ACT concerning

Criminal Law – Funerals, Burials, Memorial Services, and Funeral Processions – Picketing and Penalties

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 986 – Senator Benson

AN ACT concerning

Creation of a State Debt – Prince George's County – Suitland and Capitol Heights Green Initiative

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 987 – **Senator Benson**

AN ACT concerning

Creation of a State Debt – Prince George's County – Capitol Heights Seat Pleasant Boys and Girls Club Initiative

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 991 – **Senator Stone**

AN ACT concerning

Homeowner's Insurance – Coverage for Other Structures

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 992 – **Senator Dyson**

AN ACT concerning

Vehicle Laws – Window Tinting – Certification by Inspection Stations

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 993 – **Senator Middleton**

AN ACT concerning

Maryland Automobile Insurance Fund – Employee Compensation

The bill was re–referred to the Committee on Finance.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #22

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 15 – Senator Madaleno

AN ACT concerning

Commission to Study the Impact of Immigrants in Maryland – Sunset Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 452 – Senator Simonaire

AN ACT concerning

Anne Arundel County Board of Education – Members – Expense Reimbursement Procedures and Guidelines

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 489 – Senators Conway, Ferguson, Forehand, Frosh, Gladden, Kelley, Klausmeier, Madaleno, Montgomery, Pugh, and Young

AN ACT concerning

Nonpublic Schools Accepting State Funds – Bullying, Harassment, and Intimidation – Policies

SB0489/154037/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 489
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Accepting State Funds" and substitute "That Participate in State Programs"; and in lines 4 and 16, in each instance, strike "accept State funds" and substitute "participate in State programs".

AMENDMENT NO. 2

On page 3, in line 2, strike "**ACCEPTS STATE FUNDS**" and substitute "**PARTICIPATES IN STATE PROGRAMS**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 576 – Senators Muse and Miller

AN ACT concerning

Prince George's County Board of Education – Student Member – Voting Rights

SB0576/544935/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 576
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senators Muse and Miller" and substitute "Senator Muse"; in line 4, after "repealing" insert "a"; and in the same line, strike "exceptions" and substitute "exception".

AMENDMENT NO. 2

On page 1, in line 20, after "(ii)" insert a closing bracket; in lines 21 and 22, in each instance, strike the bracket; and in the same lines, strike "(iii)" and "(iv)", respectively, and substitute "**(II)**" and "**(III)**", respectively.

On page 2, in line 1, before "(v)" insert an opening bracket; and in lines 1 and 3, strike "**(II)**" and "**(III)**", respectively, and substitute "**(IV)**" and "**(V)**", respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 609 – Senators Ferguson, Benson, Colburn, Conway, Currie, Kelley, King, McFadden, Montgomery, Pugh, and Young

AN ACT concerning

Public Charter Schools – Occupation and Use of School Sites and Buildings

SB0609/304636/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 609
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Occupation and Use of"; in the same line, after "Buildings" insert "– Availability for Occupation and Use"; in line 3, after the first "of" insert "requiring certain county boards of education to inform the county commissioners or the county council if certain land, schools sites, or buildings have been determined by the county board to be no longer needed for school purposes under certain circumstances; requiring the county commissioners or county council to provide a certain notice to a county board under certain circumstances within a certain period of time;"; in the same line, strike "of education"; and in line 11, after "to" insert "the disposition of certain property owned by a county board of education and to".

AMENDMENT NO. 2

On page 2, in line 8, strike "**§ 9–111 OF THIS ARTICLE AND**"; in line 9, strike "paragraph" and substitute "**SUBSECTION**"; in line 10, after "shall" insert "**INFORM THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF THE COUNTY BOARD'S DETERMINATION UNDER THIS SUBPARAGRAPH.**

(II) WHEN THE COUNTY COMMISSIONERS OR COUNTY COUNCIL RECEIVE NOTICE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL NOTIFY THE COUNTY BOARD WITHIN 30 DAYS AFTER RECEIVING THE NOTICE FROM THE COUNTY BOARD:

1. OF THE NEED TO TRANSFER THE LAND, SCHOOL SITE, OR BUILDING TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL IF THE LAND, SCHOOL SITE, OR BUILDING IS AN INTEGRAL COMPONENT OF AN EXISTING ECONOMIC DEVELOPMENT PLAN THAT WILL, IN THE JUDGMENT OF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL, SIGNIFICANTLY BENEFIT THE COUNTY; OR

2. THAT THE COUNTY COMMISSIONERS OR COUNTY COUNCIL HAVE NO EXISTING PLANS FOR THE USE OF THE LAND, SCHOOL SITE, OR BUILDING.

(III) 1. IF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL PROVIDE THE REQUIRED NOTICE TO THE COUNTY BOARD UNDER SUBPARAGRAPH (II)1 OF THIS PARAGRAPH OR A PUBLIC CHARTER SCHOOL DOES NOT NEED THE SCHOOL SITE OR BUILDING UNDER § 9–111 OF THIS ARTICLE, THE LAND, SCHOOL SITE, OR BUILDING SHALL";

in line 13, after "council" insert "**; OR**

2. IF THE COUNTY COMMISSIONERS OR COUNTY COUNCIL PROVIDE THE REQUIRED NOTICE TO THE COUNTY BOARD UNDER SUBPARAGRAPH (II)2 OF THIS PARAGRAPH, THE COUNTY BOARD SHALL COMPLY WITH THE PROVISIONS OF § 9–111 OF THIS ARTICLE";

in line 14, strike "(ii)" and substitute "**(2)**"; in line 18, strike "(2)" and substitute "**(3)**"; and strike beginning with the comma in line 32 down through "**BUILDING**" in line 33 and substitute "**AND AFTER THE COUNTY COMMISSIONERS OR COUNTY COUNCIL HAVE PROVIDED THE REQUIRED NOTICE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 925 – Senator Conway

AN ACT concerning

Family Law – Family Child Care – Large Family Child Care Homes

SB0925/224331/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 925
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "children;" insert "requiring the State Department of Education to adopt certain regulations; specifying that there may not be more than a certain number of children in certain care at certain times;"; in line 5, after "size;" insert "authorizing certain grants to certain child care homes under certain circumstances;"; in line 16, after the second comma insert "and"; and in the same line, strike ", and 14–202(a)(3)".

AMENDMENT NO. 2

On page 4, in line 8, strike "Department" and substitute "**STATE DEPARTMENT OF EDUCATION**".

On page 5, in line 16, after "homes" insert "**AND LARGE FAMILY CHILD CARE HOMES**".

On page 6, in line 30, strike the second "day" and substitute "**CHILD**".

On page 8, in line 16, strike "Administration" and substitute "**STATE DEPARTMENT OF HUMAN RESOURCES**"; in the same line, after "department" insert "**OF SOCIAL SERVICES**".

On pages 8 and 9, strike in their entirety the lines beginning with line 26 on page 8 through line 2 on page 9 inclusive.

On page 9, after line 2, insert:

"**(B) (1) IN A FAMILY CHILD CARE HOME:**

(I) THERE MAY NOT BE MORE THAN:

1. 8 CHILDREN IN CARE AT ANY GIVEN TIME; AND

2. 4 CHILDREN UNDER THE AGE OF 2 YEARS; AND

(II) THERE SHALL BE AN ADULT TO CHILD RATIO OF AT LEAST 1 ADULT TO EVERY 2 CHILDREN UNDER THE AGE OF 2 YEARS.

(2) IN A LARGE FAMILY CHILD CARE HOME:

(I) THERE MAY NOT BE MORE THAN 12 CHILDREN IN CARE AT ANY GIVEN TIME; AND

(II) THERE SHALL BE AN ADULT TO CHILD RATIO THAT COMPLIES WITH REGULATIONS ADOPTED BY THE DEPARTMENT.".

On page 15, in line 17, after "homes" insert "**AND LARGE FAMILY CHILD CARE HOMES**".

On pages 15 and 16, strike in their entirety the lines beginning with line 29 on page 15 through line 4 on page 16 inclusive.

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 EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #23

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 258 – Senator Montgomery

AN ACT concerning

State Board of Physical Therapy Examiners – Licensure and Regulation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 344 – Senators Middleton, Kasemeyer, and Kelley

AN ACT concerning

Residential Child and Youth Care Practitioners – Definition

SB0344/504730/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 344
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Definition" and substitute "Certification – Change in Date and Implementation Plan"; strike beginning with "definition" in line 3 down through "term" in line 6 and substitute "date by which an individual must receive a certificate from the State Board for Certification of Residential Child Care Program Professionals before the individual may be a residential child and youth care

practitioner in the State; requiring the Governor's Office for Children to establish a workgroup composed of certain representatives to develop a plan for implementation of the certification; requiring the workgroup to take certain items into consideration in developing the plan; requiring the plan to specify a certain rate adjustment; requiring the Office to report on the workgroup's implementation plan to the Governor and certain legislative committees on or before a certain date"; in line 7, after "to" insert "certification of"; and in line 10, strike "20–101" and substitute "20–301(b)".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 16 on page 1 through line 13 on page 3, inclusive, and substitute:

"20–301.

(b) On or before October 1, **[**2015**]** **2016**, an individual shall receive a certificate from the Board before the individual may be a residential child and youth care practitioner in this State.".

AMENDMENT NO. 3

On page 3, after line 13, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Governor's Office for Children shall establish a workgroup composed of representatives of the State Board for Certification of Residential Child Care Program Professionals, the Department of Human Resources, the Department of Health and Mental Hygiene, the Department of Juvenile Services, the Interagency Rates Committee, residential child care programs, the Community Behavioral Health Association of Maryland, Maryland Association of Resources for Families and Youth, and other interested persons to develop a plan for implementation of the certification of residential child and youth care practitioners in 2016.

(b) In developing the plan, the workgroup shall take into consideration:

(1) the costs of implementing certification, including:

(i) the costs to residential child care programs of hiring and retaining residential child and youth care practitioners who meet the certification requirements;

(ii) other costs incurred by residential child care programs to meet the certification requirements;

(iii) any additional costs to the State Board for Certification of Residential Child Care Program Professionals to meet the 2016 implementation date;

(2) any savings, that residential child care programs might realize from certification to help offset their costs, such as potential savings from reduced staff turnover;

(3) efficient ways to reduce additional costs, such as "train the trainer" programs and common evaluation tools;

(4) the impact of additional costs, net of any savings and efficiencies, to residential care programs on rates established by the Interagency Rate Committee; and

(5) any additional funding sources, separate from the rates established by the Interagency Rate Committee, that may be available to support the additional costs.

(c) The plan shall specify:

(1) the adjustment in rates needed to support the additional costs of certification; and

(2) recommendations for addressing the needed rate increase in the State budget.

(d) On or before September 1, 2011, the Governor's Office for Children shall report on the workgroup's implementation plan to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the rates established for residential child care programs by the Interagency Rate Committee reflect any adjustment, specified in the plan required

under Section 2 of this Act, needed to support the additional costs of certification of residential child and youth care practitioners.";

in line 14, strike "2." and substitute "4."; and in line 15, strike "October" and substitute "June".

The preceding 3 amendments were read only.

Senator Zirkin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 644 – Senators Ferguson and Madaleno

AN ACT concerning

Joint Committee on Transparency and Open Government Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 664 – Senator Middleton

AN ACT concerning

Health Occupations – Dental Hygienists – Nitrous Oxide

SB0664/564031/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 664
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 5, strike "administering nitrous oxide and"; in line 5, after "patient" insert ", under certain circumstances,"; strike beginning with "altering"

in line 7 down through "hygienists;" in line 9 and substitute "authorizing a dental hygienist, under certain circumstances, to monitor a patient to whom nitrous oxide is administered; requiring a dental hygienist to complete certain educational and examination requirements before performing certain functions; providing for the termination of this Act;"; in line 12, strike the first comma and substitute "and"; in the same line, strike ", and 4–206"; and after line 14, insert:

"BY adding to
Article – Health Occupations
Section 4–206.2
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2, in lines 10 and 11, strike "**ADMINISTER NITROUS OXIDE;**

(10)";

in line 11, after "**MONITOR**" insert "**, IN ACCORDANCE WITH § 4–206.2 OF THIS TITLE,**"; and in line 13, strike "**(11)**" and substitute "**(10)**".

On page 3, in line 22, strike "**ADMINISTER NITROUS OXIDE TO A PATIENT OR**"; in line 23, after "**ADMINISTERED**" insert "**, SUBJECT TO § 4–206.2 OF THIS SUBTITLE**"; in the same line, after the semicolon, insert "**AND**"; strike beginning with "**ADMINISTRATION**" in line 24 down through "**3.**" in line 26; and in line 26, after "**HYGIENIST**" insert "**, IN ACCORDANCE WITH § 4–206.2 OF THIS SUBTITLE,**".

On pages 3 and 4, strike in their entirety the lines beginning with line 31 on page 3 through line 14 on page 4, inclusive.

On page 4, after line 14, insert:

"**4–206.2.**

(A) A DENTAL HYGIENIST MAY MONITOR A PATIENT TO WHOM NITROUS OXIDE IS ADMINISTERED PROVIDED THE MONITORING OF THE PATIENT IS UNDER THE SUPERVISION OF A DENTIST WHO IS PHYSICALLY PRESENT ON THE PREMISES.

(B) BEFORE A DENTAL HYGIENIST MAY MONITOR A PATIENT TO WHOM NITROUS OXIDE IS ADMINISTERED, THE DENTAL HYGIENIST SHALL SUCCESSFULLY COMPLETE THE FOLLOWING:

(1) ANY EDUCATIONAL REQUIREMENTS ESTABLISHED BY THE BOARD; AND

(2) A WRITTEN AND CLINICAL EXAMINATION AS REQUIRED BY THE BOARD.

(C) A DENTAL HYGIENIST SHALL COMPLETE THE EDUCATIONAL REQUIREMENTS ESTABLISHED BY THE BOARD UNDER SUBSECTION (B)(1) OF THIS SECTION THROUGH AN ACCREDITED DENTAL HYGIENE PROGRAM.";

and in line 16, after "2011." insert "It shall remain effective for a period of 3 years and, at the end of September 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 948 – Senators Glassman, Jacobs, Jennings, and Stone

EMERGENCY BILL

AN ACT concerning

Harford County – One or Two Family Dwellings Constructed as Industrialized Buildings – Sprinkler System Requirement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #24

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 230 – Senators King, Benson, Currie, DeGrange, Forehand, Garagiola, Madaleno, Middleton, Montgomery, Robey, and Stone

AN ACT concerning

Public Information Act – Required Denials – Senior Citizen Activities Centers

SB0230/254930/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 230
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "centers;" insert "requiring a custodian to permit inspection of certain information by a person in interest, law enforcement personnel, and emergency services personnel;"; in the same line, strike "a"; in the same line, strike "term" and substitute "terms"; and after line 14, insert:

"BY repealing and reenacting, without amendments,
Article – State Government
Section 10–611(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2, after line 5, insert:

"10–611.

(e) "Person in interest" means:

(1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;

(2) if the person has a legal disability, the parent or legal representative of the person; or

(3) as to requests for correction of certificates of death under § 5–310(d)(2) of the Health – General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death.";

in line 9, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A**"; and after line 12, insert:

"**(3) A CUSTODIAN SHALL PERMIT INSPECTION BY:**

(I) A PERSON IN INTEREST;

(II) LAW ENFORCEMENT PERSONNEL; OR

(III) EMERGENCY SERVICES PERSONNEL, INCLUDING:

1. A CAREER FIREFIGHTER;

2. AN EMERGENCY MEDICAL SERVICES PROVIDER, AS DEFINED IN § 13–516 OF THE EDUCATION ARTICLE;

3. A RESCUE SQUAD EMPLOYEE; AND

4. A VOLUNTEER FIREFIGHTER, RESCUE SQUAD MEMBER, OR ADVANCED LIFE SUPPORT UNIT MEMBER.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 475 – Senator Benson

AN ACT concerning

Business Occupations – Plumbers and Gas Fitters – Apprentice License Renewal

SB0475/724737/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 475
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "an" and substitute "certain"; in line 5, in each instance, strike "license" and substitute "licenses"; strike beginning with "and" in line 6 down through "time" in line 9; in line 14, strike the first comma and substitute "and"; in the same line, strike ", and 12–313(a)"; and in line 19, strike "and 12–312(a)(1)".

AMENDMENT NO. 2

On page 3, strike beginning with "**AND**" in line 1 down through "**SUBTITLE**" in line 2; in line 2, after the comma, insert "**FOR AN APPRENTICE PLUMBER OR APPRENTICE NATURAL GAS FITTER ISSUED AN INITIAL LICENSE ON OR AFTER OCTOBER 1, 2011,**"; and strike beginning with "**AN**" in line 2 down through "**FITTERS**" in line 3 and substitute "**THE**".

On pages 3 and 4, strike in their entirety the lines beginning with line 13 on page 3 through line 27 on page 4, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 476 – Senator Benson

AN ACT concerning

Counselors Home Study – Online Study

SB0476/664136/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 476
(First Reading File Bill)

On page 1, strike line 2 in its entirety and substitute:

"Professional Counselors and Therapists – Continuing Education – Home Study".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 641 – Senator Benson

AN ACT concerning

Polysomnography – Technologists and Technicians – Licensing Requirements

SB0641/324138/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 641
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "and" in line 2 down through "Requirements" in line 3 and substitute "Licensure"; strike beginning with "establishing" in line 4 down through "changes" in line 19 and substitute "extending the date by which an individual is required to be licensed by the State Board of Physicians before the individual may practice polysomnography in the State; extending the date on or before

which the Board is required to waive a certain education requirement for certain individuals; extending the date by which certain individuals may petition the Board for a certain extension"; in line 20, strike "and technicians"; and strike beginning with "14–5C–01" in line 23 down through "14–5C–18" in line 24 and substitute "14–5C–08 and 14–5C–10".

On pages 1 and 2, strike in their entirety the lines beginning with line 27 on page 1 through line 2 on page 2, inclusive.

AMENDMENT NO. 2

On pages 2 through 12, strike in their entirety the lines beginning with line 6 on page 2 through line 4 on page 12, inclusive, and substitute:

"14–5C–08.

(a) Except as otherwise provided in this subtitle, on or after October 1, **[**2011**] 2013**, an individual shall be licensed by the Board before the individual may practice polysomnography in this State.

(b) This section does not apply to a student enrolled in an education program under § 14–5C–09(c)(3) of this subtitle while practicing polysomnography in that program.

14–5C–10.

(a) The Board shall waive the education requirement under § 14–5C–09(c)(3) of this subtitle if on or before September 30, **[**2011**] 2013**, an individual:

(1) Has passed the national certifying examination by the Board of Registered Polysomnographic Technologists;

(2) Is certified by the Board of Registered Polysomnographic Technologists as a registered polysomnographic technologist;

(3) Has submitted an application for licensure to the Board; and

(4) Meets all of the requirements under § 14–5C–09(b) and (c)(1) and (2) of this subtitle.

(b) (1) If an individual has not satisfied the requirements under subsection (a) of this section on or before September 30, **[**2011**]** **2013**, the individual may petition the Board for an extension.

(2) The Board shall determine whether to grant an extension under this subsection on a case–by–case basis.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 845 – Senator Dyson

AN ACT concerning

Health Occupations – Pharmacists – Administration of Vaccinations, Epinephrine, and Diphenhydramine

SB0845/794032/2
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 845
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the comma in line 2 down through "Diphenhydramine" in line 3; in line 4, strike "authorizing pharmacists to" and substitute "altering the age of an individual to whom a pharmacist may"; in the same line, after "administer" insert "a"; strike beginning with "vaccinations" in line 4 down through "fees" in line 7 and substitute "vaccination; requiring a pharmacist to report a certain vaccination to a certain registry; altering requirements for regulations relating to certain vaccinations"; and strike beginning with the first comma in line 8 down through "diphenhydramine" in line 9.

AMENDMENT NO. 2

On page 1, in lines 19, 20, and 23, in each instance, strike the bracket; in line 19, strike "**WITHOUT A PRESCRIPTION FROM A PHYSICIAN, A**"; in line 20, strike "**A**"; strike beginning with the comma in line 20 down through "**DIPHENHYDRAMINE**" in line 22 and substitute "**WHO IS AT LEAST 7 YEARS OLD**"; and in line 23, strike "under subsection (c) of this section" and substitute "**BY THE BOARD, IN CONSULTATION WITH THE DEPARTMENT**".

AMENDMENT NO. 3

On page 2, in lines 2, 3, 4, 6, 7, 8, 9, and 10, in each instance, strike the bracket; in lines 3, 7, and 10, strike "**(1)**", "**(2)**", and "**(3)**", respectively; in line 3, strike "**AT LEAST 7 YEARS OLD**"; in line 8, strike "**THE**"; in lines 10 and 11, strike "**, EPINEPHRINE, AND DIPHENHYDRAMINE ARE**"; in line 12, strike "(c)" and substitute "**(C)(1)**"; in the same line, strike the semicolon and substitute a period; strike in their entirety lines 13 through 21, inclusive, and substitute:

"**(3) A PHARMACIST SHALL REPORT TO THE MARYLAND IMMUNIZATION REGISTRY AN INFLUENZA VACCINATION ADMINISTERED BY THE PHARMACIST TO AN INDIVIDUAL 7 TO 18 YEARS OF AGE.**";

in line 23, strike "**, EPINEPHRINE, AND DIPHENHYDRAMINE**"; in line 27, after "implement" insert "**SUBSECTION (A)(2) OF**"; and in line 28, after "under" insert "**SUBSECTION (A)(1) OF THIS SECTION AND**".

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 BUDGET AND TAXATION REPORT #9

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 494 – Senator Edwards

AN ACT concerning

Income Tax Credit – Teachers at State and Local Correctional Facilities for Adults and Juveniles

SB0494/779139/1
BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 494
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "a"; in line 6, strike "facility for adults or juveniles" and substitute "facilities and certain juvenile facilities"; in line 7, after "facility" insert "or certain juvenile facilities"; in the same line, strike "by the State or a county"; in line 10, strike the second "a"; and in lines 10 and 11, strike "facility for adults or juveniles" and substitute "facilities and certain juvenile facilities".

AMENDMENT NO. 2

On page 1, in line 22, strike beginning with "**FOR**" through "holding" and substitute "**OR A JUVENILE FACILITY LISTED IN § 9–226 OF THE HUMAN SERVICES ARTICLE AND WHO HOLDS**".

On page 2, in lines 2, 4, and 9, in each instance, strike the first "**OR**" and substitute a comma; in lines 3, 5, and 10, in each instance, strike "**FOR ADULTS OR JUVENILES**" and substitute "**, OR A JUVENILE FACILITY LISTED IN § 9–226 OF THE HUMAN SERVICES ARTICLE**"; and in line 4, strike "**AT**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 672 – Senator Kasemeyer

AN ACT concerning

Income Tax – Film Production Activity Credit

SB0672/579435/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 672
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Kasemeyer" and substitute "Senators Kasemeyer, Brinkley, Colburn, Currie, DeGrange, Edwards, Jones–Rodwell, King, Klausmeier, Madaleno, Manno, McFadden, Peters, and Robey"; in line 2, strike "Income Tax –" and substitute "Maryland"; and in the same line, strike "Activity Credit" and substitute "Employment Act of 2011"; and in line 25, after "credit" insert "and certain economic impacts of the credit".

AMENDMENT NO. 2

On page 12, in line 2, strike "**AND**"; and in line 4, strike the period and substitute "**;**

(3) THE NUMBER OF LOCAL TECHNICIANS, ACTORS, AND EXTRAS HIRED FOR FILM PRODUCTION ACTIVITY DURING THE REPORTING PERIOD;

(4) A LIST OF COMPANIES DOING BUSINESS IN THE STATE, INCLUDING HOTELS, THAT DIRECTLY PROVIDED GOODS OR SERVICES FOR FILM PRODUCTION ACTIVITY DURING THE REPORTING PERIOD; AND

(5) ANY OTHER INFORMATION THAT INDICATES THE ECONOMIC BENEFITS TO THE STATE RESULTING FROM FILM PRODUCTION ACTIVITY DURING THE REPORTING PERIOD.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #15

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 656 – Senator Kelley

AN ACT concerning

Property and Casualty Insurance – Certificates of Insurance and Certificate of Insurance Forms

SB0656/157774/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 656
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "prohibiting" in line 4 down through "contract;" in line 12; strike beginning with "specifying" in line 23 down through "to" in line 24 and substitute "providing that the terms and conditions of a"; in line 24, after "notice" insert "shall be governed by the policy of insurance and may not be altered by a certificate of insurance"; in line 26, after the first "the" insert "Maryland Insurance"; strike beginning with "authorizing" in line 28 down through "regulations;" in line 30; and in line 30, after "application" insert "and construction".

On page 2, in line 1, after "terms;" insert "requiring the Commissioner to conduct a certain study and report to certain committees of the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On page 2, in line 28, after "**(B)**" insert "**(1)**"; and after line 33, insert:

"**(2) THIS SECTION MAY NOT BE CONSTRUED TO APPLY TO A STATEMENT, SUMMARY, OR EVIDENCE OF PROPERTY INSURANCE, INCLUDING A CERTIFICATE, REQUIRED BY A LENDER THAT HOLDS A LOAN SECURED BY:**

(I) A MORTGAGE;

(II) A LIEN;

(III) A DEED OF TRUST; OR

(IV) ANY OTHER SECURITY INTEREST IN REAL OR PERSONAL PROPERTY AS SECURITY FOR THE LOAN.".

AMENDMENT NO. 3

On pages 3 and 4, strike in their entirety the lines beginning with line 1 on page 3 through line 6 on page 4, inclusive.

On page 4, in lines 7, 12, 17, 20, 33, and 34, strike "**(G)**", "**(H)**", "**(I)**", "**(J)**", "**(2)**", and "**(I)**", respectively, and substitute "**(C)**", "**(D)**", "**(E)**", "**(F)**", "**(G)**", and "**(1)**", respectively; in line 24, strike "**RIGHTS**" and substitute "**COVERAGE**"; in the same line, strike "**THE RIGHTS**" and substitute "**THE COVERAGE**"; strike in their entirety lines 26 through 32, inclusive; in line 33, strike "**THE**" and substitute "**A**"; and in the same line, after "**NOTICE**" insert "**OF CANCELLATION, NONRENEWAL, MATERIAL CHANGE, OR OTHER SIMILAR MATTERS RELATING TO A POLICY OF INSURANCE REFERENCED IN A CERTIFICATE OF INSURANCE**".

On page 5, in lines 1, 3, and 6, strike "**(II)**", "**(L)**", and "**(M) (1)**", respectively, and substitute "**(2)**", "**(H)**", and "**(I)**", respectively; strike in their entirety lines 10 through 15, inclusive; and in line 16, after "2." insert "AND BE IT FURTHER ENACTED, That:

(a) The Maryland Insurance Commissioner shall study the impact of requiring a certificate of insurance to be in a form that must be filed with and approved by the Commissioner before use.

(b) The study shall include a review of states having similar requirements.

(c) The Commissioner shall include representatives of all interested parties in the conduct of the study.

(d) On or before December 1, 2011, the Commissioner shall report the findings and conclusions of the study, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.

SECTION 3.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 876 – Senator Klausmeier (By Request – Baltimore County Administration)

AN ACT concerning

Baltimore County – Miscellaneous Business Licenses – Fees

SB0876/867376/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 876
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 3 down through "establish" in line 4 and substitute "altering"; in line 5, strike "for acting as a cigarette retailer, for selling cigarettes at retail,"; and in line 14, strike "16–204(b)(1), 16–302,".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 17 on page 2, inclusive.

On page 2, in line 22, strike the brackets; and strike beginning with "**; OR**" in line 23 down through "**COUNTY**" in line 26.

AMENDMENT NO. 3

On page 3, in lines 3, 14, and 23, in each instance, after "City" insert "**OR BALTIMORE COUNTY**"; in lines 3, 12, 14, and 21, in each instance, strike the brackets; strike beginning with "**; OR**" in line 4 down through "**COUNTY**" in line 7; strike beginning with "**OR**" in line 14 down through "**; AND**" in line 17; and strike beginning with "**; OR**" in line 23 down through "**COUNTY**" in line 26.

AMENDMENT NO. 4

On page 4, in line 16, after "City" insert "**OR BALTIMORE COUNTY**"; and strike in their entirety lines 18 through 21, inclusive.

AMENDMENT NO. 5

On page 5, in lines 6 and 22, in each instance, after "City" insert "**OR BALTIMORE COUNTY**"; strike in their entirety lines 10 through 12, inclusive; in line 23, strike "**(1)**"; and strike in their entirety lines 25 through 27, inclusive.

AMENDMENT NO. 6

On page 6, in line 5, after "City" insert "**, BALTIMORE COUNTY,**"; in line 7, strike the brackets; and strike beginning with "**EXCEPT**" in line 8 down through "**COUNTY**" in line 12.

AMENDMENT NO. 7

On page 8, strike beginning with the second "**THE**" in line 14 down through "**COUNTY**" in line 16 and substitute "**:**

(I) $20, IF THE VALUE OF THE APPLICANT'S STOCK–IN–TRADE IS NOT MORE THAN $1,000;

(II) $40, IF THE VALUE IS MORE THAN $1,000 BUT NOT MORE THAN $5,000;

(III) $80, IF THE VALUE IS MORE THAN $5,000 BUT NOT MORE THAN $10,000;

(IV) $160, IF THE VALUE IS MORE THAN $10,000 BUT NOT MORE THAN $50,000;

(V) $375, IF THE VALUE IS MORE THAN $50,000 BUT NOT MORE THAN $100,000;

(VI) $450, IF THE VALUE IS MORE THAN $100,000 BUT NOT MORE THAN $200,000;

(VII) $500, IF THE VALUE IS MORE THAN $200,000 BUT NOT MORE THAN $300,000;

(VIII) $775, IF THE VALUE IS MORE THAN $300,000 BUT NOT MORE THAN $400,000;

(IX) $1,000, IF THE VALUE IS MORE THAN $400,000 BUT NOT MORE THAN $500,000;

(X) $1,250, IF THE VALUE IS MORE THAN $500,000 BUT NOT MORE THAN $750,000; AND

(XI) $1,600, IF THE VALUE IS MORE THAN $750,000";

and in line 27, after "City" insert "**OR BALTIMORE COUNTY**".

AMENDMENT NO. 8

On page 9, strike in their entirety lines 8 through 10, inclusive.

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 898 – Senator Dyson

AN ACT concerning

St. Mary's County – Noncertificated Public School Employees – Service Fee

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 899 – Senator Dyson

AN ACT concerning

St. Mary's County – Certificated Public School Employees – Service or Representation Fee

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 478)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #37
CONSENT CALENDAR #4

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 253	Sen. Edwards	Garrett County – Vacancy in Office of County Commissioner – Appointment Process	EHE
SB 462	Cecil Co. Senators	Cecil County – Park Land Regulations	EHE
SB 535	Carroll Co. Senators	Carroll County – Abatement of Nuisances	EHE
SB 569 (Emergency Bill)	Sen. Mathias	Somerset County – Smith Island Solid Waste District – Remove Limitation on Fee	EHE
SB 767	Sen. Mathias	Somerset County – Private Sale of County Property	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 4 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 479)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #38
CONSENT CALENDAR #5

BILL NO.	SPONSOR	CONTENT	COMMITTEE

SB 392	Sen. Shank	Washington County – Water and Sewer Debt Reduction Fund – Repeal	B&T
SB 493	Sen. Peters	Prince George's County Public Schools – Funding Accountability and Transparency Act	B&T
SB 518	Sen. Mathias	Somerset County – Property Tax Credit for Assessment Increases – Extension	B&T
SB 760	Sen. Brinkley	Frederick County – Property Tax Setoff	B&T

All of the above listed bills on the Third Reading Consent Calendar No. 5 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 480)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #39

Senate Bill 227 – Senators Dyson and Middleton

AN ACT concerning

Charlotte Hall Veterans Home – Gifts and Grants – Authority to Accept and Spend

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 481)

The Bill was then sent to the House of Delegates.

Senate Bill 291 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

State Government – Maryland Veterans Commission – Membership

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 482)

The Bill was then sent to the House of Delegates.

Senate Bill 302 – Senator Jones–Rodwell (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Zoning Requirements – Administrative Adjustments

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 483)

The Bill was then sent to the House of Delegates.

Senate Bill 854 – Senator Ferguson

AN ACT concerning

Baltimore City – Board of Liquor License Commissioners – Issuance of Licenses

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 484)

The Bill was then sent to the House of Delegates.

Senate Bill 875 – Senator Klausmeier (By Request – Baltimore County Administration)

AN ACT concerning

Alcoholic Beverages – Baltimore County ~~Executive and County Council of Baltimore County~~ – License Fees

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 3 (See Roll Call No. 485)

The Bill was then sent to the House of Delegates.

Senate Bill 906 – Senator Mathias

AN ACT concerning

Worcester County – Department of Liquor Control – Wine and Liquor Purchasing Option

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 486)

The Bill was then sent to the House of Delegates.

Senate Bill 917 – Senator Colburn

AN ACT concerning

Wicomico County – Alcoholic Beverages Licenses – Pub–Breweries and Micro–Breweries

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 487)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #40

Senate Bill 504 – Senator Rosapepe

AN ACT concerning

Public Utility Companies – University of Maryland, College Park Bus Service – Motor Carrier Permit Exemption – Service Expansion and Removal of Sunset

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 488)

The Bill was then sent to the House of Delegates.

Senate Bill 695 – Senators Pinsky, Conway, ~~and Dyson~~ Dyson, and Ferguson

AN ACT concerning

Higher Education – Regulation of Public, Private Nonprofit, and For–Profit Institutions of Higher Education

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 489)

The Bill was then sent to the House of Delegates.

Senate Bill 705 – Senators Klausmeier, Astle, ~~and Pipkin~~ Pipkin, Garagiola, Kittleman, Mathias, and Pugh

AN ACT concerning

Health Insurance – Dental Provider Contracts – Prohibited Provision

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 490)

The Bill was then sent to the House of Delegates.

Senate Bill 731 – Senators Astle, Colburn, DeGrange, Dyson, Edwards, Getty, Glassman, Jacobs, King, Montgomery, Peters, Reilly, Rosapepe, ~~and Stone~~ Stone, Mathias, Middleton, and Muse

AN ACT concerning

Maryland Stem Cell Research Fund – Annual Report and ~~Symposium~~ Related Events

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 491)

The Bill was then sent to the House of Delegates.

Senate Bill 821 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Winery Special Event Permits – Farmers' Markets

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 492)

The Bill was then sent to the House of Delegates.

Senate Bill 905 – Senator Mathias

AN ACT concerning

Worcester County – Berlin – Alcoholic Beverages – Micro–Brewery License

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 493)

The Bill was then sent to the House of Delegates.

Senate Bill 926 – Senators Glassman, Jacobs, and Jennings

AN ACT concerning

Harford County – Alcoholic Beverages – Continuing Care Facility for Aged – Beer, Wine and Liquor License

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 494)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #13

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 206 – Senator Frosh

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Secured Party

SB0206/178771/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 206
(First Reading File Bill)

On page 3, in line 8, strike "**(I)**"; in the same line, strike "**OWNER OF**" and substitute "**PERSON THAT:**

(I) OWNS";

in line 10, after "**PROPERTY**" insert "**; AND**

(II) IS ENTITLED TO THE NET PROCEEDS OF A FORECLOSURE SALE OF THE RESIDENTIAL PROPERTY OR OF THE PAYOFF OF THE DEBT INSTRUMENT";

and strike in their entirety lines 11 through 13, inclusive.

The preceding amendment was read only.

Senator Kittleman moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 529 – Senators Simonaire, Getty, Jacobs, Ramirez, Raskin, Shank, and Stone

AN ACT concerning

Maryland General and Limited Power of Attorney Act – Modifications

SB0529/738974/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 529
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "attorney;" insert "providing that certain powers shall be deemed to be included in certain forms executed during a certain period of time under certain circumstances;"; and in line 5, after "terms;" insert "altering a certain definition;".

AMENDMENT NO. 2

On page 2, in line 18, strike "**(G)**" and substitute "**(G)(1)**"; and after line 20, insert:

"**(2) "STATUTORY FORM POWER OF ATTORNEY" DOES NOT INCLUDE A POWER OF ATTORNEY SET FORTH IN SUBTITLE 2 OF THIS TITLE IN WHICH A PRINCIPAL INCORPORATES BY REFERENCE ONE OR MORE PROVISIONS OF ANOTHER WRITING INTO THE SECTION OF THE POWER OF ATTORNEY ENTITLED "SPECIAL INSTRUCTIONS (OPTIONAL)".**".

AMENDMENT NO. 3

On page 7, in line 14, strike the first comma; in line 15, strike the comma; in the same line, after "**WITH**" insert a comma; and in the same line, after "**OF**" insert a comma.

On page 17, in line 17, strike the first comma; in line 18, strike the second comma; in the same line, after "**WITH**" insert a comma; and in the same line, after "**OF**" insert a comma.

AMENDMENT NO. 4

On page 31, strike in their entirety lines 11 through 16, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That the changes made to § 17–101 of the Estates and Trusts Article by Section 1 of this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any power of attorney executed on or after May 20, 2010.

SECTION 3. AND BE IT FURTHER ENACTED, That the changes made to §§ 17–105 and 17–109 of the Estates and Trusts Article by Section 1 of this Act shall apply to any power of attorney existing on or after October 1, 2010, regardless of the effective date of the governing instrument in which the power of attorney was created.

SECTION 4. AND BE IT FURTHER ENACTED, That, for each power of attorney that is substantially in the form set forth under § 17–202 of the Estates and Trusts Article and executed by a principal on or after May 20, 2010, and before June 1, 2011, subject to any special instructions added to the power of attorney by the principal, the agent designated by the principal is deemed to have the authority to:

(1) transact all business in connection with an account or other banking arrangement made by or on behalf of the principal;

(2) transact all business in connection with an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent; and

(3) deposit by check, money order, electronic funds transfer, or otherwise with, or leave in the custody of, a financial institution money or property of the principal.

SECTION 5. AND BE IT FURTHER ENACTED, That, for each power of attorney that is substantially in the form set forth under § 17–203 of the Estates and Trusts Article and executed by a principal on or after May 20, 2010, and before June 1, 2011, subject to any special instructions added to the power of attorney by the principal:

(1) if a principal granted to the agent the authority set forth under the first item of subheading E. "Banks and Other Financial Institutions" of § 17–203 of the Estates and Trusts Article, the agent is deemed to have the authority to transact all business in connection with an account or other banking arrangement made by or on behalf of the principal;

(2) if a principal granted to the agent the authority set forth under the second item of subheading E. "Banks and Other Financial Institutions" of § 17–203 of the Estates and Trusts Article, the agent is deemed to have the authority to transact all business in connection with an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent; and

(3) if a principal granted to the agent the authority set forth under the first, second, or fourth item of subheading E. "Banks and Other Financial Institutions" of § 7–203 of the Estates and Trusts Article, the agent is deemed to have the authority to deposit by check, money order, electronic funds transfer, or otherwise with, or leave in the custody of, a financial institution money or property of the principal.

SECTION 6. AND BE IT FURTHER ENACTED, That Sections 4 and 5 of this Act shall apply retroactively to any act of an agent on or after May 20, 2010.

SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 532 – Senators Currie and Benson

AN ACT concerning

Real Property – Homeowners Association Elections – Enforcement by the Division of Consumer Protection

SB0532/568376/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 532
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 4 down through the first "of" in line 7 and substitute "authorizing a lot owner who believes that the board of directors or other governing body of a homeowners association has failed to comply with the election procedures provisions of the governing documents of the homeowners association to submit the dispute to"; in line 8, after "General" insert "if the provisions concern certain elements of the election procedures"; in line 10, strike "with" and substitute "without"; and after line 14, insert:

"BY adding to
Article – Real Property
Section 11B–115.1
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 1, in lines 19 and 20, in each instance, strike the bracket; in line 19, strike "**A**"; and in line 20, strike "**IS**".

On pages 1 and 2, strike beginning with the second comma in line 22 on page 1 down through "**ASSOCIATION**" in line 3 on page 2.

On page 2, after line 5, insert:

"**11B–115.1.**

A LOT OWNER WHO BELIEVES THAT THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY OF A HOMEOWNERS ASSOCIATION HAS FAILED TO COMPLY WITH THE ELECTION PROCEDURES PROVISIONS OF THE GOVERNING DOCUMENTS OF THE HOMEOWNERS ASSOCIATION MAY SUBMIT THE DISPUTE TO THE DIVISION OF CONSUMER PROTECTION OF THE OFFICE OF THE ATTORNEY GENERAL IF THE PROVISIONS CONCERN:

(1) NOTICE ABOUT THE DATE, TIME, AND PLACE FOR THE ELECTION OF THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY;

(2) THE MANNER IN WHICH A CALL IS MADE FOR NOMINATIONS FOR THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY;

(3) THE FORMAT OF THE ELECTION BALLOT;

(4) THE FORMAT, PROVISION, AND USE OF PROXIES DURING THE ELECTION PROCESS; OR

(5) THE MANNER IN WHICH A QUORUM IS DETERMINED FOR ELECTION PURPOSES.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 595 – Senator Raskin

AN ACT concerning

Corporations – Limited Liability Companies – Election to Be a Benefit Corporation

SB0595/388870/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 595
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Raskin" and substitute "Senators Raskin, Kelley, Forehand, and Jacobs"; in line 2, after "Corporations" insert "and Associations"; in line 3, strike "Corporation" and substitute "Limited Liability Company"; strike beginning with "corporation" in line 5 down through "corporation" in line 6 and substitute "limited liability company by including a certain statement in its articles of organization"; in lines 7 and 9, in each instance, strike "corporation" and substitute "limited liability company"; in line 10, strike "of the limited liability company" and substitute "or an amendment to the articles of organization"; in lines 10, 11, 14, and 18, in each instance, strike "the limited liability company" and substitute "a benefit limited liability company"; in line 12, strike "member of the limited liability company" and substitute "person managing the business and affairs of a benefit limited liability company"; in line 13, after "interests;" insert "providing that a person managing the business and affairs of a benefit limited liability company does not have any duty to certain persons on account of certain factors or interests;"; in line 15, strike "of the limited liability company"; strike beginning with "altering" in line 19 down through "changes;" in line 20 and substitute "defining certain terms;"; and in line 21, strike "corporations" and substitute "limited liability companies".

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 3 on page 2, inclusive, and substitute:

"BY renumbering
Article – Corporations and Associations

Section 4A–1101 through 4A–1103, respectively, and the subtitle "Subtitle 11. Miscellaneous"
to be Section 4A–1201 through 4A–1203, respectively, and the subtitle "Subtitle 12. Miscellaneous"
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Corporations and Associations
Section 4A–1101 through 4A–1108, to be under the new subtitle "Subtitle 11. Benefit Limited Liability Companies"
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 4 on page 2 through line 24 on page 6, inclusive, and substitute:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 4A–1101 through 4A–1103, respectively, and the subtitle "Subtitle 11. Miscellaneous" of Article – Corporations and Associations of the Annotated Code of Maryland be renumbered to be Section(s) 4A–1201 through 4A–1203, respectively, and the subtitle "Subtitle 12. Miscellaneous."

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Corporations and Associations

SUBTITLE 11. BENEFIT LIMITED LIABILITY COMPANIES.

4A–1101.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "BENEFIT LIMITED LIABILITY COMPANY" MEANS A MARYLAND LIMITED LIABILITY COMPANY THAT ELECTS TO BE A BENEFIT LIMITED

LIABILITY COMPANY IN ACCORDANCE WITH § 4A–1103 OF THIS SUBTITLE AND HAS NOT CEASED TO BE A BENEFIT LIMITED LIABILITY COMPANY THROUGH THE OPERATION OF § 4A–1105 OF THIS SUBTITLE.

(C) "GENERAL PUBLIC BENEFIT" MEANS A MATERIAL, POSITIVE IMPACT ON SOCIETY AND THE ENVIRONMENT, AS MEASURED BY A THIRD–PARTY STANDARD, THROUGH ACTIVITIES THAT PROMOTE A COMBINATION OF SPECIFIC PUBLIC BENEFITS.

(D) "SPECIFIC PUBLIC BENEFIT" INCLUDES:

(1) PROVIDING INDIVIDUALS OR COMMUNITIES WITH BENEFICIAL PRODUCTS OR SERVICES;

(2) PROMOTING ECONOMIC OPPORTUNITY FOR INDIVIDUALS OR COMMUNITIES BEYOND THE CREATION OF JOBS IN THE NORMAL COURSE OF BUSINESS;

(3) PRESERVING THE ENVIRONMENT;

(4) IMPROVING HUMAN HEALTH;

(5) PROMOTING THE ARTS, SCIENCES, OR ADVANCEMENT OF KNOWLEDGE;

(6) INCREASING THE FLOW OF CAPITAL TO ENTITIES WITH A PUBLIC BENEFIT PURPOSE; OR

(7) THE ACCOMPLISHMENT OF ANY OTHER PARTICULAR BENEFIT FOR SOCIETY OR THE ENVIRONMENT.

(E) "THIRD–PARTY STANDARD" MEANS A STANDARD FOR DEFINING, REPORTING, AND ASSESSING BEST PRACTICES IN SOCIAL AND ENVIRONMENTAL PERFORMANCE THAT:

(1) IS DEVELOPED BY A PERSON OR ENTITY THAT IS INDEPENDENT OF THE BENEFIT LIMITED LIABILITY COMPANY; AND

(2) IS TRANSPARENT BECAUSE THE FOLLOWING INFORMATION ABOUT THE STANDARD IS PUBLICLY AVAILABLE OR ACCESSIBLE:

(I) THE FACTORS CONSIDERED WHEN MEASURING THE PERFORMANCE OF A BUSINESS;

(II) THE RELATIVE WEIGHTINGS OF THOSE FACTORS; AND

(III) THE IDENTITY OF THE PERSONS WHO DEVELOPED AND CONTROL CHANGES TO THE STANDARD AND THE PROCESS BY WHICH THOSE CHANGES WERE MADE.

4A–1102.

(A) THE PROVISIONS OF THIS TITLE APPLY TO BENEFIT LIMITED LIABILITY COMPANIES EXCEPT TO THE EXTENT THAT:

(1) THE CONTEXT OF A PROVISION CLEARLY REQUIRES OTHERWISE; OR

(2) A SPECIFIC PROVISION OF THIS TITLE PROVIDES OTHERWISE.

(B) THIS SUBTITLE APPLIES ONLY TO A BENEFIT LIMITED LIABILITY COMPANY.

(C) (1) THE EXISTENCE OF A PROVISION OF THIS SUBTITLE DOES NOT OF ITSELF CREATE ANY IMPLICATION THAT A CONTRARY OR DIFFERENT RULE OF LAW IS OR WOULD BE APPLICABLE TO A LIMITED LIABILITY COMPANY THAT IS NOT A BENEFIT LIMITED LIABILITY COMPANY.

(2) THIS SUBTITLE DOES NOT AFFECT ANY STATUTE OR RULE OF LAW AS IT APPLIES TO A LIMITED LIABILITY COMPANY THAT IS NOT A BENEFIT LIMITED LIABILITY COMPANY.

(D) A PROVISION OF THE ARTICLES OF ORGANIZATION OR OPERATING AGREEMENT OF A BENEFIT LIMITED LIABILITY COMPANY MAY NOT BE INCONSISTENT WITH ANY PROVISION OF THIS SUBTITLE.

4A–1103.

A LIMITED LIABILITY COMPANY MAY ELECT TO BE A BENEFIT LIMITED LIABILITY COMPANY UNDER THIS SUBTITLE BY INCLUDING IN ITS ARTICLES OF ORGANIZATION A STATEMENT THAT THE LIMITED LIABILITY COMPANY IS A BENEFIT LIMITED LIABILITY COMPANY.

4A–1104.

CLEAR REFERENCE TO THE FACT THAT A LIMITED LIABILITY COMPANY IS A BENEFIT LIMITED LIABILITY COMPANY SHALL APPEAR PROMINENTLY:

(1) AT THE HEAD OF THE ARTICLES OF ORGANIZATION OR AN AMENDMENT TO THE ARTICLES OF ORGANIZATION IN WHICH THE ELECTION TO BE A BENEFIT LIMITED LIABILITY COMPANY IS MADE;

(2) AT THE HEAD OF EACH SUBSEQUENT ARTICLES OF ORGANIZATION OF THE BENEFIT LIMITED LIABILITY COMPANY; AND

(3) ON EACH CERTIFICATE REPRESENTING OUTSTANDING INTERESTS IN THE BENEFIT LIMITED LIABILITY COMPANY.

4A–1105.

A BENEFIT LIMITED LIABILITY COMPANY MAY TERMINATE ITS STATUS AS A BENEFIT LIMITED LIABILITY COMPANY AND CEASE TO BE SUBJECT TO THIS SUBTITLE BY AMENDING ITS ARTICLES OF ORGANIZATION TO DELETE THE STATEMENT REQUIRED UNDER § 4A–1103 OF THIS SUBTITLE THAT IT IS A BENEFIT LIMITED LIABILITY COMPANY.

4A–1106.

(A) (1) EACH BENEFIT LIMITED LIABILITY COMPANY SHALL HAVE THE PURPOSE OF CREATING A GENERAL PUBLIC BENEFIT.

(2) THE PURPOSE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS IN addition TO, AND MAY BE A LIMITATION ON, THE PURPOSES OF THE BENEFIT LIMITED LIABILITY COMPANY UNDER § 4A–201 OF THIS TITLE.

(B) (1) IN ADDITION TO ITS PURPOSES UNDER § 4A–201 OF THIS TITLE AND SUBSECTION (A) OF THIS SECTION, THE ARTICLES OF ORGANIZATION OR OPERATING AGREEMENT OF A BENEFIT LIMITED LIABILITY COMPANY MAY IDENTIFY AS ONE OF THE PURPOSES OF THE BENEFIT LIMITED LIABILITY COMPANY THE CREATION OF ONE OR MORE SPECIFIC PUBLIC BENEFITS.

(2) THE IDENTIFICATION IN ITS ARTICLES OF ORGANIZATION OR OPERATING AGREEMENT OF A SPECIFIC PUBLIC BENEFIT PURPOSE UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT LIMIT THE OBLIGATION OF A BENEFIT LIMITED LIABILITY COMPANY TO CREATE A GENERAL PUBLIC BENEFIT.

4A–1107.

(A) A PERSON MANAGING THE BUSINESS AND AFFAIRS OF A BENEFIT LIMITED LIABILITY COMPANY:

(1) SHALL CONSIDER THE EFFECTS OF ANY ACTION OR DECISION NOT TO ACT ON:

(I) THE MEMBERS OF THE BENEFIT LIMITED LIABILITY COMPANY;

(II) THE EMPLOYEES AND WORKFORCE OF THE BENEFIT LIMITED LIABILITY COMPANY AND THE SUBSIDIARIES AND SUPPLIERS OF THE BENEFIT LIMITED LIABILITY COMPANY;

(III) THE INTERESTS OF CUSTOMERS AS BENEFICIARIES OF THE GENERAL OR SPECIFIC PUBLIC BENEFIT PURPOSES OF THE BENEFIT LIMITED LIABILITY COMPANY;

(IV) COMMUNITY AND SOCIETAL CONSIDERATIONS, INCLUDING THOSE OF ANY COMMUNITY IN WHICH OFFICES OR FACILITIES OF THE BENEFIT LIMITED LIABILITY COMPANY OR THE SUBSIDIARIES OR SUPPLIERS OF THE BENEFIT LIMITED LIABILITY COMPANY ARE LOCATED; AND

(V) THE LOCAL AND GLOBAL ENVIRONMENT; AND

(2) MAY CONSIDER ANY OTHER PERTINENT FACTORS OR THE INTERESTS OF ANY OTHER GROUP THAT THE PERSON DETERMINES ARE APPROPRIATE TO CONSIDER.

(B) A PERSON MANAGING THE BUSINESS AND AFFAIRS OF A BENEFIT LIMITED LIABILITY COMPANY DOES NOT HAVE ANY DUTY ON ACCOUNT OF THE FACTORS OR INTERESTS SET FORTH IN THIS SECTION TO:

(1) A PERSON THAT IS A BENEFICIARY OF THE PUBLIC BENEFIT PURPOSES OF THE BENEFIT LIMITED LIABILITY COMPANY; OR

(2) A MEMBER OF THE BENEFIT LIMITED LIABILITY COMPANY.

4A–1108.

(A) A BENEFIT LIMITED LIABILITY COMPANY SHALL DELIVER TO EACH MEMBER AN ANNUAL BENEFIT REPORT INCLUDING:

(1) A DESCRIPTION OF:

(I) THE WAYS IN WHICH THE BENEFIT LIMITED LIABILITY COMPANY PURSUED A GENERAL PUBLIC BENEFIT DURING THE YEAR AND THE EXTENT TO WHICH THE GENERAL PUBLIC BENEFIT WAS CREATED;

(II) THE WAYS IN WHICH THE BENEFIT LIMITED LIABILITY COMPANY PURSUED ANY SPECIFIC PUBLIC BENEFIT THAT ITS ARTICLES OF ORGANIZATION OR OPERATING AGREEMENT STATES IS THE PURPOSE OF THE BENEFIT LIMITED LIABILITY COMPANY TO CREATE AND THE EXTENT TO WHICH THAT SPECIFIC PUBLIC BENEFIT WAS CREATED; AND

(III) ANY CIRCUMSTANCES THAT HAVE HINDERED THE CREATION BY THE BENEFIT LIMITED LIABILITY COMPANY OF THE PUBLIC BENEFIT; AND

(2) AN ASSESSMENT OF THE SOCIETAL AND ENVIRONMENTAL PERFORMANCE OF THE BENEFIT LIMITED LIABILITY COMPANY PREPARED IN ACCORDANCE WITH A THIRD–PARTY STANDARD APPLIED CONSISTENTLY WITH THE PRIOR YEAR'S BENEFIT REPORT OR ACCOMPANIED BY AN EXPLANATION OF THE REASONS FOR ANY INCONSISTENT APPLICATION.

(B) THE BENEFIT REPORT SHALL BE DELIVERED TO EACH MEMBER WITHIN 120 DAYS FOLLOWING THE END OF EACH FISCAL YEAR OF THE BENEFIT LIMITED LIABILITY COMPANY.

(C) (1) A BENEFIT LIMITED LIABILITY COMPANY SHALL POST ITS MOST RECENT BENEFIT REPORT ON THE PUBLIC PORTION OF ITS WEB SITE, IF ANY.

(2) IF A BENEFIT LIMITED LIABILITY COMPANY DOES NOT HAVE A PUBLIC WEB SITE, THE BENEFIT LIMITED LIABILITY COMPANY SHALL PROVIDE A COPY OF ITS MOST RECENT BENEFIT REPORT ON DEMAND AND WITHOUT CHARGE TO ANY PERSON WHO REQUESTS A COPY.".

On page 6, in line 25, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 620 – Senators Manno, Forehand, Montgomery, Pinsky, and Ramirez

AN ACT concerning

Real Property – Retaliatory Actions – Landlords and Mobile Home Park Owners

SB0620/818677/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 620
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 7 and 15, in each instance, strike "in a" and substitute "as an affirmative"; in the same lines, after the second "for" insert "certain"; strike beginning with "creating" in line 8 down through "circumstances;" in line 9; in line 10, after "circumstances;" insert "altering the conditions of certain relief; altering the circumstances under which certain actions by a landlord may not be deemed to be retaliatory;"; strike beginning with "creating" in line 15 down through "circumstances;" in line 17; and in line 18, after "circumstances;" insert "altering the circumstances under which certain actions by a park owner may not be deemed to be retaliatory;".

AMENDMENT NO. 2

On page 2, in line 11, strike "**REFUSE TO RENEW A TENANCY**" and substitute "**TERMINATE A PERIODIC TENANCY**".

On page 4, in line 25, strike "**REFUSE TO RENEW A RENTAL AGREEMENT**" and substitute "**TERMINATE A PERIODIC TENANCY**".

AMENDMENT NO. 3

On page 2, in line 15, strike "**MADE**" and substitute "**PROVIDED WRITTEN OR ACTUAL NOTICE OF**"; in the same line, before "**TO**" insert "**ABOUT AN ALLEGED VIOLATION OF THE LEASE, VIOLATION OF LAW, OR CONDITION ON THE LEASED**

PREMISES THAT IS A SUBSTANTIAL THREAT TO THE HEALTH OR SAFETY OF OCCUPANTS"; and in lines 25 and 26, strike "is a member or organizer of" and substitute "**HAS PARTICIPATED IN**".

On page 4, in line 29, strike "**MADE**" and substitute "**PROVIDED WRITTEN OR ACTUAL NOTICE OF**"; and in line 30, before "**TO**" insert "**ABOUT AN ALLEGED VIOLATION OF THE RENTAL AGREEMENT, VIOLATION OF LAW, OR CONDITION ON THE LEASED PREMISES THAT IS A SUBSTANTIAL THREAT TO THE HEALTH OR SAFETY OF OCCUPANTS**".

On page 5, in lines 7 and 8, strike "is a member or organizer of" and substitute "**HAS PARTICIPATED IN**".

AMENDMENT NO. 4

On page 3, in line 2, strike the first "**IN**" and substitute "**:**

(I) IN";

in the same line, after "**POSSESSION**" insert a semicolon; and in lines 2 and 3, strike "**IN A CLAIM FOR DAMAGES**" and substitute "**(II) AS AN AFFIRMATIVE CLAIM FOR DAMAGES RESULTING FROM A RETALIATORY ACTION OF A LANDLORD OCCURRING DURING A TENANCY**".

On page 5, in line 13, strike the first "**IN**" and substitute "**:**

(I) IN";

in the same line, after "**POSSESSION**" insert a semicolon; and in lines 13 and 14, strike "**IN A CLAIM FOR DAMAGES**" and substitute "**(II) AS AN AFFIRMATIVE CLAIM FOR DAMAGES RESULTING FROM A RETALIATORY ACTION OF A PARK OWNER OCCURRING DURING A TENANCY**".

AMENDMENT NO. 5

On page 3, strike in their entirety lines 4 through 17, inclusive; in line 18, strike the first set of brackets; in the same line, strike "**(D)**"; and in line 27, strike the bracket.

On page 4, in line 2, strike the bracket; in lines 7 and 13, in each instance, strike the first set of brackets; and in the same lines, strike "**(E)**" and "**(F)**", respectively.

On page 5, strike in their entirety lines 15 through 28, inclusive; in line 29, strike the first set of brackets; and in the same line, strike "**(D)**".

AMENDMENT NO. 6

On page 3 in lines 21 and 26 and on page 5 in line 32, in each instance, after "**DAMAGES**" insert "**NOT TO EXCEED THE EQUIVALENT OF 3 MONTHS' RENT**".

AMENDMENT NO. 7

On page 3, after line 27, insert:

"**(1) THE TENANT BEING CURRENT ON THE RENT DUE AND OWING TO THE LANDLORD AT THE TIME OF THE ALLEGED RETALIATORY ACTION, UNLESS THE TENANT WITHHOLDS RENT IN ACCORDANCE WITH THE LEASE, § 8–211 OF THIS SUBTITLE , OR A COMPARABLE LOCAL ORDINANCE; AND**

(2) IF THE ALLEGED RETALIATORY ACTION IS A LANDLORD'S TERMINATION OF A PERIODIC TENANCY:";

in lines 28 and 32, strike "(1)" and "(2)", respectively, and substitute "**(I)**" and "**(II)**", respectively; and in line 31, strike the period and substitute "**; OR**".

AMENDMENT NO. 8

On page 4, after line 6, insert:

"**(E) AN ACTION BY A LANDLORD MAY NOT BE DEEMED TO BE RETALIATORY FOR PURPOSES OF THIS SECTION IF THE ALLEGED RETALIATORY ACTION OCCURS MORE THAN 6 MONTHS AFTER A TENANT'S ACTION THAT IS PROTECTED UNDER SUBSECTION (A)(2) OF THIS SECTION.**".

On page 6, after line 4, insert:

"**(D) AN ACTION BY A PARK OWNER MAY NOT BE DEEMED TO BE RETALIATORY FOR PURPOSES OF THIS SECTION IF THE ALLEGED RETALIATORY**

ACTION OCCURS MORE THAN 6 MONTHS AFTER A RESIDENT'S ACTION THAT IS PROTECTED UNDER SUBSECTION (A)(2) OF THIS SECTION.".

AMENDMENT NO. 9

On page 4, in line 7, strike "**NONRENEWAL**" and substitute "**TERMINATION**"; strike beginning with "governed" in line 10 down through "month" in line 11; and strike beginning with "or" in line 11 down through "agree" in line 12 and substitute "**FOR NONRETALIATORY REASONS, INCLUDING IF THE TENANT OR THE TENANT'S FAMILY OR GUESTS HAVE:**

(1) DISRUPTED OR INTERFERED WITH THE QUIET ENJOYMENT OF THE PROPERTY, OTHER RESIDENTS, THE LANDLORD, OR THE LANDLORD'S STAFF;

(2) ENGAGED IN CRIMINAL ACTIVITY, REGARDLESS OF WHETHER THE INDIVIDUAL IS CONVICTED;

(3) CREATED OR CAUSED A PUBLIC NUISANCE ON THE PROPERTY;

(4) VIOLATED A PROVISION OF A LOCAL HOUSING, ZONING, OR LIVEABILITY CODE THAT, UNDER THE CODE, IS THE RESPONSIBILITY OF THE TENANT; OR

(5) BREACHED OR OTHERWISE FAILED TO COMPLY WITH THE TERMS OF THE LEASE AGREEMENT BETWEEN THE PARTIES".

On page 6, in lines 5 and 6, strike "**NONRENEWAL OF A RENTAL AGREEMENT**" and substitute "**TERMINATION OF A TENANCY**"; and in line 10, after "law" insert "**FOR NONRETALIATORY REASONS, INCLUDING IF THE RESIDENT OR THE RESIDENT'S FAMILY OR GUESTS HAVE:**

(1) DISRUPTED OR INTERFERED WITH THE QUIET ENJOYMENT OF THE PROPERTY, OTHER RESIDENTS, THE PARK OWNER, OR THE PARK OWNER'S STAFF;

(2) ENGAGED IN CRIMINAL ACTIVITY, REGARDLESS OF WHETHER THE INDIVIDUAL IS CONVICTED;

(3) CREATED OR CAUSED A PUBLIC NUISANCE ON THE PROPERTY;

(4) VIOLATED A PROVISION OF A LOCAL HOUSING, ZONING, OR LIVEABILITY CODE THAT, UNDER THE CODE, IS THE RESPONSIBILITY OF THE RESIDENT; OR

(5) BREACHED OR OTHERWISE FAILED TO COMPLY WITH THE TERMS OF THE RENTAL AGREEMENT BETWEEN THE PARTIES".

The preceding 9 amendments were read only.

Senator Pipkin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 696 – Senator Forehand

AN ACT concerning

Estates and Trusts – Tenancy by the Entirety Property – Transfer to Trustee or Trustees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 756 – Senator Kelley

AN ACT concerning

Maryland Revised Uniform Anatomical Gift Act

SB0756/808672/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 756
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Kelley" and substitute "Senators Kelley, Brochin, Forehand, Raskin, Ramirez, and Gladden".

AMENDMENT NO. 2

On page 4, after line 20, insert:

"**(J) "EMANCIPATED MINOR" MEANS A PERSON UNDER THE AGE OF 18 YEARS WHO IS:**

(1) MARRIED;

(2) A PARENT;

(3) SERVING IN THE MILITARY;

(4) EMANCIPATED BY COURT ORDER;

(5) LIVING SEPARATELY FROM THE PARENTS OF THE PERSON AND IS SELF–SUPPORTING; OR

(6) EMANCIPATED FOR ANOTHER PURPOSE RECOGNIZED BY LAW.";

and in lines 21 and 30, strike "**(J)**" and "**(K)**", respectively, and substitute "**(K)**" and "**(L)**", respectively.

On page 5, in lines 5, 8, and 10, strike "**(L)**", "**(M)**", and "**(N)**", respectively, and substitute "**(M)**", "**(N)**", and "**(O)**", respectively; after line 10, insert:

"**(P) (1) "NONTRANSPLANT TISSUE BANK" MEANS A PERSON THAT RECOVERS, SCREENS, PROCURES, TRANSPORTS, STORES, OR ARRANGES FOR**

THE STORAGE AND DISTRIBUTION OF A BODY OR PART SOLELY FOR THE PURPOSE OF RESEARCH, TRAINING, OR EDUCATION.

(2) "NONTRANSPLANT TISSUE BANK" INCLUDES:

(I) THE STATE ANATOMY BOARD;

(II) A PROGRAM FOR A PURPOSE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION OPERATED BY OFFICERS OR EMPLOYEES OF THE UNITED STATES; OR

(III) A NONPROFIT ORGANIZATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION PERMITTED TO OPERATE UNDER § 5–409 OF THE HEALTH – GENERAL ARTICLE.

(3) "NONTRANSPLANT TISSUE BANK" DOES NOT INCLUDE:

(I) AN EYE BANK;

(II) AN ORGAN PROCUREMENT ORGANIZATION; OR

(III) A TRANSPLANT TISSUE BANK.";

and in lines 11, 12, 15, 17, 20, 22, 24, and 30, strike "**(O)**", "**(P)**", "**(Q)**", "**(R)**", "**(S)**", "**(T)**", "**(U)**", and "**(V)**", respectively, and substitute "**(Q)**", "**(R)**", "**(S)**", "**(T)**", "**(U)**", "**(V)**", "**(W)**", and "**(X)**", respectively.

AMENDMENT NO. 3

On page 6, in lines 4, 6, 9, 12, 18, and 23, strike "**(W)**", "**(X)**", "**(Y)**", "**(Z)**", "**(AA)**", and "**(BB)**", respectively, and substitute "**(Y)**", "**(Z)**", "**(AA)**", "**(BB)**", "**(CC)**", and "**(DD)**", respectively.

AMENDMENT NO. 4

On page 7, in line 1, strike "**(CC)**" and substitute "**(EE)**"; strike beginning with "**PERSON**" in line 1 down through "**ARTICLE**" in line 8, and substitute "**TRANSPLANT TISSUE BANK OR NONTRANSPLANT TISSUE BANK**"; in line 9, strike "**(DD)**" and substitute "**(FF)**"; and after line 11, insert:

"**(GG) "TRANSPLANT TISSUE BANK" MEANS A PERSON THAT IS LICENSED, ACCREDITED, OR REGULATED UNDER FEDERAL OR STATE LAW TO ENGAGE IN THE RECOVERY, SCREENING, TESTING, PROCESSING, STORAGE, OR DISTRIBUTION OF TISSUE IN ACCORDANCE WITH TITLE 17, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE.**".

AMENDMENT NO. 5

On page 14, in line 31, strike "**OR**"; in the same line, strike "**MARYLAND**"; in the same line, after "**BOARD,**" insert "**OR A NONTRANSPLANT TISSUE BANK**"; and in the same line, after "**RESEARCH**" insert "**, TRAINING,**".

On page 15, in line 4, after "**A**" insert "**TRANSPLANT**".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #14

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 138 – Senator Zirkin

AN ACT concerning

Courts – Evidence – Unpaid Bills and Written Estimates for Goods or Services

SB0138/378078/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 138
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Unpaid" in line 2 down through "Services" in line 3 and substitute "Vehicle Repair Estimates"; in line 5, strike "an unpaid bill or a written estimate for goods or services" and substitute "a written vehicle repair estimate prepared by an insurer or its authorized representative"; in line 6, strike "to prove"; strike beginning with "provider" in line 6 down through "reasonable" in line 8 and substitute "preparer of the estimate, as evidence of the authenticity and the fairness and reasonableness of the estimate"; in line 9, strike "apply to unpaid bills and" and substitute "applicable to certain"; in the same line, after "written" insert "vehicle repair"; in lines 9 and 10, strike "for goods and services"; in line 11, strike "unpaid bills and" and substitute "certain"; in the same line, after "written" insert "vehicle repair"; and in the same line, strike "for goods or services".

AMENDMENT NO. 2

On page 2, in lines 4, 9, 22, and 23, in each instance, strike the brackets.

AMENDMENT NO. 3

On page 2, in lines 4 and 5, strike "**OR WRITTEN ESTIMATE**"; in line 5, after "services" insert "**OR A WRITTEN VEHICLE REPAIR ESTIMATE PREPARED BY AN INSURER OR ITS AUTHORIZED REPRESENTATIVE**"; in line 6, after "services" insert "**OR THE PREPARER OF THE VEHICLE REPAIR ESTIMATE**"; in line 7, strike "for **THE** goods or services"; in line 8, strike "**OR ESTIMATE**"; in the same line, after "services" insert "**OR OF THE VEHICLE REPAIR ESTIMATE**"; in line 16, after "**OR**" insert "**THE PREPARER OF THE**"; in line 23, strike "Stating" and substitute "**IN THE CASE OF A BILL, STATING**"; and in line 29, strike "**WRITTEN**" and substitute "**OF THE PREPARER OF THE VEHICLE REPAIR**".

On page 3, in line 6, after "**OR**" insert "**THE PREPARER OF THE**"; in line 7, strike "**OR WRITTEN ESTIMATE**"; and in line 8, after "services" insert "**AND THE DATE OF EACH WRITTEN ESTIMATE**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 178 – The President (By Request – Administration) and Senators King, Benson, DeGrange, Forehand, Garagiola, Madaleno, Manno,

Mathias, McFadden, Montgomery, Peters, Ramirez, Raskin, Stone, Young, and Zirkin

AN ACT concerning

Criminal Law – Child Neglect – Penalties

SB0178/848171/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 178
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "– Penalties"; in line 5, after "establishing" insert "the misdemeanor of child neglect and providing"; strike beginning with the second "a" in line 6 down through "Act" in line 9 and substitute "that a sentence imposed under this Act is in addition to a certain other sentence, except under certain circumstances; altering certain procedures relating to the reporting and investigation of child neglect"; and after line 15, insert:

"BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–704, 5–705, and 5–706
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2, in line 5, after "**(4)**" insert "**(I)**"; in line 6, after "**NEEDS**" insert "**OR FOR THE SAFETY**"; and strike beginning with the comma in line 7 down through "**SUPERVISION**" in line 13 and substitute "**THAT CREATES A SUBSTANTIAL RISK OF HARM TO THE MINOR'S PHYSICAL OR MENTAL HEALTH.**

(II) "NEGLECT" DOES NOT INCLUDE THE FAILURE TO PROVIDE NECESSARY ASSISTANCE AND RESOURCES FOR THE PHYSICAL NEEDS OR FOR THE SAFETY OF A MINOR WHEN THE FAILURE IS DUE SOLELY TO A LACK OF FINANCIAL RESOURCES OR HOMELESSNESS".

AMENDMENT NO. 3

On page 2, in line 18, strike "**(1)**"; and in line 19, strike "**FELONY**" and substitute "**MISDEMEANOR**".

AMENDMENT NO. 4

On page 2, strike in their entirety lines 22 through 25, inclusive.

AMENDMENT NO. 5

On pages 2 and 3, strike beginning with "**(1)**" in line 26 on page 2 down through "**MINOR**" in line 3 on page 3 and substitute "**A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR A CONVICTION ARISING FROM THE SAME FACTS AND CIRCUMSTANCES UNLESS THE EVIDENCE REQUIRED TO PROVE EACH CRIME IS SUBSTANTIALLY IDENTICAL**".

AMENDMENT NO. 6

On page 3, after line 3, insert:

"Family Law

5–704.

(a) Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State:

(1) **[**(i)**]** who has reason to believe that a child has been subjected to abuse **OR NEGLECT**, shall notify the local department or the appropriate law enforcement agency**[**; or

(ii) who has reason to believe that a child has been subjected to neglect, shall notify the local department**]**; and

(2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.

(b) (1) An individual who notifies the appropriate authorities under subsection (a) of this section shall make:

(i) an oral report, by telephone or direct communication, as soon as possible**[**:

1.**]** to the local department or appropriate law enforcement agency **[**if the person has reason to believe that the child has been subjected to abuse; or

2. to the local department if the person has reason to believe that the child has been subjected to neglect**]**; and

(ii) a written report:

1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and

2. with a copy to the local State's Attorney **[**if the individual has reason to believe that the child has been subjected to abuse**]**.

(2) (i) An agency to which an oral report of suspected abuse **OR NEGLECT** is made under paragraph (1) of this subsection shall immediately notify the other agency.

(ii) This paragraph does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

(1) the name, age, and home address of the child;

(2) the name and home address of the child's parent or other person who is responsible for the child's care;

(3) the whereabouts of the child;

(4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and

(5) any other information that would help to determine:

(i) the cause of the suspected abuse or neglect; and

(ii) the identity of any individual responsible for the abuse or neglect.

5–705.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, notwithstanding any other provision of law, including a law on privileged communications, a person in this State other than a health practitioner, police officer, or educator or human service worker who has reason to believe that a child has been subjected to abuse or neglect shall**[**:

(i) if the person has reason to believe the child has been subjected to abuse,**]** notify the local department or the appropriate law enforcement agency**[**; or

(ii) if the person has reason to believe the child has been subjected to neglect, notify the local department**]**.

(2) A person is not required to provide notice under paragraph (1) of this subsection:

(i) in violation of the privilege described under § 9–108 of the Courts Article;

(ii) if the notice would disclose matter communicated in confidence by a client to the client's attorney or other information relating to the representation of the client; or

(iii) in violation of any constitutional right to assistance of counsel.

(3) A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice under paragraph (1) of this subsection if the notice would disclose matter in relation to any communication described in § 9–111 of the Courts Article and:

(i) the communication was made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and

(ii) the minister, clergyman, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

(b) (1) An agency to which a report of suspected abuse **OR NEGLECT** is made under subsection (a) of this section shall immediately notify the other agency.

(2) This subsection does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) A report made under subsection (a) of this section may be oral or in writing.

(d) (1) To the extent possible, a report made under subsection (a) of this section shall include the information required by § 5–704(c) of this subtitle.

(2) A report made under subsection (a) of this section shall be regarded as a report within the provisions of this subtitle, whether or not the report contains all of the information required by § 5–704(c) of this subtitle.

5–706.

(a) Promptly after receiving a report of suspected abuse or neglect of a child who lives in this State that is alleged to have occurred in this State**[**:

(1)**],** the local department or the appropriate law enforcement agency, or both, if jointly agreed on, shall make a thorough investigation of a report of suspected abuse **OR NEGLECT** to protect the health, safety, and welfare of the child or children**[**; or

(2) the local department shall make a thorough investigation of a report of suspected neglect to protect the health, safety, and welfare of the child or children**]**.

(b) Within 24 hours after receiving a report of suspected physical or sexual abuse of a child who lives in this State that is alleged to have occurred in this State, and within 5 days after receiving a report of suspected neglect or suspected mental injury of a child who lives in this State that is alleged to have occurred in this State, the local department or the appropriate law enforcement agency shall:

(1) see the child;

(2) attempt to have an on–site interview with the child's caretaker;

(3) decide on the safety of the child, wherever the child is, and of other children in the household; and

(4) decide on the safety of other children in the care or custody of the alleged abuser.

(c) The investigation under subsection (b) of this section shall include:

(1) a determination of the nature, extent, and cause of the abuse or neglect, if any;

(2) if mental injury is suspected, an assessment by two of the following:

(i) a licensed physician, as defined in § 14–101 of the Health Occupations Article;

(ii) a licensed psychologist, as defined in § 18–101 of the Health Occupations Article; or

(iii) a licensed social worker, as defined in § 19–101 of the Health Occupations Article; and

(3) if the suspected abuse or neglect is verified:

(i) a determination of the identity of the person or persons responsible for the abuse or neglect;

(ii) a determination of the name, age, and condition of any other child in the household;

(iii) an evaluation of the parents and the home environment;

(iv) a determination of any other pertinent facts or matters; and

(v) a determination of any needed services.

(d) On request by the local department, the local State's Attorney shall assist in an investigation under subsections (b) and (c) of this section.

(e) The local department, the appropriate law enforcement agencies, the State's Attorney within each county and Baltimore City, the local department's office responsible for child care regulation, and the local health officer shall enter into a written agreement that specifies standard operating procedures for the investigation under subsections (b) and (c) of this section and prosecution of reported cases of suspected abuse **OR NEGLECT**.

(f) (1) The agencies responsible for investigating reported cases of suspected sexual abuse, including the local department, the appropriate law enforcement agencies, and the local State's Attorney, shall implement a joint investigation procedure for conducting joint investigations of sexual abuse under subsections (b) and (c) of this section.

(2) The joint investigation procedure shall:

(i) include appropriate techniques for expediting validation of sexual abuse complaints;

(ii) include investigation techniques designed to:

1. decrease the potential for physical harm to the child; and

2. decrease any trauma experienced by the child in the investigation and prosecution of the case; and

(iii) establish an ongoing training program for personnel involved in the investigation or prosecution of sexual abuse cases.

(g) (1) To the extent possible, an investigation under subsections (b) and (c) of this section shall be completed within 10 days after receipt of the first notice of the suspected abuse or neglect by the local department or law enforcement agencies.

(2) An investigation under subsections (b) and (c) of this section which is not completed within 30 days shall be completed within 60 days of receipt of the first notice of the suspected abuse or neglect.

(h) Within 10 days after the local department or law enforcement agency receives the first notice of suspected abuse **OR NEGLECT** of a child who lives in this State that is alleged to have occurred in this State, the local department or law enforcement agency shall report to the local State's Attorney the preliminary findings of the investigation.

(i) Within 5 business days after completion of the investigation of suspected abuse **OR NEGLECT** of a child who lives in this State that is alleged to have occurred in this State, the local department and the appropriate law enforcement agency, if that agency participated in the investigation, shall make a complete written report of its findings to the local State's Attorney.

(j) Promptly after receiving a report of suspected abuse or neglect of a child who lives in this State that is alleged to have occurred outside of this State, the local department shall:

(1) forward the report to the appropriate agency outside of this State that is authorized to receive and investigate reports of suspected abuse or neglect;

(2) cooperate to the extent requested with the out–of–state agency investigating the report; and

(3) if determined appropriate by the local department:

(i) interview the child to assess whether the child is safe; and

(ii) provide services to the child and the child's family.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 374 – Senator Gladden

AN ACT concerning

Baltimore City – Circuit Court – Grand Jury Investigation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 457 – Senator Forehand

AN ACT concerning

Lawyers – Bar Admission Requirement – Exception for Rent Escrow Proceedings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 531 – Senators Peters, Astle, Brochin, Colburn, Edwards, Garagiola, Glassman, Raskin, and Reilly

AN ACT concerning

Task Force on Military Service Members, Veterans, and the Courts

SB0531/988074/2
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 531
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Reilly" and substitute "Reilly, Forehand, Jacobs, Ramirez, and Stone".

AMENDMENT NO. 2

On page 1, in line 22, strike "three members" and substitute "one member".

On page 2, after line 7, insert:

"(7) the Secretary of Public Safety and Correctional Services, or the Secretary's designee;";

and in lines 8 and 9, strike "(7)" and "(8)", respectively, and substitute "(8)" and "(9)", respectively; and in line 31, strike "2011" and substitute "2012".

AMENDMENT NO. 3

On page 3, in line 4, strike "3" and substitute "9"; and in line 5, strike "December 31, 2012" and substitute "June 30, 2013".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 599 – Senators Raskin, Frosh, Manno, Miller, Ramirez, and Zirkin

AN ACT concerning

Courts and Judicial Proceedings – Prelitigation Discovery – Insurance Coverage

SB0599/708871/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 599
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the first "a" in line 4 down through "claimant" in line 5 and substitute "certain insurers to disclose to certain claimants under certain circumstances"; in line 9, after the semicolon insert "providing for certain procedures; providing that certain persons are not civilly or criminally liable for disclosure of certain documentation; providing that certain disclosure of certain documentation does not constitute a certain admission and is not admissible as evidence by reason of a certain disclosure; defining certain terms; providing for the application of this Act;"; and in line 13, after "10–1101" insert "through 10–1105".

AMENDMENT NO. 2

On page 1, after line 20, insert:

"**10–1101.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "BENEFICIARY" MEANS AN INDIVIDUAL WHO MAY BRING AN ACTION FOR WRONGFUL DEATH UNDER TITLE 3, SUBTITLE 9 OF THIS ARTICLE.

(C) "CLAIMANT" MEANS:

(1) A PERSON WHO ALLEGES DAMAGES AS A RESULT OF A VEHICLE ACCIDENT OR AN ATTORNEY WHO REPRESENTS THE PERSON; OR

(2) A PERSONAL REPRESENTATIVE OF THE ESTATE OF A DECEDENT WHO DIED AS A RESULT OF A VEHICLE ACCIDENT OR AN ATTORNEY WHO REPRESENTS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF THE DECEDENT.

(D) "INSURER" INCLUDES A PROPERTY AND CASUALTY INSURER, A SELF–INSURANCE PLAN, OR ANY PERSON REQUIRED TO PROVIDE

INDEMNIFICATION FOR A CLAIM FOR WRONGFUL DEATH, PERSONAL INJURY, OR PROPERTY DAMAGE.

(E) "VEHICLE" HAS THE MEANING STATED IN § 11–176 OF THE TRANSPORTATION ARTICLE.".

AMENDMENT NO. 3

On page 1, in line 21, strike "**10–1101.**" and substitute "**10–1102.**"; in line 22, strike "**(A)**"; and strike beginning with "**WITH**" in line 22 down through "**CASUALTY**" in line 24 and substitute "**CONCERNING A VEHICLE ACCIDENT AND PROVIDES THE DOCUMENTATION DESCRIBED IN § 10–1103 OR § 10–1104 OF THIS SUBTITLE WITH AN INSURER, THE CLAIMANT MAY OBTAIN FROM THE**".

On page 2, in line 1, after "**OF**" insert "**LIABILITY**"; and strike beginning with the second "**ANY**" in line 1 down through "**BUSINESS**" in line 2 and substitute "**THE INSURER**".

AMENDMENT NO. 4

On page 2, strike in their entirety lines 6 through 9, inclusive, and substitute:

"**10–1103.**

(A) THIS SECTION DOES NOT APPLY TO A CLAIM DESCRIBED UNDER § 10–1104 OF THIS SUBTITLE.

(B) A CLAIMANT MAY OBTAIN THE DOCUMENTATION DESCRIBED IN § 10–1102 OF THIS SUBTITLE IF THE CLAIMANT PROVIDES IN WRITING TO THE INSURER:

(1) THE DATE OF THE VEHICLE ACCIDENT;

(2) THE NAME AND LAST KNOWN ADDRESS OF THE ALLEGED TORTFEASOR;

(3) A COPY OF THE VEHICLE ACCIDENT REPORT, IF AVAILABLE;

(4) THE INSURER'S CLAIM NUMBER, IF AVAILABLE;

(5) THE CLAIMANT'S HEALTH CARE BILLS AND DOCUMENTATION OF THE CLAIMANT'S LOSS OF INCOME, IF ANY, RESULTING FROM THE VEHICLE ACCIDENT; AND

(6) THE RECORDS OF HEALTH CARE TREATMENT FOR THE CLAIMANT'S INJURIES CAUSED BY THE VEHICLE ACCIDENT.

(C) IF THE AMOUNT OF THE INCURRED HEALTH CARE BILLS AND LOSS OF INCOME DOCUMENTED BY THE CLAIMANT UNDER THIS SECTION IS AT LEAST $12,500, THE INSURER SHALL DISCLOSE IN WRITING THE APPLICABLE LIMITS OF COVERAGE IN EACH WRITTEN AGREEMENT UNDER WHICH THE INSURER MAY BE LIABLE.

10–1104.

(A) THIS SECTION APPLIES TO A CLAIM BY THE ESTATE OF AN INDIVIDUAL OR A BENEFICIARY OF THE INDIVIDUAL RESULTING FROM THE DEATH OF THE INDIVIDUAL IN A VEHICLE ACCIDENT.

(B) A CLAIMANT MAY OBTAIN THE DOCUMENTATION DESCRIBED IN § 10–1102 OF THIS SUBTITLE IF THE CLAIMANT PROVIDES IN WRITING TO THE INSURER:

(1) THE DATE OF THE VEHICLE ACCIDENT;

(2) THE NAME AND LAST KNOWN ADDRESS OF THE ALLEGED TORTFEASOR;

(3) A COPY OF THE VEHICLE ACCIDENT REPORT, IF AVAILABLE;

(4) THE INSURER'S CLAIM NUMBER, IF AVAILABLE;

(5) A COPY OF THE DECEDENT'S DEATH CERTIFICATE ISSUED IN THE STATE OR ANOTHER JURISDICTION;

(6) A COPY OF THE LETTERS OF ADMINISTRATION ISSUED TO APPOINT THE PERSONAL REPRESENTATIVE OF THE DECEDENT'S ESTATE IN THE STATE OR A SUBSTANTIALLY SIMILAR DOCUMENT ISSUED BY ANOTHER JURISDICTION;

(7) THE NAME OF EACH BENEFICIARY OF THE DECEDENT, IF KNOWN;

(8) THE RELATIONSHIP TO THE DECEDENT OF EACH KNOWN BENEFICIARY OF THE DECEDENT;

(9) THE AMOUNT OF ECONOMIC DAMAGES, IF ANY, CLAIMED BY EACH KNOWN BENEFICIARY OF THE DECEDENT, INCLUDING ANY AMOUNT CLAIMED BASED ON FUTURE LOSS OF EARNINGS OF THE DECEDENT;

(10) THE HEALTH CARE BILLS FOR HEALTH CARE TREATMENT, IF ANY, OF THE DECEDENT RESULTING FROM THE VEHICLE ACCIDENT;

(11) THE RECORDS OF HEALTH CARE TREATMENT FOR INJURIES TO THE DECEDENT CAUSED BY THE VEHICLE ACCIDENT; AND

(12) DOCUMENTATION OF THE DECEDENT'S PAST LOSS OF INCOME, IF ANY, RESULTING FROM THE VEHICLE ACCIDENT.

10–1105.

(A) AN INSURER SHALL PROVIDE IN WRITING THE DOCUMENTATION DESCRIBED UNDER § 10–1102 OF THIS SUBTITLE WITHIN 30 DAYS AFTER THE DATE OF A REQUEST IN ACCORDANCE WITH § 10–1103 OR § 10–1104 OF THIS SUBTITLE, REGARDLESS OF WHETHER THE INSURER CONTESTS THE APPLICABILITY OF COVERAGE TO A CLAIM.

(B) AN INSURER, AND THE EMPLOYEES AND AGENTS OF AN INSURER, MAY NOT BE CIVILLY OR CRIMINALLY LIABLE FOR THE DISCLOSURE OF DOCUMENTATION REQUIRED UNDER THIS SUBTITLE.

(C) DISCLOSURE OF THE DOCUMENTATION UNDER THIS SUBTITLE DOES NOT CONSTITUTE AN ADMISSION THAT A CLAIM IS SUBJECT TO THE APPLICABLE AGREEMENT BETWEEN THE INSURER AND THE ALLEGED TORTFEASOR.

(D) DOCUMENTATION DISCLOSED UNDER THIS SECTION IS NOT ADMISSIBLE AS EVIDENCE AT TRIAL BY REASON OF ITS DISCLOSURE UNDER THIS SUBTITLE.".

AMENDMENT NO. 5

On page 2, after line 9, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim filed with an insurer, as defined in Section 1 of this Act, before the effective date of this Act.";

and in line 10, strike "2." and substitute "3.".

The preceding 5 amendments were read only.

Senator Kittleman moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 768 – Senators Ramirez and Frosh

AN ACT concerning

Child Abuse – Out of Court Statements of Child Victims

SB0768/218778/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 768

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "adding" insert "certain"; in the same line, strike "caseworkers" and substitute "therapists"; strike beginning with "repealing" in line 6 down through "testify;" in line 8; in line 9, after "statement" insert "in a criminal proceeding or certain juvenile court proceeding; clarifying the circumstances under which an out of court statement of a child victim may be admitted into evidence in a child in need of assistance proceeding in the juvenile court"; and in line 13, strike "and under which a certain deposition is authorized".

AMENDMENT NO. 2

On page 2, in line 29, after "**COUNSELOR**" insert "**LICENSED OR CERTIFIED IN ACCORDANCE WITH TITLE 17 OF THE HEALTH – OCCUPATIONS ARTICLE**"; and in line 30, strike "**CASEWORKER**" and substitute "**THERAPIST LICENSED OR CERTIFIED IN ACCORDANCE WITH TITLE 17 OF THE HEALTH – OCCUPATIONS ARTICLE**".

AMENDMENT NO. 3

On page 3, in line 2, after "evidence" insert "**IN A CRIMINAL PROCEEDING OR IN A JUVENILE COURT PROCEEDING OTHER THAN A CHILD IN NEED OF ASSISTANCE PROCEEDING UNDER TITLE 3, SUBTITLE 8 OF THE COURTS ARTICLE**"; in lines 6, 11, 12, and 23, in each instance, strike the bracket; in line 6, after "(2)" insert "**(I) IN A CHILD IN NEED OF ASSISTANCE PROCEEDING IN THE JUVENILE COURT UNDER TITLE 3, SUBTITLE 8 OF THE COURTS ARTICLE, AN OUT OF COURT STATEMENT BY A CHILD VICTIM MAY COME INTO EVIDENCE TO PROVE THE TRUTH OF THE MATTER ASSERTED IN THE STATEMENT:**

1. IF THE STATEMENT IS NOT ADMISSIBLE UNDER ANY OTHER HEARSAY EXCEPTION; AND

2. REGARDLESS OF WHETHER THE CHILD VICTIM TESTIFIES.

(II)";

strike beginning with the colon in line 7 down through "or" in line 10; and in lines 12 and 23, strike "**(2)**" and "**(3)**", respectively.

AMENDMENT NO. 4

On page 3, strike beginning with "**IF**" in line 23 down through "**THE**" in line 24.

The preceding 4 amendments were read only.

Senator Kelley moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #15

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 2 – Senator Colburn

AN ACT concerning

Vehicle Laws – Registration and Driver's License Renewal Fees – No Charge for Recipients of Medal of Honor

SB0002/158474/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 2
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Colburn" and substitute "Senators Colburn, Forehand, Jacobs, Ramirez, Raskin, Stone, Zirkin, Peters, and Montgomery".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 14 – Senator Gladden

AN ACT concerning

Vehicle Laws – Race–Based Traffic Stops – Reporting Requirements

SB0014/468177/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 14
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "Justice" and substitute "Statistical"; in lines 6, 9, 10, and 14, in each instance, strike "MJAC" and substitute "MSAC"; and in line 17, after "terms;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 1, in line 2, after "Stops" insert ", Strip Searches, and Body Cavity Searches"; and in lines 4, 13, and 18, in each instance, after "stops" insert ", strip searches, and body cavity searches".

AMENDMENT NO. 3

On page 2, strike beginning with "**JUSTICE**" in line 8 down through "**PARK**" in line 10 and substitute "**STATISTICAL ANALYSIS CENTER" MEANS THE RESEARCH, DEVELOPMENT, AND EVALUATION COMPONENT OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**"; and in line 31, strike "**JUSTICE**" and substitute "**STATISTICAL**".

On page 3, in line 8, strike "**JUSTICE**" and substitute "**STATISTICAL**".

On page 4, in lines 22 and 26, in each instance, strike "**JUSTICE**" and substitute "**STATISTICAL**".

On page 5, in lines 3, 7, 26, and 29, in each instance, strike "**JUSTICE**" and substitute "**STATISTICAL**".

On page 6, in line 3, strike "**JUSTICE**" and substitute "**STATISTICAL**".

AMENDMENT NO. 4

On page 2, in line 22, strike "**OR**"; and in line 24, after "**TECHNOLOGY**" insert "**; OR**

4. A STOP BASED ON THE USE OF LICENSE PLATE READER TECHNOLOGY".

AMENDMENT NO. 5

On page 6, in line 8, after "June 1, 2011." insert "It shall remain effective for a period of 2 years and, at the end of May 31, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

AMENDMENT NO. 6

On page 2, after line 2, insert:

"**(2) "BODY CAVITY" MEANS THE STOMACH OR RECTAL CAVITY OF A MALE OR FEMALE INDIVIDUAL AND THE VAGINA OF A FEMALE INDIVIDUAL.**

(3) "BODY CAVITY SEARCH" MEANS A PHYSICAL INTRUSION INTO A BODY CAVITY TO DETERMINE THE PRESENCE OF A WEAPON OR A CONTROLLED DANGEROUS SUBSTANCE CONCEALED IN THE BODY CAVITY.

(4) "CONTROLLED DANGEROUS SUBSTANCE" HAS THE MEANING STATED IN § 5–101 OF THE CRIMINAL LAW ARTICLE.";

in lines 3, 5, 8, 11, and 14, strike "**(2)**", "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively, and substitute "**(5)**", "**(6)**", "**(7)**", "**(8)**", and "**(10)**", respectively; and after line 13, insert:

"**(9) (I) "STRIP SEARCH" MEANS AN OBSERVATION OF THE UNCLOTHED BODY OF AN INDIVIDUAL TO DETERMINE THE PRESENCE OF A WEAPON OR CONTROLLED DANGEROUS SUBSTANCE.**

(II) "STRIP SEARCH" INCLUDES A VISUAL INSPECTION OF A BODY CAVITY.".

On page 3, in line 10, after "**STOPS**" insert "**AND STRIP SEARCHES AND BODY CAVITY SEARCHES**"; in line 13, after "**STOP**" insert "**OR PERFORMS A STRIP**

SEARCH OR A BODY CAVITY SEARCH"; and in lines 18, 19, and 21, in each instance, after "**STOP**" insert "**, STRIP SEARCH, OR BODY CAVITY SEARCH**".

On page 5, in line 12, after "**STOPS**" insert "**AND STRIP SEARCHES AND BODY CAVITY SEARCHES**"; and in line 17, after "**STOP**" insert "**, STRIP SEARCH, OR BODY CAVITY SEARCH**".

The preceding 6 amendments were read only.

Senator Robey moved, duly seconded, to make the Bill and Amendments a Special Order for March 24, 2011.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 19 – Senator Colburn

AN ACT concerning

Vehicle Laws – Gross Weight Limits – Farm Vehicles and Vehicles Carrying Farm Products

SB0019/688077/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 19
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Colburn" and substitute "Senators Colburn and Edwards".

On page 1, in line 2, strike "Gross Weight Limits" and substitute "Exceptional Hauling Permits"; in lines 2 and 3, strike "Vehicles and Vehicles Carrying Farm"; in line 4, strike "allowing" and substitute "authorizing the State Highway Administration to issue permits for"; in lines 4 and 5, strike "that are registered as farm vehicles or that are"; strike beginning with "farm" in line 5 down through "under" in line 6 and substitute "products and loads of certain maximum weights to operate in certain areas in"; in line 6, after "circumstances" insert "and subject to certain conditions; expanding

the scope of a certain permitting process for certain vehicles that carry certain forest products to include certain vehicles that carry certain farm products; repealing a certain separate permitting process for certain vehicles that carry certain milk products; altering certain fees for permits for certain vehicles that carry certain products; altering certain time periods in which certain permits for certain vehicles that carry certain products are valid; defining a certain term"; in line 7, strike "gross weight limits for farm vehicles and" and substitute "exceptional hauling permits for"; after line 8, insert:

"BY repealing and reenacting, without amendments,
Article – Agriculture
Section 10–601(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)";

in line 11, strike "24–109" and substitute "24–113.2"; and after line 13, insert:

"BY repealing
Article – Transportation
Section 24–113.3
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 1, after line 15, insert:

"Article – Agriculture

10–601.

(c) "Farm product" means any agricultural, horticultural, vegetable, or fruit product of the soil, including livestock, meats, marine food products, poultry, eggs, dairy products, wool, hides, feathers, nuts, honey, and every product of farm, forest, orchard, garden or water, but does not include canned, frozen, dried, or pickled products.".

On pages 1 through 5, strike in their entirety the lines beginning with line 17 on page 1 through line 2 on page 5, inclusive, and substitute:

"24–113.2.

(a) **[**An**]** **UNLESS OTHERWISE PROVIDED BY FEDERAL LAW, AN** exceptional hauling permit issued under this section is **NOT** valid **[**only in:

(1) Allegany County and Garrett County; and

(2) Dorchester County, Somerset County, Talbot County, Wicomico County, and Worcester County**] ON THE INTERSTATE HIGHWAY SYSTEM, AS DEFINED IN § 8–101(J) OF THIS ARTICLE**.

(b) Notwithstanding any other provision of this title, the State Highway Administration may issue an exceptional hauling permit for a combination of vehicles that:

(1) Carries **[**forestry products**] FARM PRODUCTS AS DEFINED IN § 10–601(C) OF THE AGRICULTURE ARTICLE** that:

(i) Are loaded in fields or other off–highway locations; and

(ii) Are the only load of the vehicle; and

(2) Has an axle configuration of not less than six axles and a front–to–rear centerline axle spacing of not less than 50 feet.

(c) A combination of vehicles operating under the authority of an exceptional hauling permit issued under subsection (b) of this section shall:

(1) Comply with the following weight limits:

(i) A maximum of 20,000 pounds gross weight on a single axle;

(ii) For any consecutive axle configuration of two or more axles on individual vehicles in the combination, the maximum gross weight specified in § 24–109(c) of this subtitle; and

(iii) A maximum of 87,000 pounds gross combination weight;

(2) Twice each year, submit to and pass a North American Standard Driver/Vehicle Level 1 inspection; and

(3) Be allowed a load limit tolerance of only 1,000 pounds for gross combination weight and 15% for axle weights.

(d) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person may not:

(1) Violate a highway restriction issued by a competent authority;

(2) Operate the combination of vehicles on the interstate highway system, as defined in § 8–101(j) of this article;

(3) Operate the combination of vehicles if the combination of vehicles exceeds any tire weight rating or tire speed restriction adopted under § 25–111 of this article; or

(4) Fail to comply with the terms and conditions of the exceptional hauling permit.

(e) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person shall have in the person's possession:

(1) The original exceptional hauling permit issued for the vehicle; and

(2) For each vehicle in the combination of vehicles, a copy of a valid North American Standard Driver/Vehicle Level 1 inspection report issued within the preceding 180 days that shows no out–of–service violations.

(f) (1) A violation of this section, regulations adopted to implement this section, or the terms and conditions of an exceptional hauling permit issued under subsection (b) of this section shall:

(i) Void the authority granted under the exceptional hauling permit;

(ii) Subject the vehicle to all weight requirements and tolerances specified in this article; and

(iii) For a violation of a weight restriction specified in this section that exceeds 5,000 pounds, subject the exceptional hauling permit to immediate confiscation by an officer or authorized civilian employee of the Department of State Police, an officer of the Maryland Transportation Authority Police, or any police officer.

(2) A person who confiscates an exceptional hauling permit under paragraph (1) of this subsection shall immediately notify the State Highway Administration.

(3) On notification of the confiscation of an exceptional hauling permit, the State Highway Administration shall review the confiscation, verify the violation of a weight restriction, and, if the State Highway Administration determines that a violation did occur, revoke the permit.

(4) An owner or operator of a combination of vehicles may appeal the revocation of an exceptional hauling permit to the State Highway Administrator or the Administrator's designee.

(g) (1) On request from the State Highway Administrator or the Administrator's designee, weight and delivery records of the holder of an exceptional hauling permit that are kept in the normal course of business shall be provided by:

(i) The holder of the exceptional hauling permit; or

(ii) A facility that receives **[**forestry**]** **FARM** products**, AS DEFINED IN § 8–101(J) OF THE AGRICULTURE ARTICLE,** delivered by a vehicle operating under the authority of an exceptional hauling permit.

(2) If the holder of an exceptional hauling permit or a facility that receives **[**forestry**]** **FARM** products does not comply with a request under this subsection, the State Highway Administration may:

(i) Suspend the holder's exceptional hauling permit; or

(ii) Prohibit a vehicle from delivering **[**forestry**]** **FARM** products under the authority of the exceptional hauling permit to the noncompliant facility.

(h) (1) An applicant for an exceptional hauling permit shall pay to the State Highway Administration:

(i) **1.** **[**$500**]** **$250** for the issuance of a new **ANNUAL** permit or the annual renewal **[**of a permit**]**; **OR**

2. **$30 FOR THE ISSUANCE OF A 30 DAY PERMIT;**

(ii) $1,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a first violation; and

(iii) $5,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a second or subsequent violation within the prior 24 months.

(2) A fee paid under this subsection is nonrefundable.

(i) Except as otherwise provided in this section, an exceptional hauling permit is valid for**:**

(1) 1 year from the date of issuance **FOR AN ANNUAL PERMIT; OR**

(2) **30 CONSECUTIVE DAYS FOR A 30 DAY PERMIT**.

(j) In consultation with the Secretary of State Police, the State Highway Administration shall adopt regulations to implement this section.

(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.

[24–113.3.

(a) An exceptional milk hauling permit issued under this section is valid only in Allegany County, Anne Arundel County, Baltimore County, Carroll County, Frederick County, Garrett County, Howard County, Montgomery County, Prince George's County, and Washington County.

(b) Notwithstanding any other provision of this title, the State Highway Administration may issue an exceptional milk hauling permit for a combination of vehicles that:

(1) Carries to a processing plant raw liquid milk that is the only load on the vehicle and is loaded from bulk liquid milk storage tanks at one or more farm locations; and

(2) Has an axle configuration of not less than six axles and a front–to–rear centerline axle spacing of not less than 50 feet.

(c) A combination of vehicles operating under the authority of an exceptional milk hauling permit issued under subsection (b) of this section shall:

(1) Comply with the following weight limits:

(i) A maximum of 20,000 pounds gross weight on a single axle;

(ii) For any consecutive axle configuration of two or more axles on individual vehicles in a combination, the weight specified in § 24–109(c) of this subtitle; and

(iii) A maximum of 87,000 pounds gross combination weight;

(2) Twice each year, submit to and pass a North American Standard Driver/Vehicle Level 1 inspection; and

(3) Be allowed a load limit tolerance of only 1,000 pounds for gross combination weight and 15% for axle weights.

(d) While operating a combination of vehicles under the authority of an exceptional milk hauling permit issued under subsection (b) of this section, a person may not:

(1) Violate a highway restriction issued by a competent authority;

(2) Operate the combination of vehicles on the interstate highway system, as defined in § 8–101(j) of this article;

(3) Operate the combination of vehicles if the combination of vehicles exceeds any tire weight rating or tire speed restriction adopted under § 25–111 of this article; or

(4) Fail to comply with the terms and conditions of the exceptional milk hauling permit.

(e) While operating a combination of vehicles under the authority of an exceptional milk hauling permit issued under subsection (b) of this section, a person shall have in the person's possession:

(1) The original exceptional milk hauling permit issued for the vehicle; and

(2) For each vehicle in the combination of vehicles, a copy of a valid North American Standard Driver/Vehicle Level 1 inspection report issued within the preceding 180 days that shows no out–of–service violations.

(f) (1) A violation of this section, regulations adopted to implement this section, or the terms and conditions of an exceptional milk hauling permit issued under subsection (b) of this section shall:

(i) Void the authority granted under the exceptional milk hauling permit;

(ii) Subject the vehicle to all weight requirements and tolerances specified in this article; and

(iii) For a violation of a weight restriction specified in this section that exceeds 5,000 pounds, subject the exceptional milk hauling permit to immediate confiscation by an officer or authorized civilian employee of the Department of State Police, an officer of the Maryland Transportation Authority Police, or any police officer.

(2) A person who confiscates an exceptional milk hauling permit under paragraph (1) of this subsection shall immediately notify the State Highway Administration.

(3) On notification of the confiscation of an exceptional milk hauling permit, the State Highway Administration shall review the confiscation, verify the violation of a weight restriction, and, if the State Highway Administration determines that a violation did occur, revoke the permit.

(4) An owner or operator of a combination of vehicles may appeal the revocation of an exceptional milk hauling permit to the State Highway Administrator or the Administrator's designee.

(g) (1) On request from the State Highway Administrator or the Administrator's designee, weight and delivery records of the holder of an exceptional milk hauling permit that are kept in the normal course of business shall be provided by:

(i) The holder of the exceptional milk hauling permit;

(ii) A facility that receives raw liquid milk delivered by a vehicle operating under the authority of an exceptional milk hauling permit; or

(iii) A producer of raw liquid milk having the product transported under the authority of an exceptional milk hauling permit.

(2) If the holder of an exceptional milk hauling permit, a facility that receives raw liquid milk, or a producer of raw liquid milk does not comply with a request under this subsection, the State Highway Administration may:

(i) Suspend the holder's exceptional milk hauling permit; or

(ii) Prohibit a vehicle from picking up from the producer or delivering to the noncompliant facility raw liquid milk under the authority of the exceptional milk hauling permit.

(h) (1) An applicant for an exceptional milk hauling permit shall pay to the State Highway Administration:

(i) $500 for the issuance of a new permit or the annual renewal of a permit;

(ii) $1,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a first violation; and

(iii) $5,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a second or subsequent violation within the prior 24 months.

(2) A fee paid under this subsection is nonrefundable.

(i) Except as otherwise provided in this section, an exceptional milk hauling permit is valid for 1 year from the date of issuance.

(j) In consultation with the Secretary of State Police, the State Highway Administration shall adopt regulations to implement this section.**]**".

AMENDMENT NO. 3

On page 5, in line 4, strike "October" and substitute "June".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 306 – Senator Mathias

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Motor Scooters – Definition

SB0306/648076/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 306
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Motor Scooters – Definition" and substitute "Motorized Minibike – Use in Ocean City"; strike beginning with "altering" in line 3 down through "Law" in line 4 and substitute "authorizing the use of a "motorized minibike" on certain highways under certain conditions; authorizing the State Highway Administration to prohibit the operation of a motorized minibike on certain highways under certain circumstances; defining certain terms"; strike line 5 in its entirety and substitute "the use of a motorized minibike in Ocean City."; strike in their entirety lines 6 through 10, inclusive; in line 13, strike "21–1201(c)" and substitute "21–101(a), (c), (d), and (e)"; and after line 15, insert:

"BY adding to
Article – Transportation
Section 25–102.2
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 17 on page 2, inclusive, and substitute:

"21–101.

(a) In this title and Title 25 of this article the following words have the meanings indicated.

(c) "Bicycle path" means any travelway designed and designated by signing or signing and marking for bicycle use, located within its own right–of–way or in a

shared right–of–way, and physically separated from motor vehicle traffic by berm, shoulder, curb, or other similar device.

(d) (1) "Bicycle way" means:

(i) Any trail, path, part of a highway, surfaced or smooth shoulder, or sidewalk; or

(ii) Any other travelway specifically signed, marked, or otherwise designated for bicycle travel.

(2) "Bicycle way" includes:

(i) Bicycle path; and

(ii) Bike lane.

(e) "Bike lane" means any portion of a roadway or shoulder designated for single directional bicycle flow.

25–102.2.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "LICENSED DRIVER" MEANS AN INDIVIDUAL WHO HOLDS A DRIVER'S LICENSE OF ANY CLASS ISSUED BY THE STATE OR, IF THE INDIVIDUAL IS A NONRESIDENT OF THE STATE, ISSUED BY ANOTHER STATE OR COUNTRY.

(II) "LICENSED DRIVER" DOES NOT INCLUDE AN INDIVIDUAL WHO HOLDS A LEARNER'S PERMIT OR A PROVISIONAL LICENSE ISSUED BY THE STATE OR, IF THE INDIVIDUAL IS A NONRESIDENT OF THE STATE, THE EQUIVALENT LICENSE ISSUED BY ANOTHER STATE OR COUNTRY.

(3) (I) "MOTORIZED MINIBIKE" MEANS A NONPEDAL VEHICLE THAT:

1. HAS A COCKPIT CONTAINING A SEAT FOR THE OPERATOR AND A PASSENGER;

2. HAS THREE WHEELS, OF WHICH ONE IS 10 INCHES OR MORE IN DIAMETER;

3. HAS A MOTOR:

A. WITH A RATING OF 2.7 BRAKE HORSEPOWER OR LESS; OR

B. IF THE MOTOR IS AN INTERNAL COMBUSTION ENGINE, WITH A CAPACITY OF 50 CUBIC CENTIMETERS PISTON DISPLACEMENT OR LESS; AND

4. IS EQUIPPED WITH AN AUTOMATIC TRANSMISSION.

(II) "MOTORIZED MINIBIKE" DOES NOT INCLUDE A VEHICLE THAT HAS BEEN MANUFACTURED FOR OFF–ROAD USE, INCLUDING A MOTORCYCLE AND AN ALL–TERRAIN VEHICLE.

(B) NOTWITHSTANDING ANY OTHER PROVISIONS OF THE MARYLAND VEHICLE LAW REGARDING THE OPERATION OF A VEHICLE ON A HIGHWAY IN THE STATE, IN THE MUNICIPAL BOUNDARIES OF OCEAN CITY, A LICENSED DRIVER MAY OPERATE A MOTORIZED MINIBIKE ON:

(1) A LOCAL HIGHWAY; AND

(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ANY PORTION OF A STATE HIGHWAY DESIGNATED BY THE STATE HIGHWAY ADMINISTRATION AS A BICYCLE WAY.

(C) THE STATE HIGHWAY ADMINISTRATION MAY PROHIBIT THE OPERATION OF A MOTORIZED MINIBIKE ON A BICYCLE WAY UNDER THE

JURISDICTION OF THE STATE HIGHWAY ADMINISTRATION IF IT DETERMINES THAT:

(1) AN OCCUPANT OF A MOTORIZED MINIBIKE IS PLACED AT AN UNACCEPTABLE RISK OF INJURY ON THE BICYCLE WAY; OR

(2) THE OPERATION OF A MOTORIZED MINIBIKE IS A THREAT TO THE SAFETY OR MOBILITY OF OTHERS ALONG THE BICYCLE WAY.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 361 – Senators Raskin and Ramirez

AN ACT concerning

Vehicle Laws – Provisional Driver's Licenses – Driver Education Requirements

SB0361/708373/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 361
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 9 down through "program;" in line 13; in line 18, strike the first comma and substitute "and"; and in the same line, strike ", and 16–505".

AMENDMENT NO. 2

On page 2, in line 5, strike "**18**" and substitute "**21**".

On page 3, in lines 1 and 13, in each instance, strike "**18**" and substitute "**21**".

AMENDMENT NO. 3

On page 3, in lines 9 and 22, in each instance, strike "**OR AN INTERNET**"; and in lines 11 and 24, in each instance, strike "**OR INTERNET**".

On page 4, strike in their entirety lines 6 through 29, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 497 – Senator Glassman

AN ACT concerning

Vehicle Laws – Registration Classifications – Special Class G Livestock Trailer

SB0497/208176/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 497
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Special"; in the same line, after "G" insert "Farm or"; in line 3, after "Trailer" insert "or Semitrailer"; strike beginning with "establishing" in line 4 down through "classification" in line 14 and substitute "altering the Class G farm trailer or semitrailer motor vehicle registration classification to include a livestock trailer or semitrailer; authorizing the Motor Vehicle Administration to issue a Class G farm or livestock trailer or semitrailer registration to an applicant who certifies that the applicant is a farmer, an agricultural producer, or a livestock exhibitor and that the vehicle is to be used for a certain purpose; altering certain motor vehicle registration fees; prohibiting a Class G farm or livestock trailer or semitrailer from being used for hire, except under certain circumstances; altering a certain definition; and generally relating to a special Class G farm or livestock trailer

or semitrailer motor vehicle registration classification"; in line 15, strike "adding to" and substitute "repealing and reenacting, with amendments,"; and in line 17, strike "13–929" and substitute "13–930".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 23 on page 1 through line 14 on page 2, inclusive, and substitute:

"13–930.

(a) In this section, "farm **OR LIVESTOCK** trailer or semitrailer" means a farm vehicle **OR A VEHICLE USED TO TRANSPORT LIVESTOCK** that is a Class G (trailer) vehicle.

(b) On application, the Administration shall issue a special Class G "farm **OR LIVESTOCK** trailer or semitrailer" registration to any applicant who certifies:

(1) That the applicant is a farmer**, AN AGRICULTURAL PRODUCER, OR A LIVESTOCK EXHIBITOR**; and

(2) That the vehicle for which the application is made is a farm **OR LIVESTOCK** trailer or semitrailer, specifying its proposed use.

(c) Except as otherwise provided in this part, for each farm **OR LIVESTOCK** trailer or semitrailer, the annual registration fee is based on the maximum gross weight limitations for the vehicle, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee
[3,000**]5,000**	$ 12.75
[5,000	25.50**]**
10,000	**[**40.00**]20.00**
20,000	**[**62.00**]31.00**

(d) A vehicle registered under this section may not be used for hire except to haul farm products **OR LIVESTOCK** for another farmer.

(e) A vehicle registered under this section may not be used in any manner other than as a farm **OR LIVESTOCK** trailer or semitrailer.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 689 – Senator Middleton

AN ACT concerning

Motor Vehicle Dealers – Issuance of Temporary Registration Plate – Lapsed Security – Registration

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 780 – Senators Ramirez and Muse

AN ACT concerning

Vehicle Laws – Stolen Vehicles – Towing and Impoundment Charges

SB0780/128174/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 780
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Stolen" and substitute "Abandoned"; in the same line, strike "Towing and Impoundment Charges" and substitute "Notice"; strike beginning with "providing" in line 3 down through "vehicle" in line 14 and substitute "altering the definition of abandoned vehicle to include a certain stolen vehicle; altering the time and manner for a certain notice to a certain person by a police

department; and generally relating to notice regarding abandoned vehicles"; in line 17, strike "and 25–205"; and strike in its entirety line 22 and substitute "Section 25–201(b) and 25–204(a)".

AMENDMENT NO. 2

On page 3, in line 4, strike "7" and substitute "**3**"; in line 5, strike the second comma and substitute "**BY REGULAR MAIL AND**"; and in line 7, after "Service," insert "**AND SHALL PROVIDE NOTICE BY TELEPHONE TO THE OWNER, IF A PHONE NUMBER FOR THE OWNER OF THE VEHICLE IS AVAILABLE**".

AMENDMENT NO. 3

On pages 3 through 7, strike in their entirety the lines beginning with line 10 on page 3 through line 9 on page 7, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 803 – Senators Raskin, Astle, Benson, Brochin, Colburn, Currie, Forehand, Frosh, Jacobs, King, Madaleno, Manno, Middleton, Montgomery, Muse, Peters, Pinsky, Robey, Shank, Simonaire, Stone, Young, and Zirkin

AN ACT concerning

Drunk Driving Elimination Act

SB0803/848071/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 803
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 10 down through "suspension;" in line 14.

AMENDMENT NO. 2

On page 3, strike beginning with the colon in line 13 down through "**CONVICTED**" in line 14 and substitute "**CONVICTED**"; and strike beginning with the semicolon in line 15 down through "**BREATH**" in line 18.

On pages 4 and 5, strike in their entirety the lines beginning with line 29 on page 4 through line 14 on page 5, inclusive.

On page 5, in line 15, strike "**(9)**" and substitute "**(8)**"; and in line 22, strike "**(B)(9)**" and substitute "**(B)(8)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #16

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 112 – Senators Glassman, Conway, DeGrange, Forehand, Jennings, Kasemeyer, Mathias, Middleton, Raskin, Simonaire, and Stone

AN ACT concerning

Criminal Law – Sale of Novelty Lighters – Prohibition

SB0112/918975/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 112
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and Dyson".

On page 1, in line 5, after "certain" insert "civil".

AMENDMENT NO. 2

On page 2, in line 2, after "**ANIMAL,**" insert "**OR**"; in line 3, strike "**, OR ANOTHER SIMILAR ARTICLE**"; in line 4, strike "**ENTERTAINMENT FEATURES, INCLUDING**"; in line 5, after "**MUSIC**" insert "**, SOUNDS,**"; and in the same line, after "**LIGHTS**" insert "**AS ENTERTAINMENT FEATURES**".

AMENDMENT NO. 3

On page 2, strike beginning with "**GUILTY**" in line 23 down through "**FINE**" in line 24 and substitute "**SUBJECT TO A CIVIL PENALTY**"; and in line 25, strike "**$500**" and substitute "**$250**".

The preceding 3 amendments were read only.

Senator Kittleman moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 115 – Senators Robey, Raskin, Forehand, Madaleno, Manno, Rosapepe, Shank, and Stone

AN ACT concerning

Criminal Law – Abuse or Neglect of Animals – Sentencing Conditions

SB0115/988872/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 115
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Brochin, Gladden, Jacobs, Ramirez, and Young"; in line 2, strike "Abuse or Neglect of Animals" and substitute "Animal Abuse, Neglect, or Cruelty"; in the same line, strike

"Sentencing"; in the same line, after "Conditions" insert "of Probation"; in line 3, strike "sentencing" and substitute "probation"; in line 4, strike "the abuse or neglect of animals" and substitute "animal abuse, neglect, or cruelty"; strike beginning with "for" in line 5 down through "period" in line 6; and in line 6, after "animal" insert "abuse, neglect, or".

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 8 down through "**(I)**" in line 9; in line 10, strike "**; AND**" and substitute a period; in line 11, strike "**(II)**" and substitute "**(3) AS A CONDITION OF PROBATION, THE COURT MAY**"; strike beginning with "**CONVICTED**" in line 11 down through "**SECTION**" in line 12; strike beginning with "**FOR**" in line 12 down through "**TIME**" in line 13; strike beginning with the colon in line 25 down through "**(I)**" in line 26; in line 27, strike "**; AND**" and substitute a period; in line 28, strike "**(II)**" and substitute "**(3) AS A CONDITION OF PROBATION, THE COURT MAY**"; strike beginning with "**CONVICTED**" in line 28 down through "**SECTION**" in line 29; and strike beginning with "**FOR**" in line 29 down through "**DEFENDANT**" in line 30.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 172 – Senators McFadden, Kelley, and Miller

AN ACT concerning

Inmates – Life Imprisonment – Parole Approval

SB0172/878375/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 172
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 3 down through "approval;" in line 4 and substitute "requiring certain parole decisions to be transmitted to the Governor under certain circumstances; authorizing the Governor to disapprove certain parole decisions in a certain manner; providing that if the Governor does not disapprove a certain parole decision in a certain manner within a certain time period, the decision becomes effective;".

AMENDMENT NO. 2

On page 2, in lines 1, 2, 20, and 21, in each instance, strike the bracket; in line 1, strike "An" and substitute "**SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, AN**"; after line 2, insert:

"**(4) (I) IF THE BOARD OF REVIEW DECIDES TO GRANT PAROLE TO AN ELIGIBLE PERSON SENTENCED TO LIFE IMPRISONMENT WHO HAS SERVED 25 YEARS WITHOUT APPLICATION OF DIMINUTION OF CONFINEMENT CREDITS, AND THE SECRETARY APPROVES THE DECISION, THE DECISION SHALL BE TRANSMITTED TO THE GOVERNOR.**

(II) THE GOVERNOR MAY DISAPPROVE THE DECISION BY WRITTEN TRANSMITTAL TO THE BOARD OF REVIEW.

(III) IF THE GOVERNOR DOES NOT DISAPPROVE THE DECISION WITHIN 180 DAYS AFTER RECEIPT, THE DECISION BECOMES EFFECTIVE.";

in line 20, strike "If" and substitute "**SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, IF**"; after line 21, insert:

"**(5) (I) IF THE COMMISSION DECIDES TO GRANT PAROLE TO AN INMATE SENTENCED TO LIFE IMPRISONMENT WHO HAS SERVED 25 YEARS WITHOUT APPLICATION OF DIMINUTION OF CONFINEMENT CREDITS, THE DECISION SHALL BE TRANSMITTED TO THE GOVERNOR.**

(II) THE GOVERNOR MAY DISAPPROVE THE DECISION BY WRITTEN TRANSMITTAL TO THE COMMISSION.

(III) IF THE GOVERNOR DOES NOT DISAPPROVE THE DECISION WITHIN 180 DAYS AFTER RECEIPT, THE DECISION BECOMES EFFECTIVE.

SECTION 2. AND BE IT FURTHER ENACTED, That, if the Governor does not, within 180 days after the effective date of this Act, by written transmittal to the Patuxent Institution Board of Review or the Maryland Parole Commission, as appropriate, disapprove parole for an individual sentenced to life imprisonment who has served 25 years without application of diminution of confinement credits and whose parole decision is pending gubernatorial approval as of the effective date of this Act, the parole decision becomes effective.";

and in line 22, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 174 – The President (By Request – Administration) and Senators Astle, Brochin, Forehand, Gladden, Manno, Peters, Raskin, Robey, Stone, and Zirkin

AN ACT concerning

Criminal Law – Use of Firearm in the Commission of a Crime of Violence or a Felony

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for March 23, 2011.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 308 – Senators Brinkley, Raskin, Colburn, Currie, Forehand, Jacobs, Jennings, Jones–Rodwell, Kelley, King, Kittleman, Klausmeier, Madaleno, Mathias, Miller, Montgomery, Peters, Pinsky, Pugh, Reilly, Rosapepe, and Zirkin

AN ACT concerning

Public Health – Medical Marijuana

SB0308/168071/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 308
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Public Health –"; and in the same line, after "Marijuana" insert " – Affirmative Defenses – Maryland Medical Marijuana Model Program Workgroup".

On pages 1 and 2, strike beginning with "making" in line 3 on page 1 down through "use" in line 45 on page 2 and substitute "establishing that, in a prosecution for the use or possession of marijuana, the defendant may introduce and the court shall consider as an affirmative defense certain evidence of medical necessity; requiring a court to enter a finding of not guilty if the court finds that a person possessed marijuana because of a medical necessity; establishing that, in a prosecution for the use of or possession with intent to use drug paraphernalia related to marijuana, the defendant may introduce and the court shall consider as an affirmative defense certain evidence of medical necessity; requiring a court to enter a finding of not guilty if the court finds that a person used or possessed with intent to use drug paraphernalia related to marijuana or manufactured marijuana for personal use because of a medical necessity; requiring the court to make a certain finding of medical necessity if the defendant establishes certain facts by clear and convincing evidence; establishing that certain evidence may include certain statements, records, or testimony; prohibiting the State Board of Physicians from reprimanding, placing on probation, or suspending or revoking a license of a licensee for providing a patient with a written statement, medical records, or testimony that, in the licensee's professional opinion, the patient is likely to receive therapeutic or palliative relief from marijuana; providing that this Act shall not be deemed to release a licensee from the duty to exercise a professional standard of care when evaluating a patient's medical condition; requiring the Secretary of Health and Mental Hygiene to convene a Work Group to develop a model program to facilitate patient access to marijuana for medical purposes; providing for the membership and staffing of the Work Group; providing for the designation of the chair of the Work Group; prohibiting a member of the Work Group from receiving certain compensation; authorizing a member of the Work Group

to receive certain reimbursement; specifying the duties of the Work Group; requiring the Work Group to make a certain report to certain committees of the General Assembly on or before a certain date; providing for the termination of a certain provision of this Act; and generally relating to medical marijuana".

On pages 2 and 3, strike in their entirety the lines beginning with line 46 on page 2 through line 20 on page 3, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–601 and 5–619
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY adding to
Article – Health Occupations
Section 14–404(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

On page 3, strike beginning with "Section(s)" in line 22 down through "That" in line 25.

AMENDMENT NO. 2

On pages 3 through 23, strike in their entirety the lines beginning with line 28 on page 3 through line 28 on page 23, inclusive, and substitute:

"5–601.

(a) Except as otherwise provided in this title, a person may not:

(1) possess or administer to another a controlled dangerous substance, unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or

(2) obtain or attempt to obtain a controlled dangerous substance, or procure or attempt to procure the administration of a controlled dangerous substance by:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) the counterfeiting or alteration of a prescription or a written order;

(iii) the concealment of a material fact;

(iv) the use of a false name or address;

(v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or

(vi) making, issuing, or presenting a false or counterfeit prescription or written order.

(b) Information that is communicated to a physician in an effort to obtain a controlled dangerous substance in violation of this section is not a privileged communication.

(c) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding $25,000 or both.

(2) A person whose violation of this section involves the use or possession of marijuana is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

(3) (i) In a prosecution for the use or possession of marijuana, the defendant may introduce and the court shall consider as **[**a mitigating factor**]** **AN AFFIRMATIVE DEFENSE** any evidence of medical necessity.

(ii) Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed marijuana because of medical necessity, **[**on conviction of a violation of this section, the maximum penalty that the court may impose on the person is a fine not exceeding $100**]** **THE COURT SHALL ENTER A FINDING OF NOT GUILTY**.

(III) 1. THE COURT SHALL FIND THAT MARIJUANA WAS USED OR POSSESSED BECAUSE OF MEDICAL NECESSITY IF THE DEFENDANT

ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT IS SUFFERING FROM AN ILLNESS OR AILMENT, OR SYMPTOMS CREATED BY TREATMENT OF AN ILLNESS OR AILMENT, FOR WHICH THE DEFENDANT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE RELIEF FROM MARIJUANA.

2. EVIDENCE OF MEDICAL NECESSITY MAY INCLUDE:

A. A WRITTEN STATEMENT FROM A LICENSED PHYSICIAN STATING THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, THE DEFENDANT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE RELIEF FROM MARIJUANA;

B. MEDICAL RECORDS DEMONSTRATING ILLNESS OR AILMENT, OR SYMPTOMS CREATED BY TREATMENT OF AN ILLNESS OR AILMENT, FOR WHICH THE DEFENDANT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE RELIEF FROM MARIJUANA; OR

C. TESTIMONY BY THE DEFENDANT'S LICENSED PHYSICIAN THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, THE DEFENDANT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE RELIEF FROM MARIJUANA.

5–619.

(a) To determine whether an object is drug paraphernalia, a court shall consider, among other logically relevant factors:

(1) any statement by an owner or a person in control of the object concerning its use;

(2) any prior conviction of an owner or a person in control of the object under a State or federal law relating to a controlled dangerous substance;

(3) the proximity of the object, in time and space, to a direct violation of this section or to a controlled dangerous substance;

(4) a residue of a controlled dangerous substance on the object;

(5) direct or circumstantial evidence of the intent of an owner or a person in control of the object to deliver it to another who, the owner or the person knows or should reasonably know, intends to use the object to facilitate a violation of this section;

(6) any instructions, oral or written, provided with the object concerning its use;

(7) any descriptive materials accompanying the object that explain or depict its use;

(8) national and local advertising concerning use of the object;

(9) the manner in which the object is displayed for sale;

(10) whether the owner or a person in control of the object is a licensed distributor or dealer of tobacco products or other legitimate supplier of related items to the community;

(11) direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(12) the existence and scope of legitimate uses for the object in the community; and

(13) expert testimony concerning use of the object.

(b) The innocence of an owner or a person in control of the object as to a direct violation of this section does not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.

(c) (1) Unless authorized under this title, a person may not use or possess with intent to use drug paraphernalia to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding $500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

(3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating subsection (d)(4) of this section is subject to the penalty specified under paragraph (2)(ii) of this subsection.

(4) (i) In a prosecution under this subsection involving drug paraphernalia related to marijuana, the defendant may introduce and the court shall consider as **[**a mitigating factor**]** **AN AFFIRMATIVE DEFENSE** any evidence of medical necessity.

(ii) Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed drug paraphernalia related to marijuana because of medical necessity, **[**on conviction of a violation of this subsection, the maximum penalty that the court may impose on the person is a fine not exceeding $100**]** **THE COURT SHALL ENTER A FINDING OF NOT GUILTY**.

(III) 1. THE COURT SHALL FIND THAT THE DRUG PARAPHERNALIA RELATED TO MARIJUANA WAS USED OR POSSESSED BECAUSE OF MEDICAL NECESSITY IF THE DEFENDANT ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT IS SUFFERING FROM AN ILLNESS OR AILMENT, OR SYMPTOMS CREATED BY TREATMENT OF AN ILLNESS OR AILMENT, FOR WHICH THE DEFENDANT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE RELIEF FROM MARIJUANA.

2. EVIDENCE OF MEDICAL NECESSITY MAY INCLUDE:

A. A WRITTEN STATEMENT FROM A LICENSED PHYSICIAN STATING THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, THE

DEFENDANT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE RELIEF FROM MARIJUANA;

B. MEDICAL RECORDS DEMONSTRATING ILLNESS OR AILMENT, OR SYMPTOMS CREATED BY TREATMENT OF AN ILLNESS OR AILMENT, FOR WHICH THE DEFENDANT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE RELIEF FROM MARIJUANA; OR

C. TESTIMONY BY THE DEFENDANT'S LICENSED PHYSICIAN THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, THE DEFENDANT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE RELIEF FROM MARIJUANA.

(d) (1) Unless authorized under this title, a person may not deliver or sell, or manufacture or possess with intent to deliver or sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that the drug paraphernalia will be used to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding $500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

(3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating paragraph (4) of this subsection is subject to imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

(4) If a person who is at least 18 years old violates paragraph (1) of this subsection by delivering drug paraphernalia to a minor who is at least 3 years younger than the person, the person is guilty of a separate misdemeanor and on conviction is subject to imprisonment not exceeding 8 years or a fine not exceeding $15,000 or both.

(e) (1) A person may not advertise in a newspaper, magazine, handbill, poster, sign, mailing, or other writing or publication, or by sound truck, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, wholly or partly, is to promote the sale or delivery of drug paraphernalia.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding $500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding $2,000 or both.

Article – Health Occupations

14–404.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY NOT REPRIMAND, PLACE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE OF A LICENSEE FOR PROVIDING A PATIENT WITH A WRITTEN STATEMENT, MEDICAL RECORDS, OR TESTIMONY THAT, IN THE LICENSEE'S PROFESSIONAL OPINION, THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE RELIEF FROM MARIJUANA.

(2) NOTHING IN THIS SUBSECTION SHALL BE DEEMED TO RELEASE A LICENSEE FROM THE DUTY TO EXERCISE A PROFESSIONAL STANDARD OF CARE WHEN EVALUATING A PATIENT'S MEDICAL CONDITION.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Secretary of Health and Mental Hygiene shall convene a Work Group to develop a model program to facilitate patient access to marijuana for medical purposes.

(b) The Work Group shall include the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Health and Mental Hygiene, or the Secretary's designee; and

(4) the following members, appointed by the Governor:

(i) one member of the public who supports the use of marijuana for medical purposes;

(ii) one member of the public designated by the National Coalition on Alcohol and Other Drug Dependencies;

(iii) three physicians licensed in the State, who specialize in addiction, pain, oncology, neurology, or clinical research;

(iv) one nurse licensed in the State, with experience in hospice care, nominated by a State research institution or trade association;

(v) one pharmacist licensed in the State, nominated by a State research institution or trade association;

(vi) one scientist with experience in the science of marijuana, nominated by a State research institution;

(vii) one representative of the Maryland State's Attorneys' Association;

(viii) one representative of the Maryland Chiefs of Police;

(ix) one representative of the Maryland Sheriffs' Association;

(x) one representative of the Maryland Fraternal Order of Police; and

(xi) an attorney who is knowledgeable about medical marijuana laws in the United States.

(c) The Governor shall designate the chair of the Work Group.

(d) The Department of Health and Mental Hygiene and the Governor's Office of Crime Control and Prevention shall provide staff for the Work Group.

(e) A member of the Work Group:

(1) may not receive compensation as a member of the Work Group; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) (i) The Work Group shall assess the feasibility of and develop a State–specific proposal, including draft legislation, for providing access to marijuana to patients in the State for medical purposes.

(ii) The proposal required under subparagraph (i) of this paragraph shall strongly consider a program model that is analogous to a compassionate use protocol for unapproved drugs.

(2) The draft legislation required under paragraph (1) of this subsection shall:

(i) outline the key elements of the program model; and

(ii) include provisions that:

1. provide for oversight and responsibility by programs located in academic medical research institutions in the State;

2. provide for the licensing of a program by the State;

3. establish a program application and review process that includes consideration of best practices and procedures for obtaining review input that is external to the Department of Health and Mental Hygiene;

4. expand the base of information on the use of marijuana for medical purposes on a scientific and policy implementation basis; and

5. implement a program as soon as feasible and incorporate the goals of:

A. regulations adopted and applications received by September 1, 2012; and

B. program operation beginning in January 2013.

(3) The Work Group shall provide guidance on the criteria for assessing program applications, including an applying program's plans for:

(i) determining the medical conditions to be treated and the duration of therapy proposed;

(ii) identifying sources of marijuana;

(iii) determining patient eligibility and informed consent;

(iv) conducting any associated research projects;

(v) reporting data and outcomes;

(vi) instituting strict controls against illegal diversion; and

(vii) securing grants or other sources of funding to facilitate the affordability of the program.

(g) The Work Group may consult with experts and stakeholders in conducting its duties.

(h) On or before December 1, 2011, the Secretary shall report, in accordance with § 2–1246 of the State Government Article, to the Senate Judicial Proceedings Committee, the House Health and Government Operations Committee, and the House Judiciary Committee on the findings of the Work Group, including draft legislation that establishes a program to provide access to marijuana to patients in the State for medical purposes under a model analogous to a compassionate use protocol for unapproved drugs.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011. Section 2 of this Act shall remain effective for a period of 1 year and, at the end of May 31, 2012, 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 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 327 – Senators Forehand, Benson, Colburn, Ferguson, Garagiola, Jacobs, Jennings, Jones–Rodwell, Kelley, King, Madaleno, Manno, Montgomery, Pinsky, Ramirez, Raskin, Simonaire, Stone, and Young

AN ACT concerning

Human Trafficking Victim Protection Act

SB0327/918875/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 327
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "constructed" and substitute "construed"; and strike beginning with "authorizing" in line 10 down through "proof" in line 20 and substitute

"authorizing the expungement of certain records by certain persons convicted of prostitution under certain circumstances".

On pages 1 and 2, strike beginning with line 26 on page 1 through line 3 on page 2, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–105
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On pages 4 and 5, strike beginning with line 15 on page 4 through line 19 on page 5 and substitute:

"10–105.

(a) A person who has been charged with the commission of a crime, including a violation of the Transportation Article for which a term of imprisonment may be imposed, or who has been charged with a civil offense or infraction, except a juvenile offense, as a substitute for a criminal charge may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if:

(1) the person is acquitted;

(2) the charge is otherwise dismissed;

(3) a probation before judgment is entered, unless the person is charged with a violation of § 21–902 of the Transportation Article or Title 2, Subtitle 5 or § 3–211 of the Criminal Law Article;

(4) a nolle prosequi or nolle prosequi with the requirement of drug or alcohol treatment is entered;

(5) the court indefinitely postpones trial of a criminal charge by marking the criminal charge "stet" or stet with the requirement of drug or alcohol abuse treatment on the docket;

(6) the case is compromised under § 3–207 of the Criminal Law Article;

(7) the charge was transferred to the juvenile court under § 4–202 of this article;

(8) the person:

(i) is convicted of only one criminal act, and that act is not a crime of violence; and

(ii) is granted a full and unconditional pardon by the Governor;

[or**]**

(9) the person was convicted of a crime under any State or local law that prohibits:

(i) urination or defecation in a public place;

(ii) panhandling or soliciting money;

(iii) drinking an alcoholic beverage in a public place;

(iv) obstructing the free passage of another in a public place or a public conveyance;

(v) sleeping on or in park structures, such as benches or doorways;

(vi) loitering;

(vii) vagrancy;

(viii) riding a transit vehicle without paying the applicable fare or exhibiting proof of payment; or

(ix) except for carrying or possessing an explosive, acid, concealed weapon, or other dangerous article as provided in § 7–705(b)(6) of the

Transportation Article, any of the acts specified in § 7–705 of the Transportation Article**; OR**

(10) (I) THE PERSON WAS CONVICTED OF PROSTITUTION UNDER § 11–306 OF THE CRIMINAL LAW ARTICLE; AND

(II) THE PERSON'S INVOLVEMENT IN PROSTITUTION WAS THE RESULT OF THE PERSON HAVING BEEN A VICTIM OF HUMAN TRAFFICKING UNDER § 11–303 OF THE CRIMINAL LAW ARTICLE OR UNDER FEDERAL LAW.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person shall file a petition in the court in which the proceeding began.

(2) If the proceeding began in one court and was transferred to another court, the person shall file the petition in the court to which the proceeding was transferred.

(3) (i) If the proceeding in a court of original jurisdiction was appealed to a court exercising appellate jurisdiction, the person shall file the petition in the appellate court.

(ii) The appellate court may remand the matter to the court of original jurisdiction.

(c) (1) Except as provided in paragraph (2) of this subsection, a petition for expungement based on an acquittal, a nolle prosequi, or a dismissal may not be filed within 3 years after the disposition, unless the petitioner files with the petition a written general waiver and release of all the petitioner's tort claims arising from the charge.

(2) A petition for expungement based on a probation before judgment or a stet with the requirement of drug or alcohol abuse treatment may not be filed earlier than the later of:

(i) the date the petitioner was discharged from probation or the requirements of obtaining drug or alcohol abuse treatment were completed; or

(ii) 3 years after the probation was granted or stet with the requirement of drug or alcohol abuse treatment was entered on the docket.

(3) A petition for expungement based on a nolle prosequi with the requirement of drug or alcohol treatment may not be filed until the completion of the required treatment.

(4) A petition for expungement based on a full and unconditional pardon by the Governor may not be filed later than 10 years after the pardon was signed by the Governor.

(5) Except as provided in paragraph (2) of this subsection, a petition for expungement based on a stet or a compromise under § 3–207 of the Criminal Law Article may not be filed within 3 years after the stet or compromise.

(6) A petition for expungement based on the conviction of a crime under subsection (a)(9) of this section may not be filed within 3 years after the conviction or satisfactory completion of the sentence, including probation, that was imposed for the conviction, whichever is later.

(7) A court may grant a petition for expungement at any time on a showing of good cause.

(d) (1) The court shall have a copy of a petition for expungement served on the State's Attorney.

(2) Unless the State's Attorney files an objection to the petition for expungement within 30 days after the petition is served, the court shall pass an order requiring the expungement of all police records and court records about the charge.

(e) (1) If the State's Attorney files a timely objection to the petition, the court shall hold a hearing.

(2) If the court at the hearing finds that the person is entitled to expungement, the court shall order the expungement of all police records and court records about the charge.

(3) If the court finds that the person is not entitled to expungement, the court shall deny the petition.

(4) The person is not entitled to expungement if:

(i) the petition is based on the entry of probation before judgment, a nolle prosequi, a stet, including a nolle prosequi with the requirement of drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse treatment, a conviction for a crime specified in subsection (a)(9) of this section, or the grant of a pardon by the Governor; and

(ii) the person:

1. since the full and unconditional pardon, entry, or conviction has been convicted of a crime other than a minor traffic violation; or

2. is a defendant in a pending criminal proceeding.

(f) Unless an order is stayed pending an appeal, within 60 days after entry of the order, every custodian of the police records and court records that are subject to the order of expungement shall advise in writing the court and the person who is seeking expungement of compliance with the order.

(g) (1) The State's Attorney is a party to the proceeding.

(2) A party aggrieved by the decision of the court is entitled to appellate review as provided in the Courts Article.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 362 – Senators Raskin and Ramirez

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

SB0362/858175/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 362
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "repealing a certain provision of law that authorizes the Parole Commission to revoke parole or mandatory supervision of a certain person who does not comply with a certain fee requirement;".

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 22 down through "(i)" in line 23 and substitute a comma; and strike beginning with the semicolon in line 24 down through "supervision" in line 26.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #17

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 278 – Senator Colburn

AN ACT concerning

Juvenile Law – Truancy Reduction Pilot Program – Talbot County

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 410 – Senator Raskin

AN ACT concerning

State Highway Administration – Unauthorized Signs on Highway Rights–of–Way

SB0410/708978/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 410
(First Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 10, after "against" insert "certain".

AMENDMENT NO. 2
On page 4, in line 3, after "**MAY**" insert "**, IF THE SIGN IS A COMMERCIAL SIGN**"; and in lines 6, 9, 11, 15, 17, and 18, in each instance, before "**SIGN**" insert "**COMMERCIAL**".

The preceding 2 amendments were read only.

Senator Pipkin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 652 – Senator Ramirez

AN ACT concerning

Public Safety – Use of Electronic Control Devices – Reports

SB0652/958271/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 652
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, strike in their entirety lines 11 and 12; in lines 13, 14, 18, and 20, strike "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively, and substitute "**(2) (I)**", "**(3)**", "**(4)**", and "**(5)**", respectively; after line 13, insert:

"**(II) "DISCHARGE" DOES NOT INCLUDE FIRING AN ECD DURING A TRAINING EXERCISE.**";

in line 25, after "**REPORT**" insert "**, FOR EACH TIME A LAW ENFORCEMENT OFFICER DISCHARGES AN ECD,**"; and strike in their entirety lines 28 through 31, inclusive.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 1 through 4, inclusive; strike in their entirety lines 17 and 18; and in lines 5, 6, 7, 9, 11, 13, 15, 19, and 22, strike "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", "**(IX)**", and "**(X)**", respectively, and substitute "**(1)**", "**(2)**", "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(7)**", "**(8)**", and "**(9)**", respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 495)

ADJOURNMENT

At 1:03 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, March 23, 2011, in memory of Staff Sgt. James M. Malachowski.

Annapolis, Maryland
Wednesday, March 23, 2011
10:00 A.M. Session

The Senate met at 10:11 A.M.

Prayer by Reverend Greg St. Cyr, Bay Area Community Church, guest of Senator Astle.

(See Exhibit A of Appendix III)

The Journal of March 22, 2011 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 497)

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 498)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #41

Senate Bill 154 – Senators Colburn ~~and Glassman~~, Glassman, Edwards, Astle, Garagiola, Kelley, Kittleman, Klausmeier, Middleton, and Pugh

AN ACT concerning

Health Insurance – Ambulance Service Providers – Assignment of Benefits

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 499)

The Bill was then sent to the House of Delegates.

Senate Bill 380 – Senator Pinsky and the President (By Request – Administration) and Senators Benson, Ferguson, Frosh, Garagiola, Madaleno, Manno, Montgomery, Ramirez, Raskin, ~~and Rosapepe~~ Rosapepe, Glassman, Kittleman, Klausmeier, Mathias, Middleton, and Muse

AN ACT concerning

Electricity – Net Energy Metering

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 500)

The Bill was then sent to the House of Delegates.

Senate Bill 400 – Senators King, Ferguson, Forehand, Montgomery, Peters, Pugh, Ramirez, Raskin, and Robey

AN ACT concerning

Department of Health and Mental Hygiene – Certificates of Foreign Birth – IH–3 Visa

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 501)

The Bill was then sent to the House of Delegates.

Senate Bill 458 – ~~Senator Pipkin~~ Senators Pipkin, Astle, Garagiola, Glassman, Kittleman, Klausmeier, Mathias, Middleton, Muse, and Pugh

AN ACT concerning

Maryland Department of Transportation and Maryland Transportation Authority – Enhanced Inspection of Bridges – Adoption of Regulations

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 502)

The Bill was then sent to the House of Delegates.

Senate Bill 557 – Senators Pugh, Garagiola, Montgomery, Rosapepe, ~~and Stone~~ Stone, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, and Muse

AN ACT concerning

Commission on Maryland Cybersecurity Innovation and Excellence

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 503)

The Bill was then sent to the House of Delegates.

Senate Bill 699 – Senator Klausmeier

AN ACT concerning

State Law Enforcement Officers – Collective Bargaining – Certain Police Employees

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 4 (See Roll Call No. 504)

The Bill was then sent to the House of Delegates.

Senate Bill 722 – ~~Senator Rosapepe~~ Senators Rosapepe, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Middleton, and Pugh

AN ACT concerning

Electronic Health Records – Incentives for Health Care Providers – Regulations

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 505)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #25

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 509 – Senator Peters

AN ACT concerning

Prince George's County – Ethics Reforms

SB0509/464731/2
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 509
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "of" insert "monetary"; in line 10, after "persons;" insert "providing for the construction of certain provisions enacted in accordance with this Act;"; strike beginning with the semicolon in line 11 down through "advisor" in line 12; and in line 12, after "duties;" insert "requiring the provisions to provide for certain meetings of the board of ethics;".

AMENDMENT NO. 2

On page 2, in line 18, after "**OF**" insert "**MONETARY**"; after line 23, insert:

"**(4) ANY CONFLICT–OF–INTEREST PROVISION ENACTED IN ACCORDANCE WITH PARAGRAPH (3)(II) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO AFFECT THE VALIDITY OF ANY LEGALLY ENACTED REQUIREMENT OR CONDITION, PROPOSED AND ADOPTED ON THE PUBLIC RECORD AT A PUBLIC HEARING, THE PURPOSE OF WHICH IS TO MITIGATE THE IMPACT OF A DEVELOPMENT ON THE PROPERTY OWNERS IN THE AREAS SURROUNDING THE DEVELOPMENT, INCLUDING:**

(I) AN ADEQUATE PUBLIC FACILITIES REQUIREMENT;

(II) A MINORITY BUSINESS REQUIREMENT; OR

(III) A COMMUNITY BENEFIT REQUIREMENT.";

and in lines 24 and 29, strike "**(4)**" and "**(5)**", respectively, and substitute "**(5)**" and "**(6)**", respectively.

On page 3, in line 1, strike "**SEVEN**" and substitute "**FIVE**"; in line 2, after "**MEMBERS**" insert "**APPOINTED BY THE COUNTY EXECUTIVE, SUBJECT TO THE ADVICE AND CONSENT OF THE COUNTY COUNCIL**"; in line 3, strike "**A FULL–TIME**" and substitute "**AN**"; strike beginning with the semicolon in line 4 down through "**ADVISOR**" in line 5; strike beginning with the comma in line 7 down through the comma in line 8; and in line 18, after "**COUNTY**" insert "**; AND**

(III) THE COUNTY BOARD OF ETHICS TO MEET AT LEAST TWO TIMES EACH YEAR".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 687 – Senator Peters

AN ACT concerning

Militia – Employment for Military Spouses – Teachers, Health Care Practitioners, and Business Occupations and Professions

SB0687/474633/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 687
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "and" insert "Individuals in"; in line 4, after "of" insert "requiring the State Department of Education to develop a certain form relating to teacher certification and tenure and to post the form on its Web site;";

strike beginning with "requiring" in line 6 down through "circumstances;" in line 7; and strike in their entirety lines 13 through 22, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 10 on page 2 through line 5 on page 3, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 765 – Senators Young, King, Madaleno, and Rosapepe

AN ACT concerning

Election Law – Voter Registration – Exchange of Information

SB0765/674033/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 765
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Montgomery, Forehand, Colburn, Manno, and Ferguson".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 896 – Senator Dyson

AN ACT concerning

St. Mary's County Board of Elections – Salary

SB0896/234133/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 896
(First Reading File Bill)

On page 2, in line 5, strike "July" and substitute "June".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 913 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Board of Elections – Membership and Compensation

SB0913/664837/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 913
(First Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 7, after "board;" insert "providing that this Act does not apply to the salary or compensation of the president and members of the local board during a certain term of office; providing for the effective date of this Act;".

AMENDMENT NO. 2
On page 2, after line 35, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the president and members of the Caroline County Board of Elections during a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the president and members of the Caroline County Board of Elections shall take effect at the beginning of the next following term of office.".

On page 3, in line 1, strike "2." and substitute "3."; and in line 2, strike "October 1" and substitute "June 6".

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 EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #26

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 826 – Senator Mathias

AN ACT concerning

Environment – Water and Sewer Service – Late Fees

SB0826/634536/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 826
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Environment" and substitute "Somerset County"; in line 3, strike "a sanitary commission" and substitute "the sanitary district in Somerset County"; in line 4, after "charges;" insert "authorizing the Sanitary Commission in Somerset County to require the payment of certain late fees before reconnecting certain water service;"; and in line 6, after "charges" insert "in Somerset County".

AMENDMENT NO. 2

On page 2, in line 11, strike the brackets; and strike beginning with "**; AND**" in line 13 down through "**CHARGE**" in line 14.

On page 4, in line 6, strike "**ANY APPLICABLE LATE FEES AND**"; in lines 11, 14, and 15, in each instance, strike the brackets; strike beginning with "**THE**" in line 11 down through "**IS**" in line 14; strike beginning with the period in line 14 down through "**THE**" in line 15; and in line 15, strike "**A DEFAULTED**".

On page 4, after line 16, insert:

"**(N) IN SOMERSET COUNTY, NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW:**

(1) THE DISTRICT MAY CHARGE AN OWNER OF A PARCEL SERVICED BY OR CONNECTED TO A PROJECT THAT THE DISTRICT OPERATES A LATE FEE FOR ANY UNPAID USAGE CHARGE THAT IS BASED ON THE USE OF THE PROJECT BY THE OWNER OF THE PARCEL;

(2) THE COMMISSION MAY REQUIRE, BEFORE RECONNECTING WATER SERVICE, PAYMENT OF ANY APPLICABLE LATE FEES IN addition TO ANY OTHER CHARGE AUTHORIZED BY THIS SECTION; AND

(3) A CHARGE THAT IS IN DEFAULT SHALL ACCRUE INTEREST FROM THE DATE OF DEFAULT AT A RATE SET BY THE SANITARY COMMISSION.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 847 – The President (By Request – Administration)

AN ACT concerning

Natural Resources – Aquaculture

SB0847/254531/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 847
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "(By Request – Administration)" insert "and Senator Klausmeier"; in line 5, after "State;" insert "transferring the Seafood Marketing and Aquaculture Development Program, the Division of Market Development, the Seafood Marketing Fund, the Seafood Program Management Team, the Innovative Seafood Technologies Program, the Seafood Marketing Advisory Commission, the Aquaculture Coordinating Council, and the Aquaculture Review Board from the Department of Agriculture to the Department of Natural Resources;"; in line 9, after "requirement;" insert "altering certain provisions relating to the issuance of submerged land leases;"; and in line 14, after "circumstances;" insert "providing for the continuity of certain licenses, leases, certifications, and permits; providing that certain leaseholders, license holders, permittees, and certified persons shall continue to be valid leaseholders, license holders, permittees, and certified persons, and shall comply with certain requirements; requiring that certain pending applications be transferred to the Department of Natural Resources; requiring the publisher of the Annotated Code of Maryland, in consultation with, and subject to the approval of, the Department of Legislative Services, to correct certain cross–references and terminology;".

AMENDMENT NO. 2

On page 1, in line 19, strike "4–11A–19" and substitute "4–11A–22"; in line 20, strike "4–11A–20" and substitute "4–11A–23"; after line 22, insert:

"BY repealing
Article – Agriculture
Section 10–1301 and 10–1302
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY transferring
Article – Agriculture

Section 10–1001 and 10–1002 and the subtitle "Subtitle 10. Seafood Marketing and Aquaculture Development Program and Division of Market Development"; 10–10A–01 and the subtitle "Subtitle 10A. Seafood Program Management Team"; 10–10B–01 and the subtitle "Subtitle 10B. Innovative Seafood Technologies Program"; 10–1101 and the subtitle "Subtitle 11. Seafood Marketing Advisory Commission"; and 10–1303, respectively

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

to be

Article – Natural Resources

Section 4–11B–01 and 4–11B–02 and the subtitle "Subtitle 11B. Seafood Marketing and Aquaculture Development Program and Division of Market Development"; 4–11C–01 and the subtitle "Subtitle 11C. Seafood Program Management Team"; 4–11D–01 and the subtitle "Subtitle 11D. Innovative Seafood Technologies Program"; 4–11E–01 and the subtitle "Subtitle 11E. Seafood Marketing Advisory Commission"; and 4–11A–03.2, respectively

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)";

and in line 25, strike "10–1301 and 10–1302" and substitute "2–106(a)".

On page 2, in line 12, after "Section" insert "4–701(e)(3),"; in line 17, after "Section" insert "4–701(a) and (b) and"; in line 22, after "4–11A–01(r)" insert ", 4–11A–03, 4–11A–03.1,"; in line 32, strike "4–11A–19" and substitute "4–11A–22"; and in line 34, strike "4–11A–20" and substitute "4–11A–23".

AMENDMENT NO. 3

On page 2, after line 34, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 10–1001 and 10–1002 and the subtitle "Subtitle 10. Seafood Marketing and Aquaculture Development Program and Division of Market Development"; 10–10A–01 and the subtitle "Subtitle 10A. Seafood Program Management Team"; 10–10B–01 and the subtitle "Subtitle 10B. Innovative Seafood Technologies Program"; 10–1101 and the subtitle "Subtitle 11. Seafood Marketing Advisory Commission"; and 10–1303, respectively, of Article – Agriculture of the Annotated Code of Maryland be transferred to be Section(s) 4–11B–01 and 4–11B–02 and the subtitle "Subtitle 11B. Seafood

Marketing and Aquaculture Development Program and Division of Market Development"; 4–11C–01 and the subtitle "Subtitle 11C. Seafood Program Management Team"; 4–11D–01 and the subtitle "Subtitle 11D. Innovative Seafood Technologies Program"; 4–11E–01 and the subtitle "Subtitle 4–11E. Seafood Marketing Advisory Commission"; and 4–11A–03.2, respectively, of Article – Natural Resources of the Annotated Code of Maryland.";

in line 35, strike "2." and substitute "3."; and after line 37, insert:

"2–106.

(a) The following positions and units are included within the Department:

(1) The Maryland Agricultural Fair Board;

(2) The Chief of Weights and Measures;

(3) The State Chemist;

(4) The State Veterinarian;

(5) The State Board of Veterinary Medical Examiners;

(6) The State Soil Conservation Committee;

(7) The Board of Review of the Department of Agriculture;

(8) The Maryland Agricultural Commission;

(9) The Maryland Horse Industry Board;

[(10) The Seafood Marketing and Aquaculture Development Program and Division of Market Development;

(11) The Seafood Marketing Advisory Commission;**]**

[(12)**](10)** The Maryland Winery and Grape Growers' Advisory Board**[**;

(13) The Aquaculture Review Board; and

(14) The Aquaculture Coordinating Council**]**.";

and in line 38, strike "10–1301.".

AMENDMENT NO. 4

On pages 3 and 4, strike in their entirety the lines beginning with line 1 on page 3 through line 21 on page 4, inclusive.

AMENDMENT NO. 5

On page 6, after line 12, insert:

"4–701.

(a) This section applies to any person who is required under Subtitle 2, 7, 8, 9, or 10 of this title to be licensed to guide fishing parties or to catch, sell, buy, process, transport, export, or otherwise deal in fish caught in tidal waters.

(b) (1) The Department shall utilize a single, commercial license, to be known and designated as a tidal fish license.

(2) A tidal fish license authorizes a licensee:

(i) To engage in each activity indicated on the license; and

(ii) For catching crabs, to utilize the number of crew members indicated on the license.

(3) Except for a person receiving a license under subsection (i)(2)(ii) of this section, the Department may not issue a tidal fish license to an individual who is younger than 14 years of age.

(4) A person may not guide fishing parties or catch, sell, buy, process, transport, export, or otherwise deal in fish caught in tidal waters unless licensed under this section.

(e) (3) In addition to the normal license fees imposed under subsection (d)(2)(ii)2 and 4 of this section, a licensee shall pay to the Department an annual surcharge of $10 to be credited to the Seafood Marketing Office of the Department **[**of

Agriculture] to fund seafood marketing programs which have been approved by the Department.".

AMENDMENT NO. 6

On page 7, strike beginning with "§ 10–1303" in line 25 down through "Article" in line 26 and substitute "**§ 4–11A–03.2 OF THIS SUBTITLE**".

AMENDMENT NO. 7

On page 8, after line 5, insert:

"**4–11A–03.**

(A) (1) THE GENERAL ASSEMBLY DEFINES AQUACULTURE AS AN AGRICULTURAL AND FISHERIES MANAGEMENT ACTIVITY.

(2) "AQUACULTURE" INCLUDES THE COMMERCIAL REARING OF FINFISH, SHELLFISH, AND AQUATIC PLANTS FOR SALE, TRADE, BARTER, OR SHIPMENT.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CREATE:

(1) AN AQUACULTURE REVIEW BOARD AND AN AQUACULTURE COORDINATING COUNCIL TO PROMOTE THE DEVELOPMENT OF AN AQUACULTURE INDUSTRY IN THIS STATE; AND

(2) AN AQUACULTURE COORDINATOR, EMPLOYED BY THE DEPARTMENT, TO ASSIST PERSONS IN OBTAINING THE PERMITS AND LICENSES NECESSARY TO CONDUCT AQUACULTURE IN THE STATE.

(C) THE DEPARTMENT IS THE LEAD AGENCY FOR:

(1) PROMOTING, COORDINATING, AND MARKETING AQUACULTURE AND AQUACULTURE PRODUCTS;

(2) COORDINATING AND STREAMLINING THE PROCESS OF APPLYING FOR A STATE AQUACULTURE PERMIT; AND

(3) ENFORCING LAWS, REGULATIONS, AND RULES.

(D) THE UNIVERSITY OF MARYLAND IS THE LEAD AGENCY FOR RESEARCH IN AQUACULTURE PRODUCTION AND SHALL BE RESPONSIBLE FOR DEVELOPMENT OF EDUCATION AND EXTENSION PROGRAMS WHICH PROMOTE AQUACULTURE AS AN INDUSTRY.

4–11A–03.1.

(A) THERE IS AN AQUACULTURE REVIEW BOARD.

(B) (1) THE REVIEW BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS, EACH OF WHOM SHALL REPRESENT ONE OF THE FOLLOWING STATE DEPARTMENTS CHARGED WITH RESPONSIBILITY FOR AN ASPECT OF THE STATE AQUACULTURE PERMITTING PROCESS OR OVERSIGHT OF PERMIT COMPLIANCE:

(I) THE DEPARTMENT OF NATURAL RESOURCES, TO BE REPRESENTED BY THE AQUACULTURE COORDINATOR, WHO SHALL SERVE AS CHAIR;

(II) ONE REPRESENTATIVE OF THE DEPARTMENT OF THE ENVIRONMENT, DESIGNATED BY THE SECRETARY OF THE ENVIRONMENT;

(III) ONE REPRESENTATIVE OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, DESIGNATED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE; AND

(IV) ONE REPRESENTATIVE OF THE DEPARTMENT OF AGRICULTURE, DESIGNATED BY THE SECRETARY OF AGRICULTURE.

(2) THE NATIONAL MARINE FISHERIES SERVICE SHALL BE INVITED TO DESIGNATE A REPRESENTATIVE TO THE REVIEW BOARD.

(3) THE UNITED STATES ARMY CORPS OF ENGINEERS SHALL BE INVITED TO DESIGNATE A REPRESENTATIVE TO THE REVIEW BOARD.

(C) (1) THE AQUACULTURE COORDINATOR SHALL BE THE SINGLE POINT OF CONTACT FOR AN APPLICANT FOR ALL PERMITS AND LICENSES NECESSARY TO CONDUCT AQUACULTURE IN THE STATE.

(2) THE REVIEW BOARD SHALL:

(I) COORDINATE THE DEVELOPMENT OF STATEWIDE AQUACULTURE POLICY AND, TO THE MAXIMUM EXTENT FEASIBLE, THE STREAMLINING OF THE APPLICATION PROCESS;

(II) TRACK EACH APPLICATION AS IT IS PROCESSED; AND

(III) ENSURE FULL AND MEANINGFUL DEPARTMENTAL COMMUNICATION WITH AN APPLICANT DURING EACH STAGE OF THE APPLICATION PROCESS.".

AMENDMENT NO. 8

On page 8, in line 11, strike "**APPROVED**" and substitute "**:**

(I) APPROVED";

in the same line, after "**HARVEST**" insert "**; OR**

(II) PROHIBITED, PROVIDED THAT THE LEASE IS USED EXCLUSIVELY FOR THE PLANTING AND GATHERING OF SEED FOR AQUACULTURE AND THE LEASEHOLDER COMPLIES WITH THE REQUIREMENTS OF THE NATIONAL SHELLFISH SANITATION PROGRAM AS IMPLEMENTED BY THE DEPARTMENT";

in line 28, strike "**APPROVED**" and substitute "**:**

(1) APPROVED";

and in the same line, after "**HARVEST**" insert "**; OR**

(2) PROHIBITED, PROVIDED THAT THE LEASE IS USED EXCLUSIVELY FOR THE PLANTING AND GATHERING OF SEED FOR

AQUACULTURE AND THE LEASEHOLDER COMPLIES WITH THE REQUIREMENTS OF THE NATIONAL SHELLFISH SANITATION PROGRAM AS IMPLEMENTED BY THE DEPARTMENT".

On page 9, in line 3, strike "**APPROVED**" and substitute "**:**

(1) APPROVED";

and in line 4, after "**HARVEST**" insert "**; OR**

(2) PROHIBITED, PROVIDED THAT THE LEASE IS USED EXCLUSIVELY FOR THE PLANTING AND GATHERING OF SEED FOR AQUACULTURE AND THE LEASEHOLDER COMPLIES WITH THE REQUIREMENTS OF THE NATIONAL SHELLFISH SANITATION PROGRAM AS IMPLEMENTED BY THE DEPARTMENT".

AMENDMENT NO. 9

On page 9, in line 5, after "**(C)**" insert "**(1)**"; in lines 6, 9, 11, 13, 14, 16, and 17, strike "**(1)**", "**(2)**", "**(3)**", "**(4)**", "**(5)**", "**(6)**", and "**(7)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", and "**(VII)**", respectively; in line 14, strike "**IN**" and substitute "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN**"; and after line 18, insert:

"**(2) THE PROVISIONS OF PARAGRAPH (1)(V) OF THIS SUBSECTION DO NOT APPLY TO THE RIPARIAN OWNER OR A LAWFUL OCCUPANT OF THE RIPARIAN PROPERTY.**".

AMENDMENT NO. 10

On page 12, after line 12, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That all wetlands licenses, water column leases, aquaculture leases, certifications, or other permits issued by the Board of Public Works for aquaculture related projects and in effect as of June 30, 2011, shall remain in effect under the Department of Natural Resources until completed, withdrawn, canceled, modified, or otherwise changed.

SECTION 5. AND BE IT FURTHER ENACTED, That any person who holds a valid aquaculture or water column lease, or is licensed, permitted, or certified by the Board of Public Works or the Department of the Environment to use the water column for an aquaculture related project, is considered for all purposes to be a valid aquaculture or water column leaseholder, or licensed, authorized, permitted, or certified for the duration of the term for which the lease, license, authorization, permit, or certification was issued, and may renew that authorization in accordance with the appropriate renewal provisions provided by the Department of Natural Resources. Any person who entered into a valid lease agreement, or was originally licensed, authorized, permitted, or certified under a provision of law that has been repealed by this Act as obsolete or inconsistent shall continue to meet the requirements to the same extent as if that provision had not been repealed, or to the extent required by the Department of Natural Resources.

SECTION 6. AND BE IT FURTHER ENACTED, That all applications for water column leases and wetlands licenses for aquaculture related projects currently pending before the Department of the Environment or the Board of Public Works as of the effective date of this Act shall be and hereby are transferred to the Department of Natural Resources for processing in accordance with its terms and procedures.

SECTION 7. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross–references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2011 that affects provisions enacted by this Act. The publishers shall adequately describe any such correction in an editor's note following the section affected.";

and in line 13, strike "3." and substitute "8.".

The preceding 10 amendments were read only.

Senator Pipkin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 849 – The President (By Request – Administration)

AN ACT concerning

Natural Resources – Land Acquisitions

SB0849/864130/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 849
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Natural Resources" and substitute "State Government"; in the same line, after "Acquisitions" insert "and Transfers of Property"; in line 20, strike "include" and substitute "exclude"; in line 24, strike "acquisition and planning functions performed" and substitute "acquisitions"; and in line 25, after "Resources" insert "and transfers of property among certain units of State government".

On page 2, in line 13, strike "5–7B–01(c)(1)" and substitute "5–7B–01(c)".

AMENDMENT NO. 2

On page 4, in line 13, strike "**1–107(C)**" and substitute "**1–109(C)**".

AMENDMENT NO. 3

On page 7, strike beginning with "**; AND**" in line 15 down through "**ARTICLE**" in line 18; and after line 18, insert:

"(2) "Growth–related project" does not include:

(i) projects by the Department of General Services for maintenance, repair, additions, or renovations to existing facilities, acquisition of land for telecommunications towers, parks, conservation and open space, and acquisition of agricultural, conservation, and historic easements;

(ii) funding by the Department of Housing and Community Development for any project financed with federal moneys used to purchase or rehabilitate existing single or multifamily housing or project financed with the proceeds of revenue bonds issued by the Community Development Administration if:

1. the Secretary of Housing and Community Development determines that application of this section:

A. conflicts with any provision of federal or State law applicable to the issuance or tax–exempt status of the bonds;

B. conflicts with any provision of any trust agreement between the Community Development Administration and any trustee; or

C. would otherwise prohibit financing of an existing project, or financing provided to cure or prevent any default under existing financing; or

2. the revenue bonds are issued under a transfer of the Maryland State ceiling to the Administration by a county under Title 13, Subtitle 8 of the Financial Institutions Article; **[**or**]**

(III) ACQUISITION OF LAND BY THE DEPARTMENT OF NATURAL RESOURCES UNDER TITLE 1, SUBTITLE 1 OF THE NATURAL RESOURCES ARTICLE; OR

[(iii)**] (IV)** any other project, funding, or other State assistance not listed under paragraph (1) of this subsection.".

AMENDMENT NO. 4

On page 7, in line 24, after "Administration" insert "**, UNLESS THE PROPERTY IS BEING TRANSFERRED TO THE MARYLAND TRANSPORTATION AUTHORITY OR TO ANOTHER UNIT IN THE DEPARTMENT OF TRANSPORTATION**"; in line 28, strike "**TRANSFERS**" and substitute:

"**(2) ANY PROPERTY TRANSFERRED**";

in the same line, strike "**ARE**" and substitute "**IS**"; and in line 30, strike "(2)" and substitute "**(3)**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #27

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 120 – Senators Conway, Benson, Ferguson, Forehand, Gladden, Jones–Rodwell, Kelley, King, Klausmeier, Pugh, and Ramirez

AN ACT concerning

Procurement – Minority Business Participation

SB0120/124133/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 120
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "repealing the requirement that certain procurement procedures try to achieve the result that a certain percentage of a unit's total dollar value of procurement contracts be made to certified minority business enterprises; clarifying that it is a goal that a certain percentage of a unit's total dollar value of procurement contracts be made to certified minority business enterprises; requiring the Governor's Office of Minority Affairs, in consultation with the State Department of Transportation and the Office of the Attorney General, to establish certain guidelines for units to follow while determining whether to set certain subgoals for certain minority groups; requiring units to implement a program that enables the unit to evaluate each contract to determine the appropriate minority business enterprise participation goals for the contract based on certain factors; requiring certain units to make certain determinations on whether certain contractors have demonstrated taking certain steps to achieve certain goals, including complying with certain requirements; requiring certain waivers to be granted if certain contractors demonstrate certain good–faith efforts; prohibiting certain units from requiring certain contractors to renegotiate certain subcontracts under certain circumstances; authorizing certain units to waive certain requirements under certain

circumstances; requiring certain units to issue and forward to the Office of Minority Affairs certain written waiver determinations; requiring certain units to submit certain annual reports to the Board of Public Works and the Governor's Office of Minority Affairs; requiring the Board of Public Works to adopt certain regulations;"; strike beginning with "requiring" in line 4 down through "date;" in line 5 and substitute "declaring the intent of the General Assembly; making the provisions of this Act severable;"; and in line 9, after "Section" insert "14–302, 14–303, and".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 12 through 17, inclusive, and substitute:

"Preamble

WHEREAS, The State of Maryland wishes to provide all of its citizens with equal access to business formation and business growth opportunities; and

WHEREAS, The elimination of discrimination against minority– and women–owned businesses is of great importance to the future welfare of the State; and

WHEREAS, The disparity study entitled "The State of Minority– and Women–Owned Business Enterprise: Evidence from Maryland" commissioned by the General Assembly and published on February 17, 2011 (the "Study") provides a strong basis in evidence that demonstrates persistent discrimination against minority– and women–owned businesses, including:

(1) Substantial and statistically significant adverse disparities between the availability and utilization of minorities and women in every major contracting category examined by the Study;

(2) Substantial and statistically significant adverse disparities for all racial and ethnic groups and nonminority women combined in all major contracting categories;

(3) Substantial and statistically significant adverse disparities for all racial and ethnic groups and for nonminority women in most major industry categories;

(4) Substantial and statistically significant evidence of discrimination in the private sector in the same industry categories in which the State of Maryland

does business for all minorities and nonminority women, which has depressed firm formation and firm growth among minority and nonminority women entrepreneurs; and

(5) Powerful and persuasive qualitative evidence of discrimination against minority and nonminority women business owners; and

WHEREAS, Despite the fact that since 2001, the State has aspired to achieve a minority business enterprise participation goal of 25% of its total contract dollars awarded, overall State utilization of minority business enterprises for the 5 years covered by the Study was less than 20%; and

WHEREAS, This Act ensures that race–neutral efforts will be used to the maximum extent feasible and that race–conscious measures will be used only where necessary to eliminate discrimination that was not alleviated by race–neutral efforts; and

WHEREAS, Ending discrimination against minority– and women–owned businesses requires ending discrimination in prime contracting as well as subcontracting in Maryland contracting markets; and

WHEREAS, If the Minority Business Enterprise Program imposes a burden on nonminority businesses, the State is committed to limiting the burden as much as possible; and

WHEREAS, The establishment of control (zero goals) contracts has been viewed favorably as a method of determining whether minority business enterprise participation occurs in the absence of goals; and

WHEREAS, Improvements in Minority Business Enterprise Program development, implementation, evaluation, and compliance are essential tools to the State goal to eliminate business discrimination in the Maryland contracting markets; and

WHEREAS, The State is extending the existing Minority Business Enterprise Program for 1 year to allow time to evaluate and propose additional improvements to the program; now, therefore,".

AMENDMENT NO. 3

On page 1, after line 20, insert:

"14–302.

(a) (1) **(I)** Except for leases of real property **[**and except as provided in paragraphs (2) and (3) of this subsection**]**, each unit shall structure procurement procedures, consistent with the purposes of this subtitle, to try to achieve **[**the following results**]**:

[(i) a minimum of 7% of the unit's total dollar value of procurement contracts is to be made directly or indirectly from certified minority business enterprises classified by the certification agency as African American–owned businesses;

(ii) a minimum of 10% of the unit's total dollar value of procurement contracts is to be made directly or indirectly from certified minority business enterprises classified by the certification agency as women–owned businesses; and

(iii)**]** an overall **GOAL [**minimum**]** of 25% of the unit's total dollar value of procurement contracts **[**is to be**]** **BEING** made directly or indirectly **[**from all**]** **TO** certified minority business enterprises.

(II) IN CONSULTATION WITH THE STATE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF THE ATTORNEY GENERAL, THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS SHALL ESTABLISH GUIDELINES FOR EACH UNIT TO CONSIDER WHILE DETERMINING WHETHER TO SET SUBGOALS FOR THE MINORITY GROUPS LISTED IN § 14–301(I)(1)(I)1, 2, 3, 4, AND 6 OF THIS SUBTITLE.

(2) **[**(i) Except as provided in paragraph (3) of this subsection, in procurement for construction, each unit shall structure procurement procedures, consistent with the purposes of this subtitle, to try to achieve the following results:

1. a minimum of 7% of the unit's total dollar value of construction contracts is to be made directly or indirectly from certified minority business enterprises classified by the certification agency as African American–owned businesses;

2. a minimum of 10% of the unit's total dollar value of construction contracts is to be made directly or indirectly from certified minority business enterprises classified by the certification agency as women–owned businesses; and

3. an overall minimum of 25% of the unit's total dollar value of construction contracts is to be made directly or indirectly from all certified minority business enterprises.

(ii) The**] EACH** unit shall:

[1.**](I)** consider the practical severability of **[**the construction projects**] CONTRACTS**; and

[2.**](II)** implement a program that will enable the unit to evaluate each contract to determine the **[**appropriateness of the goal**] APPROPRIATE MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS FOR THE CONTRACT BASED, IN PART, ON:**

1. THE POTENTIAL SUBCONTRACT OPPORTUNITIES AVAILABLE IN THE PRIME PROCUREMENT CONTRACT;

2. THE AVAILABILITY OF CERTIFIED MINORITY BUSINESS ENTERPRISES TO RESPOND COMPETITIVELY TO THE POTENTIAL SUBCONTRACT OPPORTUNITIES; AND

3. THE GUIDELINES ESTABLISHED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.

[(3) With respect to the Maryland Department of Transportation, the provisions of paragraph (2)(i) of this subsection shall apply only to construction contracts in excess of $50,000.**]**

[(4)**](3)** (i) A woman who is also a member of an ethnic or racial minority group may be certified in that category in addition to the gender category.

(ii) For purposes of achieving the goals in this subsection, a certified minority business enterprise may participate in a procurement contract and be counted as a woman–owned business, or as a business owned by a member of an ethnic or racial group, but not both, if the business has been certified in both categories.

[(5)**](4)** Each unit shall meet the maximum feasible portion of the goals **[**stated in paragraphs (1), (2), and (3) of**]** **ESTABLISHED IN ACCORDANCE WITH** this subsection by using race–neutral measures to facilitate minority business enterprise participation in the procurement process.

[(6)**](5)** **[**To achieve the result specified in paragraph (1) or (2) of this subsection,**]** **IF A UNIT ESTABLISHES MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS FOR A CONTRACT,** a contractor, including a contractor that is a certified minority business enterprise, shall:

(i) identify specific work categories appropriate for subcontracting;

(ii) at least 10 days before bid opening, solicit minority business enterprises, through written notice that:

1. describes the categories of work under item (i) of this paragraph; and

2. provides information regarding the type of work being solicited and specific instructions on how to submit a bid;

(iii) attempt to make personal contact with the firms in item (ii) of this paragraph;

(iv) **[**assist**]** **OFFER TO PROVIDE REASONABLE ASSISTANCE TO** minority business enterprises to fulfill bonding requirements or to obtain a waiver of those requirements;

(v) in order to publicize contracting opportunities to minority business enterprises, attend prebid **OR PREPROPOSAL** meetings or other meetings scheduled by the unit; and

(vi) upon acceptance of a bid **OR PROPOSAL**, provide the unit with a list of minority businesses with whom the contractor negotiated, including price quotes from minority and nonminority firms.

[(7) (i) The unit shall make a finding whether the contractor complied, in good faith, with paragraph (6) of this subsection.

(ii) If the unit finds the contractor complied with paragraph (6) of this subsection, the unit may not require the contractor to renegotiate any subcontract in order to achieve a different result.**]**

(6) (I) 1. IF A CONTRACTOR DOES NOT ACHIEVE ALL OR A PART OF THE MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS ON A CONTRACT, THE UNIT SHALL MAKE A FINDING OF WHETHER THE CONTRACTOR HAS DEMONSTRATED THAT THE CONTRACTOR TOOK ALL NECESSARY AND REASONABLE STEPS TO ACHIEVE THE GOALS, INCLUDING COMPLIANCE WITH PARAGRAPH (5) OF THIS SUBSECTION.

2. A WAIVER OF ANY PART OF THE MINORITY BUSINESS ENTERPRISE GOALS FOR A CONTRACT SHALL BE GRANTED IF A CONTRACTOR PROVIDES A REASONABLE DEMONSTRATION OF GOOD–FAITH EFFORTS TO ACHIEVE THE GOALS.

(II) IF THE UNIT DETERMINES THAT A WAIVER SHOULD BE GRANTED IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE UNIT MAY NOT REQUIRE THE CONTRACTOR TO RENEGOTIATE ANY SUBCONTRACT IN ORDER TO ACHIEVE A DIFFERENT RESULT.

(III) THE HEAD OF THE UNIT MAY WAIVE ANY OF THE REQUIREMENTS OF THIS SUBSECTION RELATING TO THE ESTABLISHMENT, USE, AND WAIVER OF CONTRACT GOALS FOR A SOLE SOURCE, EXPEDITED, OR EMERGENCY PROCUREMENT IN WHICH THE PUBLIC INTEREST CANNOT REASONABLY ACCOMMODATE USE OF THOSE REQUIREMENTS.

(IV) 1. EXCEPT FOR WAIVERS GRANTED IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH, WHEN A WAIVER

DETERMINATION IS MADE, THE UNIT SHALL ISSUE THE DETERMINATION IN WRITING.

2. THE HEAD OF THE UNIT SHALL:

A. KEEP ONE COPY OF THE WAIVER DETERMINATION AND THE REASONS FOR THE DETERMINATION; AND

B. FORWARD ONE COPY OF THE WAIVER DETERMINATION TO THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS.

(V) ON OR BEFORE JULY 31 OF EACH YEAR, EACH UNIT SHALL SUBMIT DIRECTLY TO THE BOARD OF PUBLIC WORKS AND THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS AN ANNUAL REPORT OF WAIVERS REQUESTED AND WAIVERS GRANTED UNDER THIS PARAGRAPH.

(VI) THE REPORT REQUIRED UNDER SUBPARAGRAPH (V) OF THIS PARAGRAPH SHALL CONTAIN THE FOLLOWING INFORMATION ON THOSE CONTRACTS WHERE THE UNIT CONSIDERED A CONTRACTOR'S REQUEST FOR WAIVER OF ALL OR A PORTION OF THE MINORITY BUSINESS ENTERPRISE GOALS:

1. THE CONTRACT TITLES, NUMBERS, AND DATES;

2. THE NUMBER OF WAIVER REQUESTS RECEIVED;

3. THE NUMBER OF WAIVER REQUESTS GRANTED; AND

4. ANY OTHER INFORMATION SPECIFICALLY REQUESTED BY THE BOARD.

[(8)**](7)** If, during the performance of a contract, a certified minority business enterprise contractor or subcontractor becomes ineligible to participate in the Minority Business Enterprise Program because one or more of its owners has a personal net worth that exceeds the amount specified in § 14–301(i)(3) of this subtitle:

(i) that ineligibility alone may not cause the termination of the certified minority business enterprise's contractual relationship for the remainder of the term of the contract; and

(ii) the certified minority business enterprise's participation under the contract shall continue to be counted toward the program and contract goals.

(b) (1) The provisions of §§ 14–301(f) and 14–303 of this subtitle and subsection (a) of this section are inapplicable to the extent that any unit determines the provisions to be in conflict with any applicable federal program requirement.

(2) The determination under this subsection shall be included with the report required under § 14–305 of this subtitle.

14–303.

(a) (1) (i) In accordance with Title 10, Subtitle 1 of the State Government Article, the Board shall adopt regulations consistent with the purposes of this Division II to carry out the requirements of this subtitle.

(ii) The Board shall keep a record of **[**the number of**]** **INFORMATION REGARDING ANY** waivers requested **[**and the number of waivers granted each year under**]** **IN ACCORDANCE WITH § 14–302(A)(5)(I) OF THIS SUBTITLE AND** subsection (b)(8) of this section and submit a copy of the record to the General Assembly on or before October 1 of each year, in accordance with § 2–1246 of the State Government Article.

(iii) The Board shall keep a record of the aggregate number and the identity of minority business enterprises that receive certification under the process established by the Board under subsection (b)(1) of this section and submit a copy of the record to the General Assembly on or before October 1 of each year, in accordance with § 2–1246 of the State Government Article.

(2) The regulations shall establish procedures to be followed by units, prospective contractors, and successful bidders or offerors to maximize notice to, and the opportunity to participate in the procurement process by, a broad range of minority business enterprises.

(b) These regulations shall include:

(1) provisions:

(i) designating one State agency to certify and decertify minority business enterprises for all units through a single process that meets applicable federal requirements, including provisions that promote and facilitate the submission of some or all of the certification application through an electronic process;

(ii) for the purpose of certification under this subtitle, that promote and facilitate certification of minority business enterprises that have received certification from the U.S. Small Business Administration or a county that uses a certification process substantially similar to the process established in accordance with item (i) of this item;

(iii) requiring the agency designated to certify minority business enterprises to complete the agency's review of an application for certification and notify the applicant of the agency's decision within 90 days of receipt of a complete application that includes all of the information necessary for the agency to make a decision; and

(iv) authorizing the agency designated to certify minority business enterprises to extend the notification requirement established under item (iii) of this item once, for no more than an additional 60 days, if the agency provides the applicant with a written notice and explanation;

(2) a requirement that the solicitation document accompanying each solicitation set forth the expected degree of minority business enterprise participation based, in part, on**[**:**]** **THE FACTORS SET FORTH IN § 14–302(A)(2)(II) OF THIS SUBTITLE**

[(i) the potential subcontract opportunities available in the prime procurement contract; and

(ii) the availability of certified minority business enterprises to respond competitively to the potential subcontract opportunities**]**;

(3) a requirement that the unit provide a current list of certified minority business enterprises to each prospective contractor;

(4) provisions to ensure the uniformity of requests for bids on subcontracts;

(5) provisions relating to the timing of requests for bids on subcontracts and of submission of bids on subcontracts;

(6) provisions designed to ensure that a fiscal disadvantage to the State does not result from an inadequate response by minority business enterprises to a request for bids;

(7) provisions relating to joint ventures, under which a bidder may count toward meeting its minority business enterprise participation goal, the minority business enterprise portion of the joint venture;

(8) consistent with § 14–302(a)**[**(6)**](5)** of this subtitle, provisions relating to any circumstances under which a unit may waive obligations of the contractor relating to minority business enterprise participation;

(9) provisions requiring a monthly submission to the unit by minority business enterprises acknowledging all payments received in the preceding 30 days under a contract governed by this subtitle;

(10) a requirement that a unit shall verify and maintain data concerning payments received by minority business enterprises, including a requirement that, upon completion of a project, the unit shall compare the total dollar value actually received by minority business enterprises with the amount of contract dollars initially awarded, and an explanation of any discrepancies therein;

(11) a requirement that a unit verify that minority business enterprises listed in a successful bid are actually participating to the extent listed in the project for which the bid was submitted;

(12) provisions establishing a graduation program based on the financial viability of the minority business enterprise, using annual gross receipts or other economic indicators as may be determined by the Board;

(13) a requirement that a bid or proposal based on a solicitation with an expected degree of minority business enterprise participation identify the specific commitment of certified minority business enterprises at the time of submission;

(14) provisions promoting and providing for the counting and reporting of certified minority business enterprises as prime contractors; **[**and**]**

(15) PROVISIONS ESTABLISHING STANDARDS TO REQUIRE A MINORITY BUSINESS ENTERPRISE TO PERFORM A COMMERCIALLY USEFUL FUNCTION ON A CONTRACT;

(16) A REQUIREMENT THAT EACH UNIT WORK WITH THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS TO DESIGNATE CERTAIN PROCUREMENTS AS BEING EXCLUDED FROM THE REQUIREMENTS OF § 14–302(A) OF THIS SUBTITLE; AND

[(15)**](17)** other provisions that the Board considers necessary or appropriate to encourage participation by minority business enterprises and to protect the integrity of the procurement process.

(c) The regulations adopted under this section shall specify that a unit may not allow a business to participate as if it were a certified minority business enterprise if the business's certification is pending.".

AMENDMENT NO. 4

On page 1, in line 24, strike "**2016**" and substitute "**2012**".

On page 2, strike in their entirety lines 1 through 20, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That having considered the evidence of discrimination against minority and women–owned businesses included in the study entitled "The State of Minority– And Women–Owned Business Enterprise: Evidence From Maryland" published on February 17, 2011, and other evidence generally available to the General Assembly, it is the intent of the General Assembly to eliminate discrimination against minority and women–owned businesses doing business in Maryland contracting markets in a manner that:

(1) complies with the United States and Maryland Constitutions;

(2) is effective and narrowly tailored to achieve the goal of eliminating business discrimination based on race and gender in Maryland contracting markets;

(3) makes full and effective use of race–neutral measures;

(4) is focused on operating an effective Minority Business Enterprise Program targeted at eliminating the discrimination thoroughly documented in the Study;

(5) to the maximum extent feasible under federal constitutional law, provides for flexibility in the operations of the Program and the use of numerical targets or goals;

(6) prohibits the use of rigid and inflexible quotas;

(7) ensures that any use of numerical targets in overall aspirational State goals and in contract goals, includes the use of good faith waivers and is narrowly tailored to reflect the best available evidence of the actual, relative availability of minority business enterprises in Maryland contracting markets;

(8) to the maximum extent feasible, limits and ameliorates burdens on nonminority business enterprises resulting from the operation of the Program; and

(9) ensures that the beneficiaries of the Program are drawn from those groups that have suffered discrimination in Maryland contracting markets.

SECTION 3. AND BE IT FURTHER ENACTED, That, if any of the provisions of this Act or the application thereof, to any person or circumstance, is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect the other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.";

and in line 21, strike "2." 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.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 472 – Carroll County Senators

AN ACT concerning

Carroll County – Commissioners – Term Limits and Vacancies

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 839 – Senator Gladden

AN ACT concerning

Counties – Kennel Licenses – Requirements for Breeders

SB0839/554732/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 839
(First Reading File Bill)

On page 2, in line 25, strike "**10**" and substitute "**15**"; in the same line, after "**UNSPAYED**" insert "**FEMALE**"; in line 26, after "**MONTHS**" insert "**KEPT FOR THE PURPOSE OF BREEDING THE DOGS AND SELLING THEIR OFFSPRING**"; strike beginning with "**INTENDS**" in line 27 down through "**OFFSPRING**" in line 28 and substitute "**SELLS DOGS FROM SIX OR MORE LITTERS IN A YEAR**"; and in line 34, after "**LICENSEE;**" insert "**AND**".

On pages 2 and 3, strike beginning with the semicolon in line 36 on page 2 down through "**APPLICABLE**" in line 2 on page 3.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 961 – Senator Garagiola

AN ACT concerning

State Vehicle Fleet – Use of Biofuels

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 344 – Senators Middleton, Kasemeyer, and Kelley

AN ACT concerning

Residential Child and Youth Care Practitioners – Definition

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0344/504730/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 344
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Definition" and substitute "Certification – Change in Date and Implementation Plan"; strike beginning with "definition" in line 3 down through "term" in line 6 and substitute "date by which an individual must receive a certificate from the State Board for Certification of Residential Child Care Program Professionals before the individual may be a residential child and youth care practitioner in the State; requiring the Governor's Office for Children to establish a workgroup composed of certain representatives to develop a plan for implementation

of the certification; requiring the workgroup to take certain items into consideration in developing the plan; requiring the plan to specify a certain rate adjustment; requiring the Office to report on the workgroup's implementation plan to the Governor and certain legislative committees on or before a certain date"; in line 7, after "to" insert "certification of"; and in line 10, strike "20–101" and substitute "20–301(b)".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 16 on page 1 through line 13 on page 3, inclusive, and substitute:

"20–301.

(b) On or before October 1, **[**2015**]** **2016**, an individual shall receive a certificate from the Board before the individual may be a residential child and youth care practitioner in this State.".

AMENDMENT NO. 3

On page 3, after line 13, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Governor's Office for Children shall establish a workgroup composed of representatives of the State Board for Certification of Residential Child Care Program Professionals, the Department of Human Resources, the Department of Health and Mental Hygiene, the Department of Juvenile Services, the Interagency Rates Committee, residential child care programs, the Community Behavioral Health Association of Maryland, Maryland Association of Resources for Families and Youth, and other interested persons to develop a plan for implementation of the certification of residential child and youth care practitioners in 2016.

(b) In developing the plan, the workgroup shall take into consideration:

(1) the costs of implementing certification, including:

(i) the costs to residential child care programs of hiring and retaining residential child and youth care practitioners who meet the certification requirements;

(ii) other costs incurred by residential child care programs to meet the certification requirements;

(iii) any additional costs to the State Board for Certification of Residential Child Care Program Professionals to meet the 2016 implementation date;

(2) any savings, that residential child care programs might realize from certification to help offset their costs, such as potential savings from reduced staff turnover;

(3) efficient ways to reduce additional costs, such as "train the trainer" programs and common evaluation tools;

(4) the impact of additional costs, net of any savings and efficiencies, to residential care programs on rates established by the Interagency Rate Committee; and

(5) any additional funding sources, separate from the rates established by the Interagency Rate Committee, that may be available to support the additional costs.

(c) The plan shall specify:

(1) the adjustment in rates needed to support the additional costs of certification; and

(2) recommendations for addressing the needed rate increase in the State budget.

(d) On or before September 1, 2011, the Governor's Office for Children shall report on the workgroup's implementation plan to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the rates established for residential child care programs by the Interagency Rate Committee reflect any adjustment, specified in the plan required

under Section 2 of this Act, needed to support the additional costs of certification of residential child and youth care practitioners.";

in line 14, strike "2." and substitute "4."; and in line 15, strike "October" and substitute "June".

The preceding 3 amendments were read only.

Senator Zirkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 24, 2011.

The motion was adopted.

Senate Bill 206 – Senator Frosh

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Secured Party

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0206/178771/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 206
(First Reading File Bill)

On page 3, in line 8, strike "**(I)**"; in the same line, strike "**OWNER OF**" and substitute "**PERSON THAT:**

(I) OWNS";

in line 10, after "**PROPERTY**" insert "**; AND**

(II) IS ENTITLED TO THE NET PROCEEDS OF A FORECLOSURE SALE OF THE RESIDENTIAL PROPERTY OR OF THE PAYOFF OF THE DEBT INSTRUMENT";

and strike in their entirety lines 11 through 13, inclusive.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 620 – Senators Manno, Forehand, Montgomery, Pinsky, and Ramirez

AN ACT concerning

Real Property – Retaliatory Actions – Landlords and Mobile Home Park Owners

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (9) AND THE FAVORABLE REPORT.

SB0620/818677/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 620
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 7 and 15, in each instance, strike "in a" and substitute "as an affirmative"; in the same lines, after the second "for" insert "certain"; strike beginning with "creating" in line 8 down through "circumstances;" in line 9; in line 10, after "circumstances;" insert "altering the conditions of certain relief; altering the circumstances under which certain actions by a landlord may not be deemed to be retaliatory;"; strike beginning with "creating" in line 15 down through "circumstances;" in line 17; and in line 18, after "circumstances;" insert "altering the circumstances under which certain actions by a park owner may not be deemed to be retaliatory;".

AMENDMENT NO. 2

On page 2, in line 11, strike "**REFUSE TO RENEW A TENANCY**" and substitute "**TERMINATE A PERIODIC TENANCY**".

On page 4, in line 25, strike "**REFUSE TO RENEW A RENTAL AGREEMENT**" and substitute "**TERMINATE A PERIODIC TENANCY**".

AMENDMENT NO. 3

On page 2, in line 15, strike "**MADE**" and substitute "**PROVIDED WRITTEN OR ACTUAL NOTICE OF**"; in the same line, before "**TO**" insert "**ABOUT AN ALLEGED VIOLATION OF THE LEASE, VIOLATION OF LAW, OR CONDITION ON THE LEASED PREMISES THAT IS A SUBSTANTIAL THREAT TO THE HEALTH OR SAFETY OF OCCUPANTS**"; and in lines 25 and 26, strike "is a member or organizer of" and substitute "**HAS PARTICIPATED IN**".

On page 4, in line 29, strike "**MADE**" and substitute "**PROVIDED WRITTEN OR ACTUAL NOTICE OF**"; and in line 30, before "**TO**" insert "**ABOUT AN ALLEGED VIOLATION OF THE RENTAL AGREEMENT, VIOLATION OF LAW, OR CONDITION ON THE LEASED PREMISES THAT IS A SUBSTANTIAL THREAT TO THE HEALTH OR SAFETY OF OCCUPANTS**".

On page 5, in lines 7 and 8, strike "is a member or organizer of" and substitute "**HAS PARTICIPATED IN**".

AMENDMENT NO. 4

On page 3, in line 2, strike the first "**IN**" and substitute "**:**

(I) IN";

in the same line, after "**POSSESSION**" insert a semicolon; and in lines 2 and 3, strike "**IN A CLAIM FOR DAMAGES**" and substitute "**(II) AS AN AFFIRMATIVE CLAIM FOR DAMAGES RESULTING FROM A RETALIATORY ACTION OF A LANDLORD OCCURRING DURING A TENANCY**".

On page 5, in line 13, strike the first "**IN**" and substitute "**:**

(I) IN";

in the same line, after "**POSSESSION**" insert a semicolon; and in lines 13 and 14, strike "**IN A CLAIM FOR DAMAGES**" and substitute "**(II) AS AN AFFIRMATIVE CLAIM FOR DAMAGES RESULTING FROM A RETALIATORY ACTION OF A PARK OWNER OCCURRING DURING A TENANCY**".

AMENDMENT NO. 5

On page 3, strike in their entirety lines 4 through 17, inclusive; in line 18, strike the first set of brackets; in the same line, strike "**(D)**"; and in line 27, strike the bracket.

On page 4, in line 2, strike the bracket; in lines 7 and 13, in each instance, strike the first set of brackets; and in the same lines, strike "**(E)**" and "**(F)**", respectively.

On page 5, strike in their entirety lines 15 through 28, inclusive; in line 29, strike the first set of brackets; and in the same line, strike "**(D)**".

AMENDMENT NO. 6

On page 3 in lines 21 and 26 and on page 5 in line 32, in each instance, after "**DAMAGES**" insert "**NOT TO EXCEED THE EQUIVALENT OF 3 MONTHS' RENT**".

AMENDMENT NO. 7

On page 3, after line 27, insert:

"**(1) THE TENANT BEING CURRENT ON THE RENT DUE AND OWING TO THE LANDLORD AT THE TIME OF THE ALLEGED RETALIATORY ACTION, UNLESS THE TENANT WITHHOLDS RENT IN ACCORDANCE WITH THE LEASE, § 8–211 OF THIS SUBTITLE, OR A COMPARABLE LOCAL ORDINANCE; AND**

(2) IF THE ALLEGED RETALIATORY ACTION IS A LANDLORD'S TERMINATION OF A PERIODIC TENANCY:";

in lines 28 and 32, strike "(1)" and "(2)", respectively, and substitute "**(I)**" and "**(II)**", respectively; and in line 31, strike the period and substitute "**; OR**".

AMENDMENT NO. 8

On page 4, after line 6, insert:

"**(E) AN ACTION BY A LANDLORD MAY NOT BE DEEMED TO BE RETALIATORY FOR PURPOSES OF THIS SECTION IF THE ALLEGED RETALIATORY ACTION OCCURS MORE THAN 6 MONTHS AFTER A TENANT'S ACTION THAT IS PROTECTED UNDER SUBSECTION (A)(2) OF THIS SECTION.**".

On page 6, after line 4, insert:

"**(D) AN ACTION BY A PARK OWNER MAY NOT BE DEEMED TO BE RETALIATORY FOR PURPOSES OF THIS SECTION IF THE ALLEGED RETALIATORY ACTION OCCURS MORE THAN 6 MONTHS AFTER A RESIDENT'S ACTION THAT IS PROTECTED UNDER SUBSECTION (A)(2) OF THIS SECTION.**".

AMENDMENT NO. 9

On page 4, in line 7, strike "**NONRENEWAL**" and substitute "**TERMINATION**"; strike beginning with "governed" in line 10 down through "month" in line 11; and strike beginning with "or" in line 11 down through "agree" in line 12 and substitute "**FOR NONRETALIATORY REASONS, INCLUDING IF THE TENANT OR THE TENANT'S FAMILY OR GUESTS HAVE:**

(1) DISRUPTED OR INTERFERED WITH THE QUIET ENJOYMENT OF THE PROPERTY, OTHER RESIDENTS, THE LANDLORD, OR THE LANDLORD'S STAFF;

(2) ENGAGED IN CRIMINAL ACTIVITY, REGARDLESS OF WHETHER THE INDIVIDUAL IS CONVICTED;

(3) CREATED OR CAUSED A PUBLIC NUISANCE ON THE PROPERTY;

(4) VIOLATED A PROVISION OF A LOCAL HOUSING, ZONING, OR LIVEABILITY CODE THAT, UNDER THE CODE, IS THE RESPONSIBILITY OF THE TENANT; OR

(5) BREACHED OR OTHERWISE FAILED TO COMPLY WITH THE TERMS OF THE LEASE AGREEMENT BETWEEN THE PARTIES".

On page 6, in lines 5 and 6, strike "**NONRENEWAL OF A RENTAL AGREEMENT**" and substitute "**TERMINATION OF A TENANCY**"; and in line 10, after "law" insert "**FOR NONRETALIATORY REASONS, INCLUDING IF THE RESIDENT OR THE RESIDENT'S FAMILY OR GUESTS HAVE:**

(1) DISRUPTED OR INTERFERED WITH THE QUIET ENJOYMENT OF THE PROPERTY, OTHER RESIDENTS, THE PARK OWNER, OR THE PARK OWNER'S STAFF;

(2) ENGAGED IN CRIMINAL ACTIVITY, REGARDLESS OF WHETHER THE INDIVIDUAL IS CONVICTED;

(3) CREATED OR CAUSED A PUBLIC NUISANCE ON THE PROPERTY;

(4) VIOLATED A PROVISION OF A LOCAL HOUSING, ZONING, OR LIVEABILITY CODE THAT, UNDER THE CODE, IS THE RESPONSIBILITY OF THE RESIDENT; OR

(5) BREACHED OR OTHERWISE FAILED TO COMPLY WITH THE TERMS OF THE RENTAL AGREEMENT BETWEEN THE PARTIES".

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 599 – Senators Raskin, Frosh, Manno, Miller, Ramirez, and Zirkin

AN ACT concerning

Courts and Judicial Proceedings – Prelitigation Discovery – Insurance Coverage

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

SB0599/708871/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 599
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the first "a" in line 4 down through "claimant" in line 5 and substitute "certain insurers to disclose to certain claimants under certain circumstances"; in line 9, after the semicolon insert "providing for certain procedures; providing that certain persons are not civilly or criminally liable for disclosure of certain documentation; providing that certain disclosure of certain documentation does not constitute a certain admission and is not admissible as evidence by reason of a certain disclosure; defining certain terms; providing for the application of this Act;"; and in line 13, after "10–1101" insert "through 10–1105".

AMENDMENT NO. 2

On page 1, after line 20, insert:

"**10–1101.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "BENEFICIARY" MEANS AN INDIVIDUAL WHO MAY BRING AN ACTION FOR WRONGFUL DEATH UNDER TITLE 3, SUBTITLE 9 OF THIS ARTICLE.

(C) "CLAIMANT" MEANS:

(1) A PERSON WHO ALLEGES DAMAGES AS A RESULT OF A VEHICLE ACCIDENT OR AN ATTORNEY WHO REPRESENTS THE PERSON; OR

(2) A PERSONAL REPRESENTATIVE OF THE ESTATE OF A DECEDENT WHO DIED AS A RESULT OF A VEHICLE ACCIDENT OR AN ATTORNEY WHO REPRESENTS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF THE DECEDENT.

(D) "INSURER" INCLUDES A PROPERTY AND CASUALTY INSURER, A SELF–INSURANCE PLAN, OR ANY PERSON REQUIRED TO PROVIDE INDEMNIFICATION FOR A CLAIM FOR WRONGFUL DEATH, PERSONAL INJURY, OR PROPERTY DAMAGE.

(E) "VEHICLE" HAS THE MEANING STATED IN § 11–176 OF THE TRANSPORTATION ARTICLE.".

AMENDMENT NO. 3

On page 1, in line 21, strike "**10–1101.**" and substitute "**10–1102.**"; in line 22, strike "**(A)**"; and strike beginning with "**WITH**" in line 22 down through "**CASUALTY**" in line 24 and substitute "**CONCERNING A VEHICLE ACCIDENT AND PROVIDES THE DOCUMENTATION DESCRIBED IN § 10–1103 OR § 10–1104 OF THIS SUBTITLE WITH AN INSURER, THE CLAIMANT MAY OBTAIN FROM THE**".

On page 2, in line 1, after "**OF**" insert "**LIABILITY**"; and strike beginning with the second "**ANY**" in line 1 down through "**BUSINESS**" in line 2 and substitute "**THE INSURER**".

AMENDMENT NO. 4

On page 2, strike in their entirety lines 6 through 9, inclusive, and substitute:

"**10–1103.**

(A) THIS SECTION DOES NOT APPLY TO A CLAIM DESCRIBED UNDER § 10–1104 OF THIS SUBTITLE.

(B) A CLAIMANT MAY OBTAIN THE DOCUMENTATION DESCRIBED IN § 10–1102 OF THIS SUBTITLE IF THE CLAIMANT PROVIDES IN WRITING TO THE INSURER:

(1) THE DATE OF THE VEHICLE ACCIDENT;

(2) THE NAME AND LAST KNOWN ADDRESS OF THE ALLEGED TORTFEASOR;

(3) A COPY OF THE VEHICLE ACCIDENT REPORT, IF AVAILABLE;

(4) THE INSURER'S CLAIM NUMBER, IF AVAILABLE;

(5) THE CLAIMANT'S HEALTH CARE BILLS AND DOCUMENTATION OF THE CLAIMANT'S LOSS OF INCOME, IF ANY, RESULTING FROM THE VEHICLE ACCIDENT; AND

(6) THE RECORDS OF HEALTH CARE TREATMENT FOR THE CLAIMANT'S INJURIES CAUSED BY THE VEHICLE ACCIDENT.

(C) IF THE AMOUNT OF THE INCURRED HEALTH CARE BILLS AND LOSS OF INCOME DOCUMENTED BY THE CLAIMANT UNDER THIS SECTION IS AT LEAST $12,500, THE INSURER SHALL DISCLOSE IN WRITING THE APPLICABLE LIMITS OF COVERAGE IN EACH WRITTEN AGREEMENT UNDER WHICH THE INSURER MAY BE LIABLE.

10–1104.

(A) THIS SECTION APPLIES TO A CLAIM BY THE ESTATE OF AN INDIVIDUAL OR A BENEFICIARY OF THE INDIVIDUAL RESULTING FROM THE DEATH OF THE INDIVIDUAL IN A VEHICLE ACCIDENT.

(B) A CLAIMANT MAY OBTAIN THE DOCUMENTATION DESCRIBED IN § 10–1102 OF THIS SUBTITLE IF THE CLAIMANT PROVIDES IN WRITING TO THE INSURER:

(1) THE DATE OF THE VEHICLE ACCIDENT;

(2) THE NAME AND LAST KNOWN ADDRESS OF THE ALLEGED TORTFEASOR;

(3) A COPY OF THE VEHICLE ACCIDENT REPORT, IF AVAILABLE;

(4) THE INSURER'S CLAIM NUMBER, IF AVAILABLE;

(5) A COPY OF THE DECEDENT'S DEATH CERTIFICATE ISSUED IN THE STATE OR ANOTHER JURISDICTION;

(6) A COPY OF THE LETTERS OF ADMINISTRATION ISSUED TO APPOINT THE PERSONAL REPRESENTATIVE OF THE DECEDENT'S ESTATE IN THE STATE OR A SUBSTANTIALLY SIMILAR DOCUMENT ISSUED BY ANOTHER JURISDICTION;

(7) THE NAME OF EACH BENEFICIARY OF THE DECEDENT, IF KNOWN;

(8) THE RELATIONSHIP TO THE DECEDENT OF EACH KNOWN BENEFICIARY OF THE DECEDENT;

(9) THE AMOUNT OF ECONOMIC DAMAGES, IF ANY, CLAIMED BY EACH KNOWN BENEFICIARY OF THE DECEDENT, INCLUDING ANY AMOUNT CLAIMED BASED ON FUTURE LOSS OF EARNINGS OF THE DECEDENT;

(10) THE HEALTH CARE BILLS FOR HEALTH CARE TREATMENT, IF ANY, OF THE DECEDENT RESULTING FROM THE VEHICLE ACCIDENT;

(11) THE RECORDS OF HEALTH CARE TREATMENT FOR INJURIES TO THE DECEDENT CAUSED BY THE VEHICLE ACCIDENT; AND

(12) DOCUMENTATION OF THE DECEDENT'S PAST LOSS OF INCOME, IF ANY, RESULTING FROM THE VEHICLE ACCIDENT.

10–1105.

(A) AN INSURER SHALL PROVIDE IN WRITING THE DOCUMENTATION DESCRIBED UNDER § 10–1102 OF THIS SUBTITLE WITHIN 30 DAYS AFTER THE DATE OF A REQUEST IN ACCORDANCE WITH § 10–1103 OR § 10–1104 OF THIS SUBTITLE, REGARDLESS OF WHETHER THE INSURER CONTESTS THE APPLICABILITY OF COVERAGE TO A CLAIM.

(B) AN INSURER, AND THE EMPLOYEES AND AGENTS OF AN INSURER, MAY NOT BE CIVILLY OR CRIMINALLY LIABLE FOR THE DISCLOSURE OF DOCUMENTATION REQUIRED UNDER THIS SUBTITLE.

(C) DISCLOSURE OF THE DOCUMENTATION UNDER THIS SUBTITLE DOES NOT CONSTITUTE AN ADMISSION THAT A CLAIM IS SUBJECT TO THE APPLICABLE AGREEMENT BETWEEN THE INSURER AND THE ALLEGED TORTFEASOR.

(D) DOCUMENTATION DISCLOSED UNDER THIS SECTION IS NOT ADMISSIBLE AS EVIDENCE AT TRIAL BY REASON OF ITS DISCLOSURE UNDER THIS SUBTITLE.".

AMENDMENT NO. 5

On page 2, after line 9, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim filed with an insurer, as defined in Section 1 of this Act, before the effective date of this Act.";

and in line 10, strike "2." and substitute "3.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 768 – Senators Ramirez and Frosh

AN ACT concerning

Child Abuse – Out of Court Statements of Child Victims

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

SB0768/218778/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 768
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "adding" insert "certain"; in the same line, strike "caseworkers" and substitute "therapists"; strike beginning with "repealing" in line 6 down through "testify;" in line 8; in line 9, after "statement" insert "in a criminal proceeding or certain juvenile court proceeding; clarifying the circumstances under which an out of court statement of a child victim may be admitted into evidence in a

child in need of assistance proceeding in the juvenile court"; and in line 13, strike "and under which a certain deposition is authorized".

AMENDMENT NO. 2

On page 2, in line 29, after "**COUNSELOR**" insert "**LICENSED OR CERTIFIED IN ACCORDANCE WITH TITLE 17 OF THE HEALTH – OCCUPATIONS ARTICLE**"; and in line 30, strike "**CASEWORKER**" and substitute "**THERAPIST LICENSED OR CERTIFIED IN ACCORDANCE WITH TITLE 17 OF THE HEALTH – OCCUPATIONS ARTICLE**".

AMENDMENT NO. 3

On page 3, in line 2, after "evidence" insert "**IN A CRIMINAL PROCEEDING OR IN A JUVENILE COURT PROCEEDING OTHER THAN A CHILD IN NEED OF ASSISTANCE PROCEEDING UNDER TITLE 3, SUBTITLE 8 OF THE COURTS ARTICLE**"; in lines 6, 11, 12, and 23, in each instance, strike the bracket; in line 6, after "(2)" insert "**(I) IN A CHILD IN NEED OF ASSISTANCE PROCEEDING IN THE JUVENILE COURT UNDER TITLE 3, SUBTITLE 8 OF THE COURTS ARTICLE, AN OUT OF COURT STATEMENT BY A CHILD VICTIM MAY COME INTO EVIDENCE TO PROVE THE TRUTH OF THE MATTER ASSERTED IN THE STATEMENT:**

1. IF THE STATEMENT IS NOT ADMISSIBLE UNDER ANY OTHER HEARSAY EXCEPTION; AND

2. REGARDLESS OF WHETHER THE CHILD VICTIM TESTIFIES.

(II)";

strike beginning with the colon in line 7 down through "or" in line 10; and in lines 12 and 23, strike "**(2)**" and "**(3)**", respectively.

AMENDMENT NO. 4

On page 3, strike beginning with "**IF**" in line 23 down through "**THE**" in line 24.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 112 – Senators Glassman, Conway, DeGrange, Forehand, Jennings, Kasemeyer, Mathias, Middleton, Raskin, Simonaire, and Stone

AN ACT concerning

Criminal Law – Sale of Novelty Lighters – Prohibition

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0112/918975/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 112
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and Dyson".

On page 1, in line 5, after "certain" insert "civil".

AMENDMENT NO. 2

On page 2, in line 2, after "**ANIMAL,**" insert "**OR**"; in line 3, strike "**, OR ANOTHER SIMILAR ARTICLE**"; in line 4, strike "**ENTERTAINMENT FEATURES, INCLUDING**"; in line 5, after "**MUSIC**" insert "**, SOUNDS,**"; and in the same line, after "**LIGHTS**" insert "**AS ENTERTAINMENT FEATURES**".

AMENDMENT NO. 3

On page 2, strike beginning with "**GUILTY**" in line 23 down through "**FINE**" in line 24 and substitute "**SUBJECT TO A CIVIL PENALTY**"; and in line 25, strike "**$500**" and substitute "**$250**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0112/793326/1
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 112
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "lighter" insert "unless the novelty lighter has a label with a certain warning".

AMENDMENT NO. 2

On page 2, in line 22, after "**LIGHTER**" insert "**UNLESS THE LIGHTER HAS ATTACHED TO IT A CONSPICUOUS WARNING STATING THAT IT IS DANGEROUS TO LEAVE A NOVELTY LIGHTER IN AN AREA WHERE IT CAN BE ACCESSED BY AN UNSUPERVISED CHILD**".

The preceding 2 amendments were read and rejected.

FLOOR AMENDMENT

SB0112/373526/1
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 112
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Sale of"; in the same line, strike "Prohibition" and substitute "Access by Children"; strike beginning with "selling" in line 3 down through the first "a" in line 4 and substitute "storing or leaving a novelty lighter in a location where the person knew or should have known that a child would gain access to the"; and strike beginning with "providing" in line 5 down through "Act;" in line 6.

AMENDMENT NO. 2

On page 2, strike beginning with "**THIS**" in line 15 down through "**A**" in line 22 and substitute "**A PERSON MAY NOT STORE OR LEAVE A NOVELTY LIGHTER IN A**

LOCATION WHERE THE PERSON KNEW OR SHOULD HAVE KNOWN THAT A CHILD WOULD GAIN ACCESS TO THE"; and in line 23, strike "**(D)**" and substitute "**(C)**".

The preceding 2 amendments were read and rejected.

FLOOR AMENDMENT

SB0112/683624/1
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 112
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Lighters" insert "and Novelty Matches"; in line 4, after "lighter" insert "or novelty matches"; in line 6, strike "a"; in the same line, strike "term" and substitute "terms"; and in line 7, after "lighters" insert "and novelty matches".

AMENDMENT NO. 2

On page 1, strike line 17 in its entirety and substitute "**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) (I) "NOVELTY LIGHTER" ";

in line 18, strike "**(1)**"; and in line 19, strike "**(I)**" and substitute "**1.**".

On page 2, in lines 1, 4, 6, 7, 8, 10, and 13, strike "**(II)1.**", "**2.**", "**(III)**", "**(2)**", "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**2.A.**", "**B.**", "**3.**", "**(II)**", "**1.**", "**2.**", and "**3.**", respectively; in line 6, strike "**; AND**" and substitute a period; in line 7, before "**DOES**" insert "**"NOVELTY LIGHTER"** ";

after line 14, insert:

"**(3) "NOVELTY MATCHES" MEANS PIECES OF WOOD, CARDBOARD, OR OTHER FLAMMABLE MATERIAL THAT ARE:**

(I) TIPPED WITH A CHEMICAL SUBSTANCE THAT PRODUCES FIRE WHEN RUBBED ON A ROUGH OR CHEMICALLY PREPARED SURFACE; AND

(II) PACKAGED IN A BOX OR OTHER CONTAINER THAT DISPLAYS A CARTOON CHARACTER, TOY, MUSICAL INSTRUMENT, VEHICLE, ANIMAL, OR FOOD OR BEVERAGES.";

and in lines 17, 19, and 22, in each instance, after "**LIGHTER**" insert "**OR NOVELTY MATCHES**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 5 Negative – 42 (See Roll Call No. 506)

Read the second time and ordered prepared for Third Reading.

Senate Bill 410 – Senator Raskin

AN ACT concerning

State Highway Administration – Unauthorized Signs on Highway Rights–of–Way

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0410/708978/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 410
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "against" insert "certain".

AMENDMENT NO. 2

On page 4, in line 3, after "**MAY**" insert "**, IF THE SIGN IS A COMMERCIAL SIGN**"; and in lines 6, 9, 11, 15, 17, and 18, in each instance, before "**SIGN**" insert "**COMMERCIAL**".

The preceding 2 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 24, 2011.

The motion was adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 31 – Delegates Rosenberg ~~and Cardin~~, Cardin, and Kipke

AN ACT concerning

Voter's Rights Protection Act of 2011

FOR the purpose of authorizing the Attorney General ~~or a registered voter~~ to institute an action in a circuit court for injunctive relief ~~when a person has engaged in, or there is reason to believe a person is about to engage in,~~ to prohibit a person from engaging in or continuing to engage in certain violations of election law; providing that injunctive relief may be granted under this Act only to prevent certain ~~prohibited acts or practices~~ violations of election law from affecting a pending election; requiring a circuit court to hear and determine an action filed under this Act as soon as practicable; providing that the grant of a remedy under this Act does not preclude any other remedy available under State or federal law; providing that a circuit court shall have jurisdiction ~~of~~ over any proceeding instituted under this Act; requiring a circuit court to exercise its jurisdiction without regard to whether a person asserting a right under this Act has exhausted any other remedy available under law; and generally relating to the availability of injunctive relief for certain election law violations.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 16–201
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Election Law
Section 16–1003
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs and the Committee on Judicial Proceedings.

House Bill 164 – The Speaker (By Request – Administration) and Delegates Jameson, Cardin, Hucker, and Stein

AN ACT concerning

Electric Companies – ~~Demand Response~~ Pilot Program for Charging Electric Vehicles

FOR the purpose of requiring the Public Service Commission to establish by a certain date a ~~demand response~~ pilot program for charging electric vehicles; authorizing an electric company to request to participate in the pilot program; requiring the pilot program to include certain incentives for certain purposes; requiring a certain report to the Governor and the General Assembly by a certain date; and generally relating to a ~~demand response~~ pilot program for charging electric vehicles.

BY adding to
Article – Public Utilities
Section 7–211(m)
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Finance.

House Bill 179 – Delegate Lafferty

AN ACT concerning

Environment – Recycling – Apartment Buildings and Condominiums

FOR the purpose of requiring owners or managers of apartment buildings or condominiums that contain a certain number of dwelling units to provide for recycling for residents on or before a certain date; requiring certain owners or managers to report annually to a county in accordance with certain requirements beginning on a certain date; requiring that the recycling required under this Act be done in accordance with certain recycling plans; providing for a civil penalty for a violation of this Act; providing for disbursement of penalties collected under this Act to certain jurisdictions; providing for the application of this Act; providing for a delayed effective date for a certain provision of this Act; clarifying that this Act does not preempt or prevail over certain other legislation; and generally relating to recycling by owners or managers of certain apartment buildings and condominiums.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1703(a)
Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1703(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Environment
Section 9–1711
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 197 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance Benefits Claims – Appeals – Finality of Order

FOR the purpose of establishing a certain period of time after which certain decisions are final as to determinations relating to unemployment insurance benefits claims that had been appealed to certain units in the Department of Labor, Licensing, and Regulation; and generally relating to decisions on certain unemployment insurance benefits claims.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–508 and 8–5A–11
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 326 – ~~Delegates Lafferty, Aumann, Cardin, Frank, Stein, and Weir~~ Baltimore County Delegation

AN ACT concerning

Baltimore County – Winery Special Event Permits – Farmers' Markets

FOR the purpose of authorizing the issuance of a certain number of additional winery special event permits to certain wineries for use in certain farmers' markets in

Baltimore County; prohibiting a winery from using more than a certain number of winery special event permits at the same farmers' market in the county in a year; prohibiting a holder of a permit from selling wine by the glass; requiring that a certain individual who is certified by an alcohol awareness program be present during the hours when wine may be sold; and generally relating to farmers' markets in Baltimore County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–101(u)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 2–101(u)(9)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 356 – Delegates Niemann, Barnes, Cane, Carr, Frush, Glenn, Healey, Holmes, James, McIntosh, S. Robinson, Ross, Stein, Stukes, Walker, ~~and Wilson~~ Wilson, and Kipke

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

FOR the purpose of establishing a motor vehicle towing, recovery, and storage lien on a towed motor vehicle on behalf of the tower for certain towing, recovery, and storage charges; prohibiting a motor vehicle towing, recovery, and storage lienor from selling the motor vehicle to which the lien is attached under certain circumstances; providing that a motor vehicle towing, recovery, and storage lienor may only sell a motor vehicle to which a lien is attached in a certain manner; requiring a motor vehicle towing, recovery, and storage lienor to return certain motor vehicle registration plates to the Motor Vehicle Administration under certain circumstances; requiring the Motor Vehicle Administration to provide a receipt for the return of certain motor vehicle registration plates; establishing certain notice and publication requirements for the public sale of a towed vehicle; requiring the Administration to issue a salvage certificate to the purchaser of an abandoned vehicle or a vehicle subject to a motor vehicle towing, recovery, and storage lien under certain circumstances; providing for the application process for a salvage certificate for an abandoned vehicle or a vehicle subject to a motor vehicle towing, recovery, and storage lien; requiring certain motor vehicle towing, recovery, and storage lienors to file a certain court

action in a certain manner under certain circumstances; requiring the Motor Vehicle Administration to issue a certificate of title that contains a conspicuous "salvage" notation under certain circumstances; clarifying the application of certain security requirements for tow trucks; altering certain security requirements for tow trucks; altering certain penalties for certain violations related to tow truck vehicle registration; providing for the statewide application of certain provisions of law governing the towing or removal of vehicles from parking lots; altering the content required on certain signage related to the towing, recovery, and storage of vehicles; altering the maximum distance that, and the locations to which, a vehicle towed from a parking lot may be transported for storage, subject to a certain exception; altering certain maximum amounts that a person may charge for towing, recovering, and storing a vehicle under certain circumstances; authorizing a tower to charge certain persons for the actual costs of providing certain notice; altering the time period within which a tower is required to provide certain notice to certain police departments; requiring a tower to provide certain notice to certain persons within a certain time period after towing a vehicle from a parking lot; requiring a tower to provide certain persons with certain itemized costs; requiring a tower to obtain certain photographic evidence from the parking lot owner before towing a vehicle from a parking lot; prohibiting a tower from towing a vehicle for a certain violation within a certain time period; altering the storage facility to which a tower is required to transport a towed vehicle; prohibiting the removal of a towed vehicle from a certain storage facility for a certain time period; clarifying the required opportunity that certain persons must provide for the reclamation of a towed vehicle; requiring a tower to release a towed vehicle to certain persons under certain circumstances; requiring a storage facility for towed vehicles to accept payment in certain manners under certain circumstances and to make an automatic teller machine available on the premises under certain circumstances; requiring a storage facility that is in possession of a towed vehicle to make the vehicle available to certain persons for certain purposes; altering the persons eligible to seek certain civil damages from a tower under certain circumstances; altering certain penalties for certain towing violations; establishing certain penalties for violations relating to motor vehicle towing, recovery, and storage liens; making a certain stylistic change; making a certain technical correction; altering a certain definition; and generally relating to motor vehicle towing practices and procedures.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 16–202(c) and 16–207
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 16–206
Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–152, 13–506(b), (e), and (f), 13–507(b), 13–920, 21–10A–01 through 21–10A–06, and 27–101(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 13–506(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–507(a)(1) and (2) and 27–101(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 404 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages – Micro–Breweries

FOR the purpose of adding Washington County to the list of counties in which a Class 7 micro–brewery license may be issued; authorizing the Comptroller to issue the license in the county to holders of certain retail alcoholic beverages licenses; adding the county to the list of counties in which a Class 7 micro–brewery licensee may sell at retail beer for consumption off the premises under certain circumstances; providing for the hours and days for consumer sales under the license; prohibiting the Comptroller from issuing a Class 7 micro–brewery license for a premises on property in Washington County that has been leased unless the landlord of the property presents to the Comptroller a receipt or certificate showing certain information relating to the payment of taxes; and generally relating to alcoholic beverages in Washington County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2–208(a), (c), and (e)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–208(b), (d), and (f)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 2–208(j)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 442 – Delegates Rosenberg, Feldman, and Frick

AN ACT concerning

Consumer Protection – Transparency in Consumer Arbitrations Act

FOR the purpose of requiring certain arbitration organizations to collect, publish, and make available to the public certain information relating to certain binding arbitrations to which a consumer is a party; requiring the information to be reported beginning on a certain day and to be updated at certain intervals thereafter; requiring the information to be made available to the public in a certain manner; providing that the information may be considered in making a certain determination; providing that an arbitration organization is not liable for collecting, publishing, or distributing certain information; providing that failure to comply with certain provisions of this Act may not be the sole reason to refuse to enforce a certain award and may be considered as a factor in making a certain determination about a consumer arbitration agreement; authorizing a consumer or the Attorney General to seek an injunction to prohibit an arbitration organization from taking certain actions; providing that an arbitration organization is liable to a certain person for certain attorney's fees and costs under certain circumstances; defining certain terms; and generally relating to consumer arbitrations.

BY adding to
Article – Commercial Law
Section 14–3901 through 14–3905 to be under the new subtitle "Subtitle 39. Transparency in Consumer Arbitrations Act"
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 602 – Delegates Summers, Clippinger, Conaway, Cullison, Holmes, Kaiser, Luedtke, A. Miller, B. Robinson, Ross, F. Turner, and Washington

AN ACT concerning

Environment – Recycling ~~Pilot Program~~ at Transit Stations – ~~Transit Stations~~ Study

FOR the purpose of requiring the ~~Office of Recycling in the Department of the Environment, in consultation with the Department of Transportation, to establish and administer a certain recycling pilot program at certain transit stations in the State; providing for the termination of this Act~~ Maryland Transit Administration and the State Department of Transportation, in consultation with the Washington Metropolitan Area Transit Authority, jointly to study and make recommendations relating to the establishment of a certain recycling program at transit stations; requiring the recommendations to include certain information; requiring the recommendations to be reported to the President of the Senate, the Speaker of the House, and certain committees of the General Assembly by a certain date; defining a certain term; and generally relating to ~~the Transit Station Recycling Pilot Program~~ a study relating to recycling at transit stations.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 7–101(o)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – Environment~~
~~Section 9–1702(a)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2010 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Environment~~
~~Section 9–1702(d)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2010 Supplement)~~

~~BY adding to~~
~~Article – Environment~~
~~Section 9–1733 to be under the new part "Part V. Transit Station Recycling Pilot Program"~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2010 Supplement)~~

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 647 – Delegate Braveboy

AN ACT concerning

~~Property and Casualty~~ Homeowner's Insurance – Victims of Crimes of Violence – Discrimination Prohibited

FOR the purpose of prohibiting insurers ~~from using~~, based solely on information about an individual's status as a victim of a crime of violence ~~to take~~, from taking certain actions relating to a policy of ~~property and casualty~~ homeowner's insurance; providing that an insurer may not deny payment to ~~an~~ a certain innocent coinsured under certain circumstances; limiting payment to an innocent coinsured under certain circumstances; authorizing an insurer to exclude certain property from coverage; providing that an insurer making a certain payment shall have the right of subrogation against a certain perpetrator; providing that this Act does not require a payment in excess of certain limits, prohibit an insurer from applying certain standards, or prohibit an insurer or insurance producer from asking certain individuals about a certain claim or from using certain information for certain purposes; authorizing the Maryland Insurance Commissioner to take certain actions on a finding of certain violations; defining certain terms; providing for the application of this Act; and generally relating to victims of crimes of violence and discrimination in ~~property and casualty~~ homeowner's insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 27–501(a) and (b)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY adding to
Article – Insurance
Section 27–504.1
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–505(a)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 703 – ~~**Delegates Impallaria, Class, James, McComas, Norman, and Stifler**~~ **Harford County Delegation**

AN ACT concerning

Harford County – Alcoholic Beverages – Continuing Care Facility for Aged – Beer, Wine and Liquor License

FOR the purpose of establishing a Class CCFA (continuing care facility for the aged) beer, wine and liquor license in Harford County; specifying that the Liquor Control Board may issue a Class CCFA license to certain organizations that provide certain care, are licensed as a certain institution, are certified by a certain department, are exempt from certain taxes, and are located in Harford County; authorizing a Class CCFA license holder to sell alcoholic beverages for consumption on the licensed premises under certain circumstances; setting the annual license fee; providing that certain prohibitions do not apply to this Act; and generally relating to beer, wine and liquor licenses in Harford County.

BY adding to
Article 2B – Alcoholic Beverages
Section 8–213.2
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 728 – **Delegate Niemann**

AN ACT concerning

Residential Property – Foreclosure – Required Documents – Timing of Mediation

FOR the purpose of requiring a notice of intent to foreclose for an owner–occupied residential property to be accompanied by an envelope addressed to a certain person; requiring a notice of intent to foreclose for a property that is not an owner–occupied residential property to be accompanied by a certain notice and a certain telephone number; altering the documents that must accompany an order to docket or complaint to foreclose a mortgage or deed of trust on residential property; clarifying the documents that must be served on a mortgagor or grantor in a foreclosure action on residential property under certain circumstances; requiring the Commissioner of Financial Regulation to prescribe by regulation a certain form and sequence for certain documents and the form and content of certain other notices, forms, and supporting documents that must be served on a mortgagor or grantor in a foreclosure action on

residential property; altering the time period within which a mortgagor or grantor may file a certain request for foreclosure mediation; altering the authority of the Office of Administrative Hearings to extend the time in which a foreclosure mediation must be held; altering the period of time within which the Office shall file a certain report; establishing that certain rules of procedure relating to a failure to appear govern a foreclosure mediation conducted by the Office; making stylistic changes; declaring the intent of the General Assembly; providing that until the effective date of certain regulations that the Commissioner is required to adopt, a copy of an order to docket or complaint to foreclose served on a mortgagor or grantor in compliance with a certain law shall be deemed to be in compliance with certain provisions of this Act; and generally relating to the foreclosure of residential property.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 7–105.1
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 748 – Chair, Appropriations Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

FOR the purpose of increasing the bonding authority for the University System of Maryland; approving certain projects for the acquisition, development, and improvement of certain academic facilities for the University System of Maryland; authorizing the issuance of bonds by the University System of Maryland for financing the projects; providing that certain bonds are not a debt or an obligation of the State or any of its subdivisions; and generally relating to the authority to issue academic facilities bonds.

BY repealing and reenacting, with amendments,
Article – Education
Section 19–102(c)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 789 – Delegate Stein

AN ACT concerning

Driver's License Applications – Cosigner for Minors – Department of Social Services

FOR the purpose of requiring a driver's license application of a minor who is committed to the custody or guardianship of a local department of social services to be signed by the director of the department or the director's designee; and generally relating to driver's license applications of minors.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–107
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 826 – Carroll County Delegation

AN ACT concerning

Carroll County – Abatement of Nuisances

FOR the purpose of altering the number of days' advance notice the County Commissioners of Carroll County must give to an owner or occupant of property before removing a certain nuisance or menace; authorizing a property owner or occupant to file an appeal of a certain determination that a nuisance or menace exists to a certain hearing officer or board of appeals within a certain time after receiving notice of the determination under certain circumstances; requiring a hearing officer or board of appeals to hold a certain hearing and issue a certain written decision on the determination of the existence of a nuisance or menace within a certain period of time after receiving an appeal; providing that a decision of a hearing officer or board of appeals that a nuisance or menace to public health or safety exists for certain reasons is final and binding; altering a provision that limits the removal of weeds on certain property to the removal of weeds on land that is within a certain number of feet from the boundary with residential property and that is used for certain purposes; defining certain terms; making conforming changes; and generally relating to the abatement of nuisances in Carroll County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Carroll County
Section 3–106
Article 7 – Public Local Laws of Maryland
(2004 Edition and July 2010 Supplement, as amended)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 830 – ~~**Delegate Impallaria**~~ **Harford County Delegation**

AN ACT concerning

Harford County – Towing and Removing Vehicles – Property Return Agreement

FOR the purpose of prohibiting in Harford County the Harford County Sheriff's Office or any police department from authorizing a person to tow or remove a certain vehicle unless the person enters into a written agreement with the Harford County Sheriff's Office or police department to return to the vehicle owner, on request of the owner, certain property in or on the vehicle; defining a certain term; and generally relating to the towing and removing of vehicles in Harford County.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 25–201(a), (b), and (e)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 25–203
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 838 – ~~**Delegate Hogan**~~ **Delegates Hogan and Hucker**

AN ACT concerning

Residential Real Property Sales – Property Tax Disclaimer

FOR the purpose of requiring that a certain form developed by the State Real Estate Commission in connection with the sale of residential real property contain a notice stating the possibility of there being significant differences in the property tax bill previously paid by the seller of the property and the property tax bill of the buyer of the property; and generally relating to sales of residential real property.

BY repealing and reenacting, without amendments,
Article – Real Property

Section 10–702(b) and (f)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 10–702(c)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 842 – Delegates Healey, Gilchrist, Glenn, and Lafferty

AN ACT concerning

Foreclosed Residential Property – Tenants – Collection of Rent Payments – Prior Notice

FOR the purpose of prohibiting a foreclosure sale purchaser from exercising any right to collect rent payments from a bona fide tenant in possession of a residential property unless the purchaser conducts a certain reasonable inquiry concerning the occupancy of the residential property and serves on each bona fide tenant a certain notice concerning rent payments; providing that a foreclosure sale purchaser waives any claim to rent payments from a bona fide tenant in possession of a residential property before satisfying certain notice requirements subject to a certain exception; defining certain terms; providing for the application of this Act; and generally relating to the collection of rent payments from tenants in possession of foreclosed residential property.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 7–105.1(a)(9) and 7–105.6(b)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Real Property
Section 7–105.10
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 848 – Chair, Environmental Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – Tow Companies

FOR the purpose of requiring the Department of State Police to establish and maintain a list of tow companies; authorizing the Department to adopt regulations establishing certain standards for tow companies to be included on the list; and generally relating to the Department of State Police and tow companies.

BY adding to
Article – Public Safety
Section 2–314
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 863 – Delegate Niemann

AN ACT concerning

Task Force to Study Manufactured Housing

FOR the purpose of establishing the Task Force to Study Manufactured Housing; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving compensation; providing that a member of the Task Force may receive reimbursement for certain expenses; requiring the Task Force to study certain issues; requiring the Task Force to make certain recommendations; requiring the Task Force to report certain findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Manufactured Housing.

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 887 – Delegates Beidle, Alston, Braveboy, Eckardt, George, Holmes, Niemann, and Vitale

AN ACT concerning

Real Property – Condominium – Rescission of Sales Contracts

FOR the purpose of limiting a condominium purchaser's right to rescind in writing a contract of sale based on amended material in a vendor's public offering statement to certain amendments that affect materially and adversely the purchaser's rights; requiring a purchaser to state in writing the purchaser's

reason for rescission when it is based on certain amended material in a vendor's public offering statement; stating the intent of the General Assembly; making stylistic changes; and generally relating to the rescission of condominium sales contracts.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 11–126(a), (b), and (d)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–126(e)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 947 – Caroline County Delegation

AN ACT concerning

Caroline County – Alcoholic Beverages Act of 2011

FOR the purpose of increasing the number of times a Class BWTS beer and wine (on–premises) tasting or sampling license may be granted in a calendar year to a person in Caroline County; altering the hours of sale for certain licensees in the county; requiring that a licensee in the county or an employee of the licensee be certified by an approved alcohol awareness program and, except under certain circumstances, be present during the hours in which alcohol may be sold; making a stylistic change; and generally relating to alcoholic beverages in Caroline County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–404.2(a) and (b) and 13–101(c)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–404.2(i), 8–507.1(g), 11–301(a) and (d)(2), 11–302(a), (c), and (d), 11–303(a) and (d)(4), 11–506, and 13–101(c)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 966 – Delegates O'Donnell, Bohanan, and Wood

AN ACT concerning

Natural Resources – Restricted Waters for Shellfish Harvesting – ~~Method of~~ Testing

FOR the purpose of requiring the Department of the Environment ~~to use a certain test to detect Escherichia coli (E. coli),~~ in determining whether to restrict, or lift any restrictions on, an area for the catching or storing of shellfish to use certain tests for certain purposes; requiring the Department, on or before a certain date, to reconsider the designation of certain restricted waters in accordance with certain testing requirements; and generally relating to methods of testing to determine restricted waters for shellfish harvesting.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–742
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 982 – Delegate Rudolph

AN ACT concerning

Property and Casualty Insurance – Certificates of Insurance and Certificate of Insurance Forms

FOR the purpose of ~~prohibiting a person from preparing or issuing or requiring the preparation or issuance of a certificate of insurance unless the certificate of insurance form has been filed with and approved by the Maryland Insurance Commissioner; providing a certain exception; prohibiting a person from altering or modifying a certain certificate of insurance form; requiring the Commissioner to disapprove a certificate of insurance form or withdraw approval of a certificate of insurance form under certain circumstances; requiring a certificate of insurance to contain certain language; prohibiting a certificate of insurance from containing a reference to a certain contract;~~ prohibiting a person from requiring an insurer or insurance producer to prepare or issue, or a policyholder to provide, a certificate of insurance that contains false or misleading information relating to the policy of insurance referenced in the certificate; prohibiting a person from preparing or issuing a certificate of insurance that the

person knows contains certain information or that purports to amend, alter, or extend certain coverage; prohibiting a person from preparing, issuing, or requiring, either in addition to or in lieu of a certificate of insurance, an opinion letter or other document that is inconsistent with this Act; providing that a certificate of insurance is not a policy of insurance and does not amend, alter, or extend certain coverage or confer certain rights on a certificate holder; ~~specifying the circumstances under which a certificate holder has a legal right to~~ providing that the terms and conditions of a certain notice shall be governed by the policy of insurance and may not be altered by a certificate of insurance; providing that a certificate of insurance or any other document prepared, issued, or required in violation of this Act is void and unenforceable; authorizing the Maryland Insurance Commissioner to examine and investigate the activities of any person that the Commissioner reasonably believes has been or is engaged in an act or practice prohibited by this Act; ~~authorizing the Commissioner to enforce this Act and impose certain penalties and remedies; requiring the Commissioner to adopt certain regulations;~~ providing for the application and construction of this Act; defining certain terms; requiring the Commissioner to conduct a certain study and report to certain committees of the General Assembly on or before a certain date; and generally relating to certificates of insurance and certificate of insurance forms.

BY adding to
Article – Insurance
Section 19–116
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 1030 – Cecil County Delegation

AN ACT concerning

Cecil County – Alcoholic Beverages – Licensed Establishments – Sunday Sales Hours

FOR the purpose of altering the hours during which certain licensees in Cecil County may sell certain alcoholic beverages on Sunday; exempting certain holders of certain classes of beer, wine and liquor licenses from certain restrictions on hours of sale and from paying a certain license fee under certain circumstances; authorizing certain licensees to conduct certain sales of certain alcoholic beverages between certain hours on certain days; authorizing certain licensees to permit the use and consumption of alcoholic beverages between certain hours on certain days; making stylistic changes; and generally relating to the hours of operation for certain licensed establishments in Cecil County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 11–403(b)(1) and (2)(vii) and 11–508
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 11–403(b)(2)(i) and (ii)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1047 – Delegate Glenn

AN ACT concerning

Rental Housing – Tenant Victim of Domestic Violence or Sexual Assault – Lease Payment Obligation

FOR the purpose of altering the liability under a residential lease if a tenant victim of domestic violence or sexual assault terminates the lease and vacates the premises; authorizing the tenant victim to terminate future liability under the lease except for a certain period of time after providing notice of an intent to vacate; establishing that this Act does not terminate or in any way impact the liability under the residential lease for the tenant who is the respondent in a certain cause of action resulting in a protective order or peace order for the victim tenant or victim legal occupant; making a clarifying change; and generally relating to the lease payment obligation of a tenant victim of domestic violence or sexual assault.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–5A–02, 8–5A–03, and 8–5A–04
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1109 – Delegate Vaughn

AN ACT concerning

Real Property – Rescission of Sales Contracts – Return of Deposits

FOR the purpose of requiring the return of a deposit held by a real estate broker to a purchaser who rescinds a contract to purchase a residential dwelling, a cooperative interest, a condominium unit, or a lot in a homeowners association to comply with a certain law governing the maintenance and disposition of trust money by a real estate broker under certain circumstances; making ~~clarifying~~ conforming changes; and generally relating to the return of a deposit on rescission of a real property sales contract.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 17–505
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 5–6B–03(a), (b), and (c)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Corporations and Associations
Section 5–6B–03(c–1)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 10–702(h), 11–126(e), and 11–135(f)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Real Property
Section 11B–108(a), (b), and (c)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Real Property
Section 11B–108(c–1)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1137 – Delegates Healey, Beidle, Frush, Glenn, Holmes, and Niemann

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – ~~Uniform~~ Warning Signs

FOR the purpose of ~~requiring that certain signs placed for the purpose of alerting drivers to the presence of speed monitoring systems be uniform throughout the State; requiring that certain signs placed for the purpose of alerting drivers to the presence of work zone speed control systems be uniform throughout the State~~ altering certain requirements for certain signs placed for the purpose of alerting drivers to the presence of speed monitoring systems; requiring certain speed monitoring system warning signs to be placed in close proximity to certain signs designating a school zone; requiring certain speed monitoring system warning signs to be in accordance with certain specifications and regulations; requiring the State Highway Administration to adopt certain regulations governing certain signs; and generally relating to signs alerting drivers to the presence of speed monitoring ~~and work zone speed control~~ systems.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–809(b)(1)(vii) ~~and 21–810(b)(2)(iii)~~
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 21–809(k) ~~and 21–810(l)~~
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 245 – Howard County Delegation

AN ACT concerning

Howard County – Alcoholic Beverages – Beer, Wine and Liquor Tasting License
Ho. Co. 5–11

Reassigned to the Committee on Education, Health, and Environmental Affairs under Rule 33(d).

Read and ordered journalized.

ANNOUNCEMENT BY THE PRESIDENT

House Bill 1093 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Bladensburg – Alcoholic Beverages – Development District Licenses
PG 312–11

Reassigned to the Committee on Education, Health, and Environmental Affairs under Rule 33(d).

Read and ordered journalized.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #28

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 248 – Senators Raskin, Astle, Benson, Brinkley, Brochin, Colburn, Dyson, Forehand, Frosh, Garagiola, Getty, Glassman, Jacobs, Jennings, Jones–Rodwell, Kasemeyer, Kelley, King, Kittleman, Madaleno, Manno, Montgomery, Muse, Pinsky, Pipkin, Pugh, Ramirez, Reilly, Robey, Shank, Young, and Zirkin

AN ACT concerning

Alcoholic Beverages – Direct Wine Shipper's Permit

SB0248/624033/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 248
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Shipper's Permit" and substitute "Shipment"; in lines 5, 11, 16, and 20 and 21, in each instance, strike "of the Comptroller"; in line 7, strike "be licensed" and substitute "obtain a certain permit"; in the same line, strike "or the person's agent"; in line 9, after "a" insert "direct wine"; in line 14, strike "annually" and substitute "each year"; in the same line, after "consumer" insert "or delivery address"; in line 15, strike "make" and substitute "making"; in line 19, after "report;" insert "requiring a common carrier to submit certain information to the Comptroller in a certain manner at certain times; requiring a common carrier to verify certain information each year in a certain manner; requiring certain persons to maintain certain records for a certain period;"; in line 22, after "State;" insert "providing that each violation of certain provisions is a separate violation, subject to certain penalties; providing for the application of certain provisions concerning delivery of alcoholic beverages;"; and in line 24, after "definition;" insert "requiring the Comptroller to study certain matters and submit a report to certain committees on or before a certain date;".

On page 2, in line 9, after "2–101(b)(1)(i)" insert "and (g)"; in the same line, after "9–102(a)," insert "12–301, 14–202,"; in line 14, strike "7.5–113" and substitute "7.5–114"; and after line 17, insert:

"BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 16–503
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 3, in line 10, strike "and"; in line 11, strike "**$100**" and substitute "**$200**"; in the same line, after "for" insert "**ISSUANCE OR RENEWAL OF**"; after line 13, insert:

"(g) **(1)** The permit authorizes the operation of a warehouse for the storage of alcoholic beverages for the accounts of other persons and for the transportation for the accounts of other persons of alcoholic beverages into, within, or out of this State.

(2) A permit may be issued for transportation or storage, or both.

(3) A license or permit holder need not have a transportation permit to deliver alcoholic beverages which under this article the licensee or permit holder is authorized to acquire, store, sell, or use.";

in line 19, after "**USE**" insert "**UNDER TITLE 7.5 OF THIS ARTICLE**"; and after line 19, insert:

"**(3) THE HOLDER OF A COMMON CARRIER PERMIT THAT DELIVERS WINE SOLELY UNDER TITLE 7.5 OF THIS ARTICLE MAY NOT BE REQUIRED TO OBTAIN A TRANSPORTATION PERMIT ISSUED UNDER SUBSECTION (G) OF THIS SECTION IN addition TO THE COMMON CARRIER PERMIT.**";

in line 24, strike "**HOLDS**" and substitute "**:**

(I) HOLDS";

in line 27, after "**PROPERTY**" insert "**; AND**

(II) HOLDS A COMMON CARRIER PERMIT ISSUED UNDER § 2–101(Y) OF THIS ARTICLE".

AMENDMENT NO. 3

On page 4, in line 3, strike "**WINE**" and substitute "**POMACE BRANDY**"; in the same line, strike "**INCLUDES**" and substitute "**MEANS**"; after line 5, insert:

"**(E) (1) "WINE" INCLUDES POMACE BRANDY.**

(2) "WINE" DOES NOT INCLUDE BEER, DISTILLED SPIRITS, OR ANY ALCOHOLIC BEVERAGE OTHER THAN WINE.";

in line 7, after "**A**" insert "**DIRECT WINE SHIPPER'S**"; strike beginning with "**OR**" in line 8 down through "**AGENT**" in line 9; in line 15, after "**WINE;**" insert "**OR**"; strike in their entirety lines 16 through 18, inclusive; in line 19, strike "**(3)**" and substitute "**(2)**"; and strike beginning with the semicolon in line 20 down through "**PREMISES**" in line 23.

On pages 4 and 5, strike beginning with the colon in line 29 on page 4 down through "**$100**" in line 8 on page 5 and substitute "**A COPY OF THE APPLICANT'S CURRENT ALCOHOLIC BEVERAGES LICENSE; AND**

(2) PAY A FEE OF $200 FOR INITIAL ISSUANCE OF THE DIRECT WINE SHIPPER'S PERMIT".

AMENDMENT NO. 4

On page 5, in line 11, after "**THE**" insert "**DIRECT WINE SHIPPER'S**"; in line 13, after the second "**WINE**" insert "**MANUFACTURED BY THE HOLDER**"; in line 19, strike "**THE DAY THE COMPTROLLER ISSUES THE PERMIT**" and substitute "**JULY 1**".

On page 6, in line 7, strike the comma; strike beginning with "**AT**" in line 8 down through "**LOCATION**" in line 9 and substitute "**IN THE STATE**"; after line 9, insert:

"**(5) MAINTAIN FOR A PERIOD OF 3 YEARS COMPLETE AND ACCURATE RECORDS OF ALL INFORMATION NEEDED TO VERIFY COMPLIANCE WITH THIS TITLE;**";

in lines 10 and 12, strike "**(5)**" and "**(6)**", respectively, and substitute "**(6)**" and "**(7)**", respectively; in line 16, strike "**24**" and substitute "**18**"; in line 17, strike "**ANY ONE CONSUMER**" and substitute "**A SINGLE DELIVERY ADDRESS**";

in line 21, strike "**ANNUALLY**"; in the same line, after "**PERMIT**" insert "**EACH YEAR**"; in line 28, strike "**$50**" and substitute "**$200**".

On page 7, in line 5, after "**ADOPTS**" insert "**UNDER THIS ARTICLE**"; after line 14, insert:

"**(B) THE TERM OF A COMMON CARRIER PERMIT IS 1 YEAR AND BEGINS ON JULY 1.**";

in line 15, strike "**(B)**" and substitute "**(C)**"; in line 18, after "**CONSUMER**" insert "**OR ANOTHER INDIVIDUAL AT THE ADDRESS WHO IS AT LEAST 21 YEARS OLD**"; in line 19, strike "**PHOTOGRAPHIC**" and substitute "**GOVERNMENT–ISSUED PHOTOGRAPHIC**"; in line 20, strike "**CONSUMER**" and substitute "**SIGNING**

INDIVIDUAL"; in line 21, strike "**(C)**" and substitute "**(D)**"; in line 22, strike "**CONSUMER**" and substitute "**INDIVIDUAL**"; in the same line, strike "**OLD**" and substitute "**OF AGE**"; after line 23, insert:

"**(E) AT THE TIME OF INITIAL APPLICATION FOR A COMMON CARRIER PERMIT AND ON REQUEST OF THE COMPTROLLER, A COMMON CARRIER SHALL SUBMIT TO THE COMPTROLLER INFORMATION CONCERNING THE TRAINING OF ITS DRIVERS IN VERIFYING THE AGE OF RECIPIENTS OF DIRECT WINE SHIPMENTS UNDER THIS TITLE.**";

in line 25, before "**A**" insert "**(A)**"; and in line 27, strike "**(A)**" and substitute "**(1)**".

AMENDMENT NO. 5

On page 8, in line 1, strike "**(B)**" and substitute "**(2)**"; after line 2, insert:

"**(B) A COMMON CARRIER SHALL MAINTAIN FOR A PERIOD OF 3 YEARS COMPLETE AND ACCURATE RECORDS OF ALL INFORMATION NEEDED TO VERIFY COMPLIANCE WITH THIS TITLE.**";

in line 7, strike "**BUSINESS ENTITY**" and substitute "**PERSON**"; after line 8, insert:

"**7.5–114.**

EACH VIOLATION OF THIS TITLE IS A SEPARATE VIOLATION.";

in line 10, after "(a)" insert "**(1)**"; in line 14, strike "State, and no" and substitute: "**STATE.**

(2) NO";

in line 15, strike the brackets; in the same line, strike the third comma; in line 16, strike "article, and nothing herein shall" and substitute "**ARTICLE.**

(3) THIS SUBSECTION MAY NOT";

after line 18, insert:

"12–301.

(a) (1) A retail dealer may not employ any solicitor or salesman for the purpose of soliciting, outside of the licensed place of business, orders for the sale of any alcoholic beverages within this State.

(2) The sale of alcoholic beverages may not be consummated outside of the licensed place of business.

(3) These provisions do not prohibit the receiving of orders by mail, telephone or messenger and the filling of such orders by delivery and the payment for them at the place of delivery.

(b) Retail delivery to a purchaser of any alcoholic beverages is prohibited unless:

(1) The delivery is made from the retail licensed premises by the retail license holder or employee of the retail license holder authorized to sell and distribute alcoholic beverages by the local licensing authority in the jurisdiction where the delivery is made; and

(2) The retail license holder obtains a letter of authorization from the local licensing authority to make deliveries and complies with any regulations promulgated by the local licensing authority pertaining to those deliveries.

(c) (1) This subsection applies only in Howard County.

(2) An alcoholic beverages licensee may not make a retail delivery of alcoholic beverages unless the purchaser:

(i) Is physically present on the licensed premises when the purchaser orders the alcoholic beverages; and

(ii) Makes payment for the purchase at the time of the order.

(d) (1) This subsection applies only in Montgomery County.

(2) An alcoholic beverages licensee may not make an off–site retail delivery of alcoholic beverages unless:

(i) The deliverer is at least:

1. 21 years old; or

2. 18 years old and is accompanied by a supervisor who is at least 21 years old; and

(ii) The person taking possession of the delivery provides the deliverer with written certification supported by documentary proof that the person is of legal age to purchase alcoholic beverages. Certification shall be in the form set forth in § 12–109(1) of this article.

(3) (i) Each certification executed under this subsection shall be retained by the licensee for at least 1 year.

(ii) The certifications shall be available for examination during regular business hours by an authorized representative of the Board of License Commissioners.

(4) The Board of License Commissioners shall adopt regulations to implement this subsection.

(e) (1) This subsection applies only in Garrett County.

(2) The Board of License Commissioners may issue a delivery option that entitles an alcoholic beverages licensee or an authorized employee of the licensee to make an off–site retail delivery of alcoholic beverages if:

(i) The deliverer is at least 21 years old and certified by an approved alcohol awareness program;

(ii) The deliverer and purchaser endorse a delivery form that the Board of License Commissioners approves certifying that:

1. The person who receives the delivery claims to be at least 21 years old, and the claim is supported by documentary proof;

2. The person who receives the delivery knows that it is a criminal offense for alcoholic beverages to be furnished to a person under the age of 21 years; and

3. The deliverer examined the purchaser's identification.

(3) Each delivery form endorsed under paragraph (2)(ii) of this subsection shall be submitted to the Board of License Commissioners on or before the 10th day of the following month.

(4) (i) The annual fee for a delivery option is $150.

(ii) In addition to an annual fee, the Board of License Commissioners shall charge an issuing fee of $150.

(5) The Board of License Commissioners shall adopt regulations to carry out this subsection.

(F) THIS SECTION DOES NOT APPLY TO:

(1) THE DELIVERY OF WINE FROM A DIRECT WINE SHIPPER TO A CONSUMER USING A COMMON CARRIER IN ACCORDANCE WITH TITLE 7.5 OF THIS ARTICLE; OR

(2) THE HOLDER OF A COMMON CARRIER PERMIT IN THE COURSE OF DELIVERING DIRECTLY SHIPPED WINE IN ACCORDANCE WITH TITLE 7.5 OF THIS ARTICLE.

14–202.

(A) Every common carrier, by rail, air, water or highway, transporting alcoholic beverages, either in interstate or intrastate commerce, to points within the State of Maryland, and every person transporting alcoholic beverages by **[**whatsoever manner**]** **ANY MEANS** within the State of Maryland, shall at any time and from time to time, upon written request of the Comptroller, report under oath on forms prescribed by the Comptroller, all such consignments or deliveries of alcoholic beverages, for such period as the Comptroller may specify.

(B) If required by the Comptroller, **[**such**]** **THE** reports shall show **[**the**]:**

(1) **THE** name and address of the person to whom the deliveries of alcoholic beverages have actually and in fact been made**[**, the**];**

(2) **THE** name and address of the original consignee, if alcoholic beverages have been delivered to any other **PERSON** than the originally named consignee**[**, the**];**

(3) **THE** point of origin, the point of delivery, the date of delivery and the number and initials of each car, if shipped by rail, the name of the boat, barge or vessel, if shipped by water, the license number of each truck, if shipped by motor truck, or if delivered by other means, the manner in which **[**such**]** **THE** delivery was made**[**, the**];**

(4) **THE** kind of alcoholic beverages and the number of gallons **[**thereof**]** **OF EACH** contained in any such shipment or shipments**;** and **[**such**]**

(5) **ANY** other additional information relative to shipments **[**as**]** **THAT** the Comptroller may require.

(C) Nothing **[**herein**]** **IN THIS SECTION** **[**shall**]** **MAY** be construed to authorize **[**the**]:**

(1) **THE** consignment of alcoholic beverages from any point outside of the State to points within the State of Maryland, to any person except **[**the**]:**

(I) **THE** holder of a permit or manufacturer's or wholesaler's license, duly issued under **[**the provisions of**]** this article**;** or **[**the**]**

(II) **A CONSUMER UNDER TITLE 7.5 OF THIS ARTICLE; OR**

(2) **THE** consignment of alcoholic beverages from any point within this State to a point outside the State, to any person not authorized to receive the same under the law of the point of destination.".

AMENDMENT NO. 6

On page 9, after line 2, insert:

"16–503.

Any person violating the provisions of this article for which no penalty, other than the suspension or revocation of a license or permit, is provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than one thousand dollars ($1,000.00) or to imprisonment for not more than two years in the House of Correction, or jail, or both fined and imprisoned.".

On page 10, in line 9, strike "**$250**" and substitute "**$1,000**"; in line 12, strike "**OR WHOLESALER**"; in line 14, strike "**NOT LATER THAN THE THIRD ANNIVERSARY OF ISSUING A**" and substitute "**AT ANY TIME STARTING 3 YEARS AFTER THE COMPTROLLER FIRST ISSUES A DIRECT WINE SHIPPER'S**";

after line 18, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Comptroller shall study the effects of the implementation of this Act, including:

(1) the numbers of holders of direct wine shipper's permits and common carrier permits issued;

(2) the volume of wine shipped to Maryland consumers;

(3) the revenues and costs to the State associated with direct wine shipment; and

(4) the availability of certain imported varieties of wine to Maryland consumers.

(b) On or before December 31, 2012, the Comptroller shall submit a report on its findings under this section, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee.";

and in lines 19 and 25, strike "3." and "4.", respectively, and substitute "4." and "5.", respectively.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0248/823425/1
BY: Senator Conway

AMENDMENT TO SENATE BILL 248, AS AMENDED

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments (SB0248/624033/1), in line 5 of Amendment No. 4, after the period insert:

"**(F) AT LEAST ONCE EACH YEAR, IN A MANNER ACCEPTABLE TO THE COMPTROLLER, A HOLDER OF A COMMON CARRIER PERMIT SHALL VERIFY THAT THE SHIPPER OF WINE INTO THE STATE UNDER THIS TITLE HOLDS A DIRECT WINE SHIPPER'S LICENSE.**".

The preceding amendment was read and adopted.

Senator Raskin moved, duly seconded, to make the Bill a Special Order for March 24, 2011.

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #16

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 215 – Senator Jones–Rodwell

AN ACT concerning

Maryland Community Enhancement Transit–Oriented Development Fund

SB0215/227575/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 215
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2, 3, 13, and 22, in each instance, strike "Maryland" and substitute "Baltimore City"; in line 8, strike "certain local governing bodies" and substitute "the Mayor and City Council of Baltimore City"; in line 9, strike "local governing bodies" and substitute "the Mayor and City Council"; in line 12, after "Assembly;" insert "providing for the application of this Act;"; and in line 22, strike "15–106" and substitute "15–107".

AMENDMENT NO. 2

On page 2, in line 24, strike "**MARYLAND**" and substitute "**BALTIMORE CITY**".

AMENDMENT NO. 3

On page 3, in line 1, strike "**MARYLAND**" and substitute "**BALTIMORE CITY**"; in line 4, strike "**A QUALIFIED DISTRESSED COUNTY**" and substitute "**BALTIMORE CITY**"; in line 5, strike "**2.5**" and substitute "**0.5**"; and in the same line, after "**OF**" insert "**THE BOUNDARY OF**".

AMENDMENT NO. 4

On page 4, after line 7, insert:

"**THIS TITLE APPLIES ONLY IN BALTIMORE CITY.**

15–104.";

in line 8, strike "**MARYLAND**" and substitute "**BALTIMORE CITY**"; and in line 12, strike "**15–104.**" and substitute "**15–105.**".

AMENDMENT NO. 5

On page 5, strike beginning with "**EACH**" in line 17 down through "**LOCATED**" in line 18 and substitute "**THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY**"; in line 22, strike "**15–105.**" and substitute "**15–106.**"; in line 23, strike "**A LOCAL GOVERNING BODY**" and substitute "**THE MAYOR AND CITY COUNCIL OF**

BALTIMORE CITY"; and in line 24, strike "**THE LOCAL GOVERNING BODY**" and substitute "**THE MAYOR AND CITY COUNCIL**".

AMENDMENT NO. 6

On page 6, in line 10, strike "**15–106.**" and substitute "**15–107.**".

AMENDMENT NO. 7

On page 7, in line 2, strike "**MARYLAND**" and substitute "**BALTIMORE CITY**".

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 244 – Senators Pugh and Stone

AN ACT concerning

Public Service Commission – Customer Education on Customer Choice

SB0244/177575/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 244
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute ", Stone, Jones, Garagiola, Klausmeier, and Mathias"; in line 18, strike "implement" and substitute "take action on"; and in line 19, strike "by a certain date" and substitute "as soon as practicable".

AMENDMENT NO. 2

On page 3, in line 26, strike "**AND**"; and in line 29, after "**JURISDICTION**" insert "**; AND**

(IV) A STATEMENT INDICATING THAT CUSTOMERS WHO HAVE ENTERED INTO A CONTRACT WITH A COMPETITIVE ELECTRICITY SUPPLIER FOR ELECTRICITY SUPPLY SHOULD BE AWARE OF THE ENDING DATE OF THE CONTRACT SO THAT THEY MAY DETERMINE, BEFORE BEING PLACED INTO A RENEWAL CONTRACT WITH THE CURRENT ELECTRICITY SUPPLIER, WHETHER THEY WOULD LIKE TO:

1. SHOP FOR AN ALTERNATIVE ELECTRICITY SUPPLIER;

2. RENEW WITH THE CURRENT ELECTRICITY SUPPLIER; OR

3. RETURN TO THE STANDARD OFFER SERVICE WHICH MAY BE OFFERED AT A PRICE THAT IS LESS THAN THE RENEWAL PRICE OFFERED BY THE CURRENT ELECTRICITY SUPPLIER".

On page 6, in line 11, strike "On or before March 31, 2012" and substitute "As soon as practicable"; and in the same line, strike "implement" and substitute "take action on".

The preceding 2 amendments were read only.

Senator Rosapepe moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 384 – Senator Mathias

AN ACT concerning

Health – State Facilities and Residential Centers – Definition of Abuse and Required Guidelines for Employees

SB0384/107772/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 384
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "and Required Guidelines for Employees"; strike beginning with "taken" in line 6 down through "date" in line 12 and substitute "that comply with certain State and federal laws and certain Department policies".

AMENDMENT NO. 2

On page 2, strike beginning with "**APPROPRIATE**" in line 15 down through "**PROTECTION**" in line 18 and substitute "**AN ACTION TAKEN BY AN EMPLOYEE THAT COMPLIES WITH APPLICABLE STATE AND FEDERAL LAWS AND APPLICABLE DEPARTMENT POLICIES ON THE USE OF PHYSICAL INTERVENTION**".

AMENDMENT NO. 3

On page 4, strike beginning with "**APPROPRIATE**" in line 5 down through "**PROTECTION**" in line 8 and substitute "**AN ACTION TAKEN BY AN EMPLOYEE THAT COMPLIES WITH APPLICABLE STATE AND FEDERAL LAWS AND APPLICABLE DEPARTMENT POLICIES ON THE USE OF PHYSICAL INTERVENTION**".

AMENDMENT NO. 4

On page 5, strike in their entirety lines 8 through 22, inclusive; and in line 23, 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.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 430 – Senator Klausmeier

AN ACT concerning

Baltimore County – Public School Employees – Collective Bargaining and Representation Fees

SB0430/917572/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 430
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "and Representation Fees"; in line 4, after the first "of" insert "specifying that, in Baltimore County, an employee organization that represents certain certificated and noncertificated employees may represent nonmembers only in negotiations;"; in the same line, strike "negotiate" and substitute "meet and confer with an employee organization that represents certain certificated and noncertificated employees regarding a certain matter;"; strike beginning with "certain" in line 5 down through "date;" in line 12; in line 13, strike "and representation fees"; in the same line, strike "certain"; and in line 17, strike "6–504" and substitute "6–407(a) and 6–509(a)".

AMENDMENT NO. 2

On page 1, after line 22, insert:

"6–407.

(a) **(1)** An employee organization designated as an exclusive representative shall be the negotiating agent of all public school employees in the unit in the county.

(2) IN ADDITION, IN BALTIMORE COUNTY, AN EMPLOYEE ORGANIZATION THAT IS DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE OF A UNIT THAT CONSISTS OF BOTH CERTIFICATED AND NONCERTIFICATED EMPLOYEES, AS DESCRIBED IN § 6–404(C)(2) OF THIS SUBTITLE, MAY REPRESENT NONMEMBERS ONLY IN NEGOTIATIONS.

6–509.

(a) **(1)** An employee organization designated as an exclusive representative shall be the negotiating agent of all public school employees in the unit in the county.

(2) IN ADDITION, IN BALTIMORE COUNTY, AN EMPLOYEE ORGANIZATION THAT IS DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE OF A UNIT THAT CONSISTS OF BOTH CERTIFICATED AND NONCERTIFICATED EMPLOYEES, AS DESCRIBED IN § 6–404(C)(2) OF THIS TITLE, MAY REPRESENT NONMEMBERS ONLY IN NEGOTIATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That the Board of Education of Baltimore County shall meet and confer with an employee organization that is designated as the exclusive representative of a unit that consists of both certificated and noncertificated employees, as described in § 6–404(c)(2) of the Education Article, regarding the job titles to be included in the unit.".

On pages 1 through 4, strike in their entirety the lines beginning with line 23 on page 1 through line 34 on page 4, inclusive.

On page 4, in line 35, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 491 – Senator Peters

AN ACT concerning

Horse Racing – Bowie Race Course Training Center – Ownership Transfer

SB0491/807072/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 491
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "as" in line 4 down through "Space" in line 5 and substitute ", Prince George's County, or the City of Bowie; providing for the construction of certain provisions of law".

AMENDMENT NO. 2

On page 1, in lines 16 and 19, in each instance, strike "The" and substitute "**SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE**".

On page 2, strike beginning with "**AS**" in line 9 down through "**SPACE**" in line 10 and substitute "**, PRINCE GEORGE'S COUNTY, OR THE CITY OF BOWIE**"; and after line 10, insert:

"**(E) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE STATE, PRINCE GEORGE'S COUNTY, OR THE CITY OF BOWIE TO OPERATE THE BOWIE RACE COURSE TRAINING CENTER AS A THOROUGHBRED TRAINING FACILITY.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 584 – Senator Jacobs

AN ACT concerning

Public Health – Cord Blood Transplant Program Support Fund

SB0584/847472/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 584
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Jacobs" and substitute "Senators Jacobs, Glassman, Kittleman, Klausmeier, Mathias, and Middleton"; in lines 2 and 19, in each instance, strike "Support Fund"; in line 3, strike "Support Fund;" and substitute "in the Department of Health and Mental Hygiene for certain purposes; establishing the Cord Blood Transplant Center Support Fund;"; in lines 4 and 5, strike "of Health and Mental Hygiene"; in line 15, strike "Program" and substitute "Center"; in line 18, strike "13–2901 through 13–2903" and substitute "13–3001 through 13–3004"; and in the same line, strike "29." and substitute "30.".

AMENDMENT NO. 2

On page 1, in line 25, strike "**29.**" and substitute "**30.**"; in the same line, strike "**SUPPORT FUND**"; and in line 26, strike "**13–2901.**" and substitute "**13–3001.**".

On page 2, in line 3, strike the first "**PROGRAM**" and substitute "**CENTER**"; in the same line, strike "**A PROGRAM**" and substitute "**A MEDICAL FACILITY**"; in lines 6 and 15, in each instance, strike "**PROGRAM**" and substitute "**CENTER**"; after line 13, insert:

"**13–3002.**

(A) THERE IS A CORD BLOOD TRANSPLANT PROGRAM IN THE DEPARTMENT.

(B) THE PURPOSE OF THE CORD BLOOD TRANSPLANT PROGRAM IS TO PROVIDE FUNDING, SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, TO QUALIFIED MEDICAL INSTITUTIONS TO ESTABLISH OR MAINTAIN A CORD BLOOD TRANSPLANT CENTER.";

in line 14, strike "**13–2902.**" and substitute "**13–3003.**"; in line 17, strike "**PROGRAMS**" and substitute "**CENTERS**"; and in line 27, strike "**MONEY**" and substitute "**BEGINNING IN 2013, ANY MONEY**".

On page 3, in line 4, strike "**PROGRAM**" and substitute "**CENTER**"; in line 18, strike "**13–2903.**" and substitute "**13–3004.**"; and in line 22, strike "**SECTION**" and substitute "**SUBTITLE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 694 – Senators Kelley and Middleton

AN ACT concerning

Insurance – Surplus Lines Insurance Multi–State Compliance Compact

SB0694/347370/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 694
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Insurance Multi–State Compliance Compact".

On pages 1 and 2, strike in their entirety the lines beginning with line 3 on page 1 through line 4 on page 2, inclusive, and substitute:

"FOR the purpose of requiring the Maryland Insurance Commissioner to participate in a certain database; altering the authority of the Commissioner to allow a commercial insured to waive certain search requirements for surplus lines coverage for certain purposes; authorizing a surplus lines broker not to perform a diligent search when placing certain coverage with an exempt commercial purchaser under certain circumstances; providing that certain persons are not required to obtain a certificate of qualification to act as a surplus lines broker in the State under certain circumstances; prohibiting the Commissioner from approving an insurer as a surplus lines insurer unless the insurer meets certain requirements or the Commissioner makes a certain finding; altering the process for an insurer to be approved by the Commissioner as a surplus lines insurer; altering certain prohibitions against a surplus lines broker placing surplus lines insurance with an unauthorized insurer; altering the calculation of the premium receipts tax on certain surplus lines insurance premiums that cover certain property, risks, and exposures that are located or to be performed entirely in the State or both in and outside the State; providing that, for policies

effective on or after a certain date, only the home state of an insured may receive certain tax payments and reports for certain nonadmitted insurance; requiring the Commissioner to cooperate with other states to adopt and implement uniform requirements for nonadmitted insurance in compliance with the federal Nonadmitted and Reinsurance Reform Act of 2010; providing that, for policies effective on or after a certain date, the regulation and placement of certain nonadmitted insurance is subject to the statutory and regulatory requirements solely of certain home states; altering certain requirements for certain surplus lines brokers and insureds to file certain statements and reports and pay certain taxes at certain times; requiring the Commissioner, by regulation, to determine the content and filing deadlines for the reports; making conforming and clarifying changes; defining certain terms; requiring the Commissioner to conduct a certain study and report the findings of the study to certain committees of the General Assembly on or before a certain date; requiring qualified surplus lines brokers to provide certain information to the Commissioner under certain circumstances; and generally relating to the Maryland Insurance Commissioner and surplus lines.".

On page 2, strike in their entirety lines 5 through 10, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Insurance
Section 3–301, 3–304, 3–306, 3–306.1, 3–310, 3–318, 3–319, 3–324, 3–325, 4–209, 4–210, and 4–211
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY adding to
Article – Insurance
Section 4–211.1
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2, after line 13, insert:

"3–301.

(A) In this subtitle**[**, "qualified**]** **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) "ACT" MEANS THE FEDERAL NONADMITTED AND REINSURANCE REFORM ACT OF 2010.

(C) "ADMITTED INSURER" MEANS AN INSURER THAT IS AUTHORIZED TO ENGAGE IN THE BUSINESS OF INSURANCE IN THE STATE.

(D) "EXEMPT COMMERCIAL PURCHASER" HAS THE MEANING STATED IN § 527 OF THE ACT.

(E) "HOME STATE" HAS THE MEANING STATED IN § 527 OF THE ACT.

(F) "NONADMITTED INSURANCE" MEANS PROPERTY AND CASUALTY INSURANCE THAT MAY BE PLACED DIRECTLY OR THROUGH A SURPLUS LINES BROKER WITH A NONADMITTED INSURER THAT IS ELIGIBLE TO ACCEPT THE INSURANCE.

(G) (1) "NONADMITTED INSURER" MEANS AN INSURER THAT IS NOT AUTHORIZED TO ENGAGE IN THE BUSINESS OF INSURANCE IN THE STATE.

(2) "NONADMITTED INSURER" DOES NOT INCLUDE A RISK RETENTION GROUP.

(H) "QUALIFIED surplus lines broker" means a person that has obtained a certificate of qualification from the Commissioner to act as a surplus lines broker under this subtitle.

3–304.

The Commissioner may adopt reasonable regulations consistent with this subtitle to:

(1) carry out this subtitle;

(2) establish procedures for determining the eligibility of particular proposed coverages for placement with surplus lines insurers and maintain a list of the identified coverages;

(3) **[**permit a**]** **ALLOW AN EXEMPT** commercial **[**insured, as defined by the Commissioner,**]** **PURCHASER** to waive the diligent search requirement under § 3–306 of this subtitle for the procurement of a surplus lines insurance policy**[**:

(i) with an annual premium of not less than $5,000; and

(ii) issued by an insurer with a financial rating of "A" or better by the A.M. Best Company or an equivalent rating from an independent rating organization approved by the Commissioner**]**;

(4) provide for the content and use of the written disclosure required under § 3–308 of this subtitle; and

(5) provide for the periodic review, no less than annually, of information from surplus lines brokers, agents, and insurers and from other sources concerning the availability and affordability of insurance from authorized insurers in the State.

3–306.

(a) Surplus lines insurance may be procured from an unauthorized insurer if:

(1) for surplus lines insurance procured through a broker, the surplus lines insurance is procured through a qualified surplus lines broker;

(2) subject to the provisions of § 3–306.1 of this subtitle, a diligent search is made among the authorized insurers that are writing the particular kind and class of insurance in the State;

(3) except for insurance against liability of persons described in § 24–206(1) of this article, the amount of surplus lines insurance procured from an unauthorized insurer is only the excess over the amount that can be procured from authorized insurers;

(4) for insurance against liability of persons described in § 24–206(1) of this article, the insurance cannot be obtained from three or more authorized insurers that are writing on a broad basis that particular kind and class of insurance;

(5) except as provided in subsection (b) of this section, the surplus lines insurance is not procured:

(i) solely to obtain a lower premium rate than would be accepted by an authorized insurer;

(ii) solely to obtain more favorable terms of the insurance contract; or

(iii) to replace coverage on residential property which is insured by an authorized insurer and for which a renewal offer has been made on substantially the same terms and conditions as the current coverage; and

(6) there is compliance with other applicable provisions of this subtitle.

(b) This subtitle does not prohibit a lower premium rate or more favorable terms in the insurance contract of an unauthorized insurer if:

(1) the risk is eligible as surplus lines under subsection (a)(2), (3), and (4) of this section; or

(2) the applicant qualifies as **[**a**]** **AN EXEMPT** commercial **[**insured**]** **PURCHASER** who may waive**[**, as authorized by the Commissioner,**]** the diligent search that is otherwise required under this section.

(c) (1) This section does not prohibit a surplus lines broker from renewing a risk with a surplus lines insurer if the risk was initially written on a surplus lines basis when there were fewer than three authorized insurers actually writing on a broad basis the particular kind and class of insurance to provide coverage against liability of persons described in § 24–206(1) of this article in the State.

(2) However, even if on the date of renewal three or more authorized insurers are writing on a broad basis the particular kind and class of insurance required by the insured, a risk initially eligible for surplus lines insurance may be

renewed on a surplus lines basis if the surplus lines insurer, licensed insurance producer, or surplus lines broker gives to the insured appropriate notice of the possible availability of comparable types of insurance being written by three or more authorized insurers:

(i) each year; and

(ii) sufficiently in advance of the renewal date to allow the insured to determine whether to renew the policy with the surplus lines insurer.

(D) THE COMMISSIONER SHALL PARTICIPATE IN THE NATIONAL INSURANCE PRODUCER DATABASE MAINTAINED BY THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS AND ITS AFFILIATES AND SUBSIDIARIES.

3–306.1.

(a) (1) A diligent search required by § 3–306 of this subtitle shall be deemed completed if:

(i) the insured or the surplus lines broker or insurance producer obtains declinations of a risk from three authorized insurers that are writing the particular kind and class of insurance in this State; and

(ii) the declinations are included in the affidavit required under § 3–307 of this subtitle.

(2) In addition to the requirement of paragraph (1)(i) of this subsection, an insurance producer shall obtain a declination from each insurer for which the insurance producer has been appointed that the insurance producer knows, or should know, is actually writing on a broad basis the particular kind and class of insurance sought.

(b) A diligent search may not be required:

(1) for any coverage on a list of eligible surplus lines coverages compiled by the Commissioner; or

(2) if the diligent search is waived by **[**a**]** **AN EXEMPT** commercial **[**insured**]** **PURCHASER** in accordance with the **[**process determined by the Commissioner**]** **ACT**.

(c) Notwithstanding the renewal provisions of § 3–306(c) of this subtitle, a diligent search shall be required for each renewal of a personal lines insurance policy written through a surplus lines insurer.

(D) NOTWITHSTANDING SUBSECTION (B)(2) OF THIS SECTION, A SURPLUS LINES BROKER IS NOT REQUIRED TO PERFORM A DILIGENT SEARCH TO DETERMINE WHETHER THE FULL AMOUNT OR TYPE OF INSURANCE CAN BE OBTAINED FROM ADMITTED INSURERS WHEN THE SURPLUS LINES BROKER IS SEEKING TO PROCURE OR PLACE NONADMITTED INSURANCE FOR AN EXEMPT COMMERCIAL PURCHASER IF:

(1) THE SURPLUS LINES BROKER HAS DISCLOSED TO THE EXEMPT COMMERCIAL PURCHASER THAT THE INSURANCE MAY OR MAY NOT BE AVAILABLE FROM ADMITTED INSURERS THAT MAY BE SUBJECT TO GREATER PROTECTION AND REGULATORY OVERSIGHT; AND

(2) THE EXEMPT COMMERCIAL PURCHASER SUBSEQUENTLY HAS REQUESTED THE SURPLUS LINES BROKER IN WRITING TO PROCURE NONADMITTED INSURANCE FROM OR PLACE THE NONADMITTED INSURANCE WITH A NONADMITTED INSURER.

3–310.

(A) [A**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A** person must obtain a certificate of qualification to act as a surplus lines broker before the person acts as a surplus lines broker in the State.

(B) A PERSON IS NOT REQUIRED TO OBTAIN A CERTIFICATE OF QUALIFICATION TO ACT AS A SURPLUS LINES BROKER IN THE STATE IF:

(1) THE STATE IS NOT THE HOME STATE OF THE INSURED; AND

(2) THE SURPLUS LINES BROKER HAS OBTAINED A LICENSE OR OTHER AUTHORIZATION FROM THE HOME STATE OF THE INSURED.

3–318.

(A) THE COMMISSIONER MAY NOT APPROVE AN INSURER AS A SURPLUS LINES INSURER UNLESS THE INSURER:

(1) IS AUTHORIZED IN ITS DOMICILIARY JURISDICTION TO WRITE THE TYPE OF INSURANCE IT SEEKS TO WRITE;

(2) HAS CAPITAL AND SURPLUS, OR THEIR EQUIVALENT UNDER THE LAWS OF ITS DOMICILIARY JURISDICTION, EQUAL TO THE GREATER OF:

(I) THE MINIMUM CAPITAL AND SURPLUS REQUIRED UNDER THE LAWS OF ITS DOMICILIARY JURISDICTION; AND

(II) $15,000,000; AND

(3) FILES WITH THE COMMISSIONER THE INFORMATION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.

(B) (1) FOR A FOREIGN INSURER, THE REQUIREMENTS OF SUBSECTION (A)(2) OF THIS SECTION MAY BE SATISFIED BY THE INSURER'S POSSESSING LESS THAN THE MINIMUM CAPITAL AND SURPLUS IF THE COMMISSIONER MAKES AN AFFIRMATIVE FINDING OF ACCEPTABILITY.

(2) THE FINDING SHALL BE BASED ON THE FOLLOWING OR SIMILAR FACTORS:

(I) QUALITY OF MANAGEMENT;

(II) CAPITAL AND SURPLUS OF ANY PARENT COMPANY;

(III) COMPANY UNDERWRITING PROFIT AND INVESTMENT INCOME TRENDS;

(IV) MARKET AVAILABILITY; AND

(V) COMPANY RECORD AND REPUTATION OF THE FOREIGN INSURER IN THE INDUSTRY.

(3) THE COMMISSIONER MAY NOT MAKE AN AFFIRMATIVE FINDING OF ACCEPTABILITY IF THE FOREIGN INSURER'S CAPITAL AND SURPLUS IS LESS THAN $4,500,000.

[(a)**] (C)** An insurer **[**may not be approved as a surplus lines insurer until the insurer files**] THAT SEEKS APPROVAL UNDER SUBSECTION (A) OF THIS SECTION SHALL FILE** each year with the Commissioner:

(1) a written request for approval as a surplus lines insurer **[**for those surplus lines authorized by the Commissioner**] TO WRITE THE TYPE OF INSURANCE IT SEEKS TO WRITE**;

(2) a certified copy of its annual statement, on convention form, that shows the amount by line of surplus lines business written on risks located in the State during the period covered by the annual statement; **AND**

(3) a certificate of compliance issued by the insurance department of the insurer's state of domicile**[**; and

(4) a certificate evidencing a deposit issued by the official custodian of deposits of the insurer's state of domicile**]**.

[(b)**] (D)** An unauthorized insurer shall appoint in writing the Commissioner as agent for the acceptance of service of process.

3–319.

(a) A surplus lines broker may not place surplus lines insurance with an unauthorized insurer that:

(1) has not been approved by the Commissioner as a surplus lines insurer **IN ACCORDANCE WITH § 3–318 OF THIS SUBTITLE**;

(2) **FOR AN INSURER NOT DOMICILED IN THE STATE, HAS NOT QUALIFIED UNDER § 3–303 OF THIS SUBTITLE;**

(3) has been determined by the Commissioner to be insolvent or unsafe financially under subsection (b) of this section; or

[(3)**] (4)** has been determined by the Commissioner to have refused to pay just claims.

(b) (1) The Commissioner shall direct that surplus lines insurance may not be placed with a surplus lines insurer that has been approved by the Commissioner if the Commissioner determines that the surplus lines insurer:

(i) is not in a safe or solvent financial condition; or

(ii) has refused to pay just claims.

(2) After written notice of a determination made by the Commissioner under paragraph (1) of this subsection is mailed by the Commissioner to qualified surplus lines brokers, surplus lines insurance may not be placed with the surplus lines insurer.

(c) Notwithstanding any other provision of this subtitle, a surplus lines broker may not place surplus lines insurance with an insurer if the broker knows, or reasonably should know, that the insurer is in an unsafe or insolvent financial condition.

(d) A qualified surplus lines broker may not place a risk in an unauthorized insurer that has not previously appointed the Commissioner as agent for the acceptance of service of process.

3–324.

(a) This section does not apply to insurance of risks of the State or a political subdivision of the State.

(b) The premiums charged for surplus lines insurance are subject to a premium receipts tax of 3% on all gross premiums, less any returned premiums, charged for surplus lines insurance.

(C) FOR POLICIES EFFECTIVE BEFORE JULY 21, 2011:

(1) IF THE POLICY COVERS PROPERTY, RISKS, OR EXPOSURES LOCATED OR TO BE PERFORMED ENTIRELY IN THE STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED ON THE ENTIRE PREMIUM AT THE RATE SPECIFIED IN SUBSECTION (B) OF THIS SECTION; AND

(2) IF THE POLICY COVERS PROPERTY, RISKS, OR EXPOSURES LOCATED OR TO BE PERFORMED BOTH IN AND OUTSIDE THE STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED AT THE RATE SPECIFIED IN SUBSECTION (B) OF THIS SECTION ONLY ON THAT PORTION OF THE PREMIUM THAT IS PROPERLY ALLOCABLE TO THE RISKS LOCATED IN THE STATE.

(D) FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, IF THE STATE IS THE INSURED'S HOME STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED ON THE ENTIRE PREMIUM AT THE RATE SPECIFIED IN SUBSECTION (B) OF THIS SECTION.

(E) FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, ONLY THE HOME STATE OF AN INSURED MAY RECEIVE PREMIUM RECEIPTS TAX PAYMENTS AND REPORTS FOR NONADMITTED INSURANCE.

[(c)**] (F)** (1) On delivery of the cover note, certificate of insurance, policy, or other initial confirmation of insurance, a surplus lines broker shall charge the insured the amount of the **PREMIUM RECEIPTS** tax in addition to the full amount of the gross premium charged by the insurer for the surplus lines insurance.

(2) The surplus lines broker shall return to the insured the **PREMIUM RECEIPTS** tax on any unearned part of the premium.

[(d)**] (G)** The surplus lines broker may not:

(1) absorb the premium receipts tax; or

(2) rebate all or part of the premium receipts tax or the surplus lines broker's commission.

[(e) If a surplus lines policy covers risks only partly in the State, the tax payable shall be computed on the part of the premium that is properly allocable to the risks located in the State.**]**

(H) THE COMMISSIONER SHALL COOPERATE WITH OTHER STATES TO ADOPT AND IMPLEMENT UNIFORM REQUIREMENTS FOR NONADMITTED INSURANCE IN COMPLIANCE WITH THE ACT.

(I) FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, THE REGULATION OF NONADMITTED INSURANCE IS SUBJECT TO THE STATUTORY AND REGULATORY REQUIREMENTS SOLELY OF THE HOME STATE OF THE INSURED.

3–325.

(a) On or before March 15 and September 15 of each year**, OR AT ANOTHER INTERVAL THAT THE COMMISSIONER DIRECTS**, each surplus lines broker shall:

(1) file with the Commissioner a **[**semiannual statement that reports**]** **REPORT, ON A FORM THE COMMISSIONER PRESCRIBES,** on business subject to tax during the preceding half calendar year **OR OTHER INTERVAL THAT THE COMMISSIONER DIRECTS**; and

(2) pay to the Commissioner the total amount of tax **[**imposed by § 3–324 of this subtitle and appearing on the semiannual statement filed under this section**]** **STATED IN THE REPORT**.

[(b) The semiannual statement shall be verified in the manner that the Commissioner requires and contain the following information:

(1) the gross amount of each kind of insurance business transacted and the total gross premiums charged;

(2) the total returned premiums and taxes paid to insureds;

(3) the total net premiums; and

(4) any additional information that the Commissioner reasonably requires.**]**

(B) BY REGULATION, THE COMMISSIONER SHALL DETERMINE THE REQUIRED CONTENT AND FILING DEADLINES OF THE REPORT.

(c) Each **[**semiannual statement**]** **REPORT** shall be open to public inspection.

(d) A **QUALIFIED** surplus lines broker may credit any examination expense paid or assessed under § 2–208 of this article against the premium receipts tax due **TO THE STATE**.

(e) With respect to **[**a penalty that has become final**]** **SURPLUS LINES PREMIUM RECEIPTS TAX DUE TO THE STATE**, a surplus lines broker is subject to the provisions of Title 6, Subtitle 1 of this article relating to penalties, interest, audits, assessments, limitations, appeals, and refunds.

4–209.

(a) This section does not apply to:

(1) premiums on lawfully procured surplus lines insurance;

(2) premiums on independently procured insurance on which a tax has been paid under § 4–211 of this subtitle; or

(3) wet marine and transportation insurance.

(b) (1) If an unauthorized insurer effects, continues, or renews insurance on a subject resident, located, or to be performed in the State, the unauthorized insurer shall pay to the Commissioner, before March 1 of the next calendar year, a premium receipts tax of 3% of gross premiums charged for the insurance.

(2) FOR POLICIES EFFECTIVE BEFORE JULY 21, 2011:

(I) IF THE POLICY COVERS PROPERTY, RISKS, OR EXPOSURES LOCATED OR TO BE PERFORMED ENTIRELY IN THE STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED ON THE ENTIRE PREMIUM AT THE RATE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) IF THE POLICY COVERS PROPERTY, RISKS, OR EXPOSURES LOCATED OR TO BE PERFORMED BOTH IN AND OUTSIDE THE STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED AT THE RATE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION ONLY ON THAT PORTION OF THE PREMIUM THAT IS PROPERLY ALLOCABLE TO THE RISKS LOCATED IN THE STATE.

(3) FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, IF THE STATE IS THE INSURED'S HOME STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED ON THE ENTIRE PREMIUM AT THE RATE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

[(2)**] (4)** Insurance that an unauthorized insurer effects, continues, or renews on a subject resident, located, or to be performed in the State that is procured through negotiations or an application wholly or partly occurring or made in or from within or outside of the State, or for which premiums wholly or partly are remitted directly or indirectly from in or outside of the State, is deemed to be insurance procured, continued, or renewed in the State.

(c) The premium receipts tax under this section is instead of all other State taxes.

(d) If an unauthorized insurer defaults on the payment of the tax under this section, the insured shall pay the tax.

(e) If the tax is not timely paid under subsection (b) of this section, the amount of the tax due shall be increased by a penalty of:

(1) 25% of the tax due; and

(2) an amount computed at the rate of 1% per month or any part of a month after the date the payment was due to the date the payment is made.

[(f) (1) If a policy covers a risk or exposure that is partly in the State, the tax payable shall be computed on the part of the premium that is properly allocable to the risk or exposure located in the State.

(2) Except for premiums that are properly allocated or apportioned and reported as taxable premiums of another state, in determining the amount of premiums taxable in this State, all premiums written, procured, or received in this State and all premiums on policies negotiated in this State shall be deemed written on property or risks located or resident in this State.**]**

4–210.

(a) In this section, "insured" includes an industrial insured who procures insurance of a risk through a full–time employee acting as a risk manager.

(b) (1) Each insured that procures or causes to be procured insurance with an unauthorized insurer, or an insured or self–insured that procures or continues excess loss, catastrophe, or other insurance with an unauthorized insurer, on a subject of insurance resident, located, or to be performed in the State other than surplus lines insurance, shall file with the Commissioner a report under this section **[**within 60 days after the date that the insurance was procured**]**.

(2) Insurance with an unauthorized insurer on a subject of insurance resident, located, or to be performed in the State that is procured through negotiations or an application wholly or partly occurring or made in or from within or outside of the State, or for which the premiums wholly or partly are remitted directly or indirectly from in or outside of the State, is deemed to be insurance procured in the State.

[(c) The report shall:

(1) be in writing;

(2) be on the form provided by the Commissioner to the insured on request; and

(3) contain:

(i) the name and address of the insured;

(ii) the name and address of the insurer;

(iii) the subject of the insurance;

(iv) a general description of the coverage;

(v) the amount of the premium charged for the coverage; and

(vi) any other pertinent information that the Commissioner reasonably requests.**]**

(C) FOR POLICIES EFFECTIVE BEFORE JULY 21, 2011, A REPORT UNDER THIS SECTION SHALL BE FILED WITHIN 60 DAYS AFTER THE DATE THAT THE INSURANCE WAS PROCURED.

(D) FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, ON OR BEFORE MARCH 15 AND SEPTEMBER 15 OF EACH YEAR, OR AT ANOTHER INTERVAL THAT THE COMMISSIONER DIRECTS, EACH INSURED SHALL:

(1) FILE WITH THE COMMISSIONER A REPORT, ON A FORM THE COMMISSIONER PRESCRIBES, ON BUSINESS SUBJECT TO TAX DURING THE PRECEDING HALF CALENDAR YEAR OR OTHER INTERVAL THAT THE COMMISSIONER DIRECTS; AND

(2) PAY TO THE COMMISSIONER THE TOTAL AMOUNT OF TAX STATED IN THE REPORT.

(E) BY REGULATION, THE COMMISSIONER SHALL DETERMINE THE REQUIRED CONTENT AND FILING DEADLINES OF THE REPORT.

4–211.

(a) This section does not apply to wet marine and transportation insurance.

(b) (1) If an insured procures, continues, or renews insurance from an unauthorized insurer that is subject to a report under § 4–210 of this subtitle, a premium receipts tax of 3% of the gross premiums charged for the insurance is levied

on the obligation, chose in action, or right represented by the premium charged for the insurance.

(2) **[**The insured shall pay the amount of the tax to the Commissioner before March 1 of the next calendar year after the insurance was procured, continued, or renewed.

(3)**]** If an insurance contract subject to the tax is canceled and rewritten, the additional premium, for purposes of the premium receipts tax, is the premium in excess of the unearned premium of the canceled insurance contract.

(c) **[**(1) If a policy covers a risk or exposure that is only partly in the State, the tax payable shall be computed on the part of the premium that is properly allocable to the risk or exposure located in the State.

(2) Except for premiums that are properly allocated or apportioned and reported as taxable premiums in another state, in determining the amount of premiums taxable in this State, all premiums written, procured, or received in this State and all premiums on policies negotiated in this State shall be deemed written on property or risks located or resident in this State.

(d)**]** If the insured fails to withhold from the premium the amount of the tax levied under this section, the insured is liable for the amount of the tax **IMPOSED UNDER SUBSECTION (B) OF THIS SECTION** and shall pay the tax to the Commissioner **[**in accordance with subsection (c) of this section**]**.

[(e)**] (D)** If the tax **[**required by**] IMPOSED UNDER** subsection **[**(d)**] (B)** of this section is not timely paid **[**under subsection (c) of this section**]**, the amount of the tax due shall be increased by a penalty of:

(1) 25% of the tax due; and

(2) an amount computed at the rate of 1% per month or part of a month after the date the payment is due until the date the payment is made.

[(f)**] (E)** If the tax is not timely paid under this section, on request of the Commissioner, the Attorney General shall proceed in a court of this State or another state or in a federal court or agency to recover the tax.

4–211.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ACT" HAS THE MEANING STATED IN § 3–301 OF THIS ARTICLE.

(3) "HOME STATE" HAS THE MEANING STATED IN § 3–301 OF THIS ARTICLE.

(4) "NONADMITTED INSURANCE" HAS THE MEANING STATED IN § 3–301 OF THIS ARTICLE.

(B) FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, THE PLACEMENT OF NONADMITTED INSURANCE IS SUBJECT TO THE STATUTORY AND REGULATORY REQUIREMENTS SOLELY OF THE INSURED'S HOME STATE.

(C) THE PREMIUMS CHARGED FOR UNAUTHORIZED INSURANCE ARE SUBJECT TO A PREMIUM RECEIPTS TAX IN THE STATE ON ALL GROSS PREMIUMS, LESS ANY RETURNED PREMIUMS, CHARGED FOR NONADMITTED INSURANCE AS SPECIFIED IN §§ 4–209 AND 4–211 OF THIS SUBTITLE.

(D) FOR POLICIES EFFECTIVE BEFORE JULY 21, 2011:

(1) IF THE POLICY COVERS PROPERTY, RISKS, OR EXPOSURES LOCATED OR TO BE PERFORMED ENTIRELY IN THE STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED ON THE ENTIRE PREMIUM AT THE RATE SPECIFIED IN SUBSECTION (C) OF THIS SECTION; AND

(2) IF THE POLICY COVERS PROPERTY, RISKS, OR EXPOSURES LOCATED OR TO BE PERFORMED BOTH IN AND OUTSIDE THE STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED AT THE RATE SPECIFIED IN SUBSECTION (C) OF THIS SECTION ONLY ON THAT PORTION OF THE PREMIUM THAT IS PROPERLY ALLOCABLE TO THE RISKS LOCATED IN THE STATE.

(E) FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, IF THE STATE IS THE INSURED'S HOME STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED ON THE ENTIRE PREMIUM AT THE RATE SPECIFIED IN SUBSECTION (C) OF THIS SECTION.

(F) FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, ONLY THE HOME STATE OF AN INSURED MAY RECEIVE PREMIUM RECEIPTS TAX PAYMENTS AND REPORTS FOR NONADMITTED INSURANCE.

(G) FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, THE REGULATION OF NONADMITTED INSURANCE IS SUBJECT TO THE STATUTORY AND REGULATORY REQUIREMENTS SOLELY OF THE HOME STATE OF THE INSURED.

(H) THE COMMISSIONER SHALL COOPERATE WITH OTHER STATES TO ADOPT AND IMPLEMENT UNIFORM REQUIREMENTS FOR NONADMITTED INSURANCE IN COMPLIANCE WITH THE ACT.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before January 1, 2012, the Maryland Insurance Commissioner shall:

(1) study the various approaches taken by other states to implement the federal Nonadmitted and Reinsurance Reform Act of 2010, paying specific attention to the approaches taken by contiguous states; and

(2) report the findings of the study, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.

(b) The study required under subsection (a)(1) of this section shall include a review of:

(1) the approaches taken by other states, including:

(i) legislative enactments;

(ii) the execution of agreements or compacts, if any;

(iii) the impact on nonadmitted premium receipts tax revenue experienced by other states based on the approach taken, if known; and

(iv) future plans for implementation, if known or ascertainable;

(2) the impact of Maryland's approach on its nonadmitted premium receipts tax revenue, if any;

(3) relevant congressional guidance;

(4) guidance provided by the National Council of Insurance Legislators, the Council of State Government, the National Council of State Legislators, and the National Association of Insurance Commissioners; and

(5) industry guidance, statistics, or information.

(c) On request of the Maryland Insurance Commissioner, qualified surplus lines brokers shall provide to the Commissioner, to the extent practicable, information regarding written premium on risks located in Maryland and multistate risks so as to provide more information regarding premium receipts tax revenue.".

On pages 2 through 36, strike in their entirety the lines beginning with line 14 on page 2 through line 21 on page 36, inclusive.

On page 36, in lines 22 and 23, strike ", subject to Section 2 of this Act,".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 704 – Senators Klausmeier and Pugh

AN ACT concerning

Electric Companies and Gas Companies – Customer Account Information

SB0704/947277/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 704
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Companies –" insert "Residential"; in line 5, after the second "to" insert "residential"; strike beginning with "requiring" in line 14 down through "circumstances;" in line 16; and in line 27, after "and" insert "residential".

AMENDMENT NO. 2

On page 2, in line 21, strike "**ALL**" and substitute "**RESIDENTIAL**"; and in line 23, strike "**AND NUMBER**".

On page 4, strike in their entirety lines 16 through 19, inclusive.

On page 5, in line 8, after "**ABOUT**" insert "**RESIDENTIAL**".

The preceding 2 amendments were read only.

Senator Rosapepe moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 770 – Senators Conway and Montgomery

AN ACT concerning

Prescription Drug Repository Program – Disposal of Prescription Drugs and Medical Supplies

SB0770/537972/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 770
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Montgomery" and substitute ", Montgomery, Muse, Astle, Garagiola, Glassman, Kittleman, Klausmeier, Mathias, Middleton, and Pugh"; in line 11, after the semicolon insert "prohibiting the Program from requiring a private entity to establish, operate, or fund a drop–off site or disposal program;"; and in line 26, after "15–605(f)" insert "and (g)".

AMENDMENT NO. 2

On page 4, after line 8, insert:

"**(G) THE PROGRAM MAY NOT REQUIRE A PRIVATE ENTITY TO ESTABLISH, OPERATE, OR FUND A DROP–OFF SITE OR DISPOSAL PROGRAM.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #10

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 995 – Senator Kelley

AN ACT concerning

Real Property – Condominiums and Homeowners Associations – Governing Bodies

The bill was re–referred to the Committee on Judicial Proceedings.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 174 – The President (By Request – Administration) and Senators Astle, Brochin, Forehand, Gladden, Manno, Peters, Raskin, Robey, Stone, and Zirkin

AN ACT concerning

Criminal Law – Use of Firearm in the Commission of a Crime of Violence or a Felony

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 507)

ADJOURNMENT

At 11:35 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 24, 2011.